

SHAPING OF TRIBAL IDENTITY AND CONCEPT OF SELF-RULE IN GUJARAT

STUDY CONDUCTED BY BSC RESEARCH TEAM

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Abbreviations

RSS	:	Rashtriya Swayam Sevak Sangh
BJP	:	Bharatia Janata Party
VHP	:	Vishava Hindu Parishad
VP	:	Village Panchayat
BP	:	Block Panchayat
DP	:	District Panchayat
BD	:	Bajarang Dal
CBO	:	Community Based Organizations
MFP	:	Minor Forest Produce
PIA	:	Project Implementation Agency
DRDA	:	District Rural Development Agency
NGO	:	Non Governmental Organization
PESA	:	Panchayati Raj Extension for Schedule areas Act
TDO	:	Taluka Development Officer
TSP	:	Tribal Sub Plan
Dept.	:	Department
R & R	:	Rehabilitation and Resettlement
SOR	:	Schedule of Rates

Glossary

Panch	: Literally it means 'five' and a form or organisation – council. As a form of organisation, it means meeting of five wise persons, who settle disputes, deliver justice, set norms for social and cultural affairs like birth, marriage and death
Panchayat	: Derived from panch; a form of institution for governance at various administrative units' level, i.e. village, block and district
Gram	: Village
Gram Panchayat	: Village Panchayat
Gramsabha	: Village level Meeting
Taluka	: Block
Taluka Panchayat	: Block Panchayat
Jilla	: District
Jilla Panchayat	: District Panchayat
Adivasi	: Original settlers; usually used for tribals
Shasan	: Governance
Su-shasan	: Good Governance
Sva-shasan	: Self Governance (Self-Rule)
Sangh Parivar	: A religious organization that promotes religious (Hindu) nationalism with the alliances of its allies
Bawan Company	: This term is used by Vasava tribe of Valia block for patels (upper caste)
Sanskritization	: Sanskrit is a language of gods and goddesses and in Indian caste system; shudras (the lower castes) are not allowed to use Sanskrit for learning. The term 'sanskritisation' is derived from the word 'Sanskrit', which refers to a process of adopting upper caste Hindu way of living by lower castes. This term is coined by Indian sociologists to describe imitation and imbibing values by lower caste for social upward mobility
Navaratri	: Festival of Hindus – birth of mother goddess, celebrated with <i>garba</i> (dance)
Ramnavami	: Festival of Hindus – birth Lord Ram
Ashramshala	: Residential schools, started by Gandhians in Gujarat in mid 20 th century
Jhanoon	: Militancy
Kshtriya	: Literally means warriors; it refers to second stratum in caste hierarchy
Nyay	: Justice
Karabhari	: A worker in the officer mainly assigned a charge of administration and accounts. Complementary to secretariat in traditional governance system of tribal in Dang district in Gujarat state
Jagaliya	: Complementary to office assistant in traditional governance system of tribal in Dang district in Gujarat state
Saurashtra	: Name of a region, Western part of Gujarat state
Mahila Mandal	: Women's group
Navasarjan Trust	: An NGO
Gayakwadi	: Royal dynasty of in central-south Gujarat; one of the radical princely state
Nawab	: Muslim ruler
Sardar Sarovar	: Statuary authority for implementation of Namada Canal project
Nigam	
Bharuch	: A district in central Gujarat
Maharashtra	: A state in western India
Panchayati Raj	: Rules and Regulation of Panchayati Raj Act enacted in 1970s.
Adhiniyam	
Gramsamaj	: Village society

Sabha	: Meeting
Tendu	: A tree leaf, a forest produce used for tobacco products like handmade cigarettes
Van Samiti / Mandali	: Forest committee / group
Gram sevak	: A state appointed person to link villages with state administration
Talati	: A state appointed official; has power to certify, collect revenue, transfer land ownership, maintaining registers for natural resources, livestock, etc. Talati is considered is one of the most powerful and key official at village level and in many cases at block level
Sarpanch	: Elected representative as head of the village Panchayat
Anganvadi worker	: A state appointed person for a centre that looks after development of children (0-6 years) including pre-primary education and nutritional health of children and women
Contractor Raj	: Rule of contractors (middlemen or one who enters for work through contract system)
Zila parishad	: District level local governance institution
Tribal society	: The term refers to loose bonding of various tribes that composed of inter and intra tribe hierarchy
Hindutva	: Hindu nationalism; spread of Hindu as religion for acquiring power

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Executive Summary

The study 'Shaping of Tribal identity and Concept of Self-rule in Gujarat' aims to explore the interface of socio-cultural and developmental identity of tribals in Gujarat and its interrelation to self-governance.

The main objective of the study is to collect and document political, economic, legal, educational and religious processes, which has contributed in shaping identity of tribals, mainly on their worldview, social structures and cultural practices. Similarly to document differences between their traditional system of panch (system of governance and justice delivery mechanism) and the present democratic system of Panchayati Raj and PESA to articulate the concept of 'self-rule' or 'local self-government' of different tribes in different geographic areas.

The research methods used for the study are explorative, participatory and observation based (during field visits). Mainly focus group discussions (FGD), Observation, Interviews, and Participatory learning and action (PLA).

Internally, contrasting the conventional view, almost all tribes visualize and define their identity in narrow periphery of specific tribes rather than broader category of 'Adivasi' or 'scheduled tribe'. Some tribes trace themselves to non-tribal upper caste clan. However, the views differ sharply with subsistence economy, that is, agriculture based livelihood and forest dependent economy. There is a divide among tribes that live in north and southeast regions of Gujarat.

A section of educated and financially capable tribal families are striving to create a space in upper caste Hindu social set up. Contrarily, different tribal organizations are struggling to establish indigenous rights and identity. There is a strong sentiment among tribes to retain social life and values. The internal hierarchy among various tribes plays a critical role in defining all the tribes under the umbrella of 'Adivasi'.

Economically, as the exposure increases with non-tribals as well as from individual to community level, internal aspiration of an individual to develop and mainstreaming is observed. The development programmes designed by government or NGOs for economic development of the tribals has shown national and international linkages. Most of these programmes are largely market based; thus arising the contradiction between traditional tribal societies versus global market. More remarkably, the claim to natural resources and constitutional safeguard justifies themselves to retain and nourish tribal identity. Thus, the evolution of tribal organizations and their struggle to protect tribal identity has also an economic interest. Tribal communities are confident in distinguishing themselves from non-tribal on the line of resources. Their aboriginality

and hence, sovereign right to natural resources especially forest and forested land has a powerful claim.

The loss of guaranteed access to resources (mainly forest based) and increase in commodification of forest produce has transformed tribal society, which is now striving to have stability through collection and selling of minor forest produce (MFP). Apart from external forces there is an internal force which dragging tribal society in to market competition. Shrinking of natural sources and desire to create space in mainstream society are perhaps the determining factors. The exposure to market based economy also led to a process of privatisation of formerly communal land (as common property), devolution of ownership from common land holding as a village or community to family or to an individual. Based on private resource holding, safeguarded by market has contributed to rise of 'big' man and 'big' families; and that has internally distorted traditional cohesiveness in tribal society.

Politically, Two parallel streams of political power games are visible in tribal context; one actively competes for political power vis-à-vis non-tribal, and the other, is internal party politics. The former is resulting in negotiation, lobbying, alliance and gambling with non-tribal power players and accumulating energy of tribalism. The later facilitating penetration of political nationalism and dividing tribal society on political interests. The politico-religious forces are synergising to accelerate the reform process from within the tribal society and in many cases reorganizing tribal and non-tribal society in the common interest of political faith and Hinduism. In this process, in many cases, tribal political leaders are emerging mainly as products of demand and politicking.

However, root of social transformation of tribal society is lying in their development perspectives. Inductions of non-tribal social and religious institutions, academic institutions, market, panchayats and administrative infrastructures are influencing tribal social life to great extent. Due to dominance of mainstream Hindu culture through social institutions, the educated and economically well off tribal sections were aspired to upward mobility and to create space in this social set up. However this aspiration often end with blind imitation of non-tribal society.

Government, on the other hand, certify Hindu identity of tribal. Most of the tribals get certificate as 'Hindu adivasi' or 'Hindu Dongri Bhil adivasi' and follow this pattern. Government programs on forest development does not respect symbiotic relationship of tribal people with forest. JFM designed by Central Government and spirited by the capital gain for tribal

community. Development programs introduced by state and NGOs encourages individual growth through market opportunities.

Most of the NGOs working with tribals for their development are mainly playing the role of trainer to fit them in market economy.

The NGOs focusing on right to basic amenities like drinking water, health services, houses etc. and creating livelihood opportunities also get trapped in right to survival.

These services are being provided through institution building that are trained to deal with the market. These institutions are striving for development through market opportunities rather than safeguard of forest rights.

The policy of forest conservation is creating conflict between tribals and forest department. The issues of conflicts with the Forest Department moves around cultivation of forestland and access to major forest produce. Forestland issues are mainly related to access to farming, ownership, transfer of ownership, mortgage or collateral for loan, security, border of separation of revenue and forest land, grazing land versus forest land etc. These conflicts arise with individual, village as a whole and with grampanchayats.

The components of self-rule were explored in the light of both, Panchayatiraj Act and Panchayatiraj Extended to Scheduled Area (PESA). Except three talukas, the tribal panchyats should be operated under PESA. But, government is not implementing PESA in Gujarat. All the panchayats are being operated under Panchayatiraj Act. The exploration of self-rule components under PESA is therefore theoretical in nature.

The provisions and functioning of Pnachayats under Pnachayatiraj Acts has limited scope for tribal development. The tribal Panchayats are confused to the zig-zag and cumbersome bureaucratic system and its control over PRIs. The politicians and bureaucratic are purportedly taking advantage of the situation and contractorraj is prevailing in tribal areas.

The state amendments of PESA are not at par with the central Act. It has given some power to gramsabha on MFPs in the forest areas under its jurisdiction, provision of consultation with taluka panchayats during land acquisition, 50% reservation for tribal candidates in all tiers of panchayats, control over water bodies and Bombay land revenue code, 1879 has been amended to protect scheduled tribes. But there is little functional and financial autonomy to village level institutions in the state version of PESA.

The PESA is not clear in many of its provisions and makes vague stipulations. The bureaucratic control, land and forest issues and autonomy of grampanchyats are some of such key areas highlighted in the study.

A case study of Motidabas village in Dang illustrates how an initiative taken by gram panchayat to execute PESA, its nitty-gritty and uncooperative role of bureaucracy. Articulating various concerns in implementing PESA, especially the bureaucratic control over gram panchayats. And how, despite a clear instruction in PESA for least intervention / interruption by the government officials, the bureaucracy continued to overpower decisions regarding Grampanchayat and its development rather than supporting an effort towards self-governance and self-reliance.

The Panchayat has no role to play in planning and coordination process of any land acquisition initiative; this important section of the Act maintains status quo and super-imposition of the bureaucracy, leaving no room for practical action towards self-governance and self-reliance.

Similarly, exclusion of cane and bamboo from the definition of Minor Forest Produces (MFPs) and lack of clarity on ownership of MFPs PESA have almost killed the concept of ownership and control of local resources by Gram Sabha.

Finally, the functional autonomy of grampanchayats and gramsbha is also not clear in PESA. Many of powers envisaged in PESA are executive and judicial in nature, e.g. enforcing prohibition of intoxicants and control over money lending etc. But, neither PESA directs the State authorities to delegate such powers to Panchayat nor the State government has developed any administrative arrangement so that Panchayat can entertain powers provided by PESA. PESA envisage power to gramsabha to control institutions and functionaries in all social sectors.

There are many village institutions operating at village level parallel to village panchayats almost in entire scheduled areas, viz. Van Samiti, Joint Forest Management Committees (JFMC), Village Education Committees (VEC), Watershed committees etc. But

Panchayats have no coordination with parallel institutions and they are no way accountable to Gramsabha or Grampanchayat.

The study looks beyond panchaytiraj and PESA to explore the potentiality of self-rule on the ground of local realities. This is found that panch is an effective justice delivery system and powerful institution in handling socio-cultural affairs. But keeping its feudal nature of operation and intra and inter tribe hierarchy the system in mind panch needs to be incorporated in modern thinking and institutions, especially Panchayati Raj Institutions for local self-government of and for tribals.

Similarly tribal society constitutes around social cohesiveness of a particular tribe or sub-tribe unlike a village based on belongingness to particular geographical boundaries. Thus, if 'self-rule' or 'local self-government of and for tribals' is executed at the village level i.e. on the

basis of geographical locations, this will over-rule the harmonization of socio-political feature of tribal society with administrative system and this ignorance, in fact, has impinged seriously the idea of self-rule.

Further, the tribal society in Gujarat is under rapid social transition and hence the customs and values are also changing with time at faster pace. Most of the tribal families are struggling to survive, as they are confused between the role and capability of traditional management systems versus modern, legal and politicized systems for natural resource management. Therefore the implementation of PESA and similar Act in the state need timely review and should introduce new provisions keeping the social transformation in mind.

Whether the panchayatiraj act or PESA, the institutional arrangement for PRIs in tribal areas left some serious confusion. The definition of village in a widely scattered population or mix population with non-tribals situation is dismal. Non-recognition of panch and bureaucratic control over gramsabha is creating conceptual hollowness and leading to the total failure of self-rule in Gujarat.

Finally, from the people's point of view repeatedly reported ignorance, indifference, disappointment and pessimism regarding Gramsabha, which is considered to be a backbone of PR. For most of the tribals, gramsabha is a mere formality and panchayat is working as an office of state administration, not as a village institution. Tribals are assigning gramsabhas as 'government gramsabha' and organizing their own 'local gramsabhas' parallel to it.

The prevailing situation of tribal self-rule in Gujarat is a serious concern, which leaves no place for the people for whom it meant. Therefore, civil society must analyse and understand the process of formation of modern nation-state that sporadically eliminating or absorbing smaller and weaker cultural entities. Tribal culture and values would hardly survive without the control over territorial resources and self-development and increasing realization of the dehumanizing consequences of welfare system.

CHAPTER 1: INTRODUCTION

Prologue

The debate on 'tribal identity' and 'tribal self-rule' or interchangeably 'local self-government of and for tribals' revolves around tribal development, which includes their social, political and economic rights. The international Human Rights as well as Social, Cultural and Political Rights have recognized distinct rights of indigenous communities, especially tribals. This is mainly so in light of their relation and interdependence with forest, natural resources and land. This debate is centred on whether the tribals have been able to reap the fruits of development or have traumatized and suffered or not able to get as much as they deserve. As part of debate on development, approach to development of tribals also has come under scrutiny, with a question: 'whether tribals should be considered distinct or should be assimilated in mainstream.'

Indian Constitution has provided special safeguards to scheduled tribes: (i) The scheduled areas are identified and demarcated, that is, the areas in which scheduled tribes are in preponderance; (ii) Article 244 and 244A read with Fifth and Sixth Schedules of the Constitution outline in detail the powers, privileges, rights and responsibilities of the President, Union Government and the governors regarding the scheduled areas; (iii) In addition to Article 46 of Part IV (Directive Principles of State Policy) of the Constitution which states that "The state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of the scheduled castes and the scheduled tribes, and shall protect them from social injustice and all forms of exploitation."

Special provisions for scheduled tribes have also been made through certain Acts and orders, which are protective, ameliorative and concessional in nature.

- ⇒ Exempting the scheduled tribes from Hindu Succession Act 1956, Hindu Adoption Act 1956 and Hindu Marriage Act 1956, special provisions have been made for their family and land rights. Thus, the customary marriage and succession rules of the scheduled tribes have remained largely untouched.
- ⇒ Laws protecting land rights of the tribal communities have recognised their traditional rights over it and restricting its alienation to non-tribals in principle. Moreover, infiltration of the non-tribals into tribal

areas was prohibited in concerned areas of India. Most of the State governments have provided legislative and executive measures in order to protect tribal lands.

- ⇒ The Constitution of India, through its 73rd Amendment, paved the way for a separate and progressive legal and administrative regime for tribal areas to usher in genuine tribal self-rule. The final framework was laid down by the Bhuria Committee Report, which was legalised through the Provision of the Panchayats (Extension to the Scheduled Areas) Act 1996. All ten states with tribal areas were to adopt this law within one year.

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

Recognizing under-development of tribals in India

Various policy documents have identified gaps for failure of tribal development.

- ⇒ The draft National Policy on Tribals (2006) says: "For the first time after the country became Independent, the Government of India is proposing the formulation of a National Policy on Scheduled Tribes... The Constitution through several Articles has provided for the socio-economic development and empowerment of Scheduled Tribes. But there has been no national policy, which could have helped translate the constitutional provisions into a reality. Scheduled Tribes are those, which are notified as such by the President of India under Article 342 of the Constitution. The first notification was issued in 1950. The President considers characteristics like the tribes' primitive

traits, distinctive culture, shyness with the public at large, geographical isolation and social and economic backwardness before notifying them as a Scheduled Tribe. Seventy-five of the 698 Scheduled Tribes are identified as Primitive Tribal Groups considering they are more backward than Scheduled Tribes. They continue to live in a pre-agricultural stage of economy and have very low literacy rates. Their populations are stagnant or even declining... The National Policy recognises that a majority of Scheduled Tribes continue to live below the poverty line, have poor literacy rates, suffer from malnutrition and disease and are vulnerable to displacement. It also acknowledges that Scheduled Tribes in general are repositories of indigenous knowledge and wisdom in certain aspects.”

- ⇒ Prior to the National Policy on Tribals, the report of National Institute of Rural Development, 2004 mentioned: “With the realisation of the government that the assumptions for tribal development were wrong (report of India Vision 2020 Committee set up under planning commission: 2003) and therefore the measures taken and the plans and programmes implemented were not successful. Moreover, there are a few unresolved issues, such as right over forestland and forest produce, tribal demography and issues related to desired development of tribals and assimilation of tribals in mainstream.”
- ⇒ Gujarat government has prepared a document “Tribal development vision – 2010” in the year 2001, which says: “As a result of planned tribal development, stratification on secular lines has taken place among tribals and only a small section has been able to take advantage of our tribal development programmes. The National Policy aims at addressing each of these problems in a concrete way. It also lists out measures to be taken to preserve and promote tribals’ cultural heritage.”
- ⇒ Although the Constitution is clear about the concept and strategy adopted for defining Scheduled Areas¹ and tribal areas in terms of Fifth and Sixth Schedules (of Indian Constitution) under Articles as 244(1) and 244(2), there is some confusion among those concerned with implementing them. (Draft national policy on tribals: 2006)
- ⇒ Recently passed ‘The scheduled tribe and other traditional forest dwellers (recognition of forest rights) Act, 2006’ has mentioned in the beginning that: “The forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of state forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other

¹ The simplified meaning of ‘scheduled area’ is where tribal population is more than 50%. In Gujarat state, 33 blocks are covered under scheduled areas.

traditional forest dwellers who are integral to very survival and sustainability of the forest ecosystem.”

Non-tribals need to be educated about tribals

The failure of safe guards and measures for tribal development lie in indifferent attitudes and behaviour of non-tribal policy makers and executive officials in the government on one hand and stereotyped beliefs about tribals in non-tribal mainstreaming masses on the other.

Most of non-tribal looks at tribal “they need to be ‘civilized’ and ‘uplifted’”. There is a little effort to understand tribal culture and identity, social structures and practices. Similarly, ‘reservation’ in political and educational institutions has proved as tokenism. While imposing mainstreaming, Hindu culture on tribals, many myths prevail and stereotypes are strengthened. Some important points of this debate are presented here:

- ⇒ “Why should right of tribals over forest be recognised?” This is overwhelming concern for non-tribals. They do not understand forest-based economy, as they live in cash-nexus economy. It is beyond their imagination that nature could support humankind with its enriched, wholesome, varied wealth.
- ⇒ “Tribals are backward because they do not study.” This requires social, political and economic analysis. Each tribe has its own dialect. When a tribal child attends the school, s/he doesn’t understand regional or state language. No syllabus allows tribals to study in their dialect. Moreover, most of the teachers appointed by the state are non-tribals have little concern for education among tribals. In absence of access to forest, most tribals migrate in search of livelihood.
- ⇒ “Forest conservation is not possible by tribals, as they are the destroyers.” The answer by the tribal is: “Who use the wood the most? The urbanites, rich need it most for their furniture...for papermaking and medicines. Who cut trees and who has better technology to cut trees? We only trim trees for cattle rearing and as fuel...When it comes to our right or knowledge, our merits are questioned and never recognized officially...why nobody bothers about our needs and livelihood?”
- ⇒ “The tribals have been living in hills and forests; dam would be constructed in such areas. This is for national interest and therefore tribals should sacrifice for nation’s development.” This is a very common argument after “Sardar Sarovar Project” on river Narmada since early 1980s.

- ⇒ With constitutional amendments, Panchayati Raj (Extension to Scheduled Areas) Act (PESA) has been passed but implementation is very poor in some states, while some states have not yet started implementing despite its formulation, for example, Gujarat state. The major criticism of tribals is: “The non-tribals do not want us to be developed. If we are developed, who do they dominate and exploit?”
- ⇒ In conservation of forests and wildlife, tribals are undermined and portrayed as destroyer of forest and killer of wildlife. One of the High Power Committee for conservation of forest & wildlife has rejected social scientists and environmentalists to be on panel saying that they are not ‘qualified’. In an interview by ‘Down to Earth’, Bittu Sehgal, a well-known environmentalist, said that: “The bureaucrats have taken over tribal affairs in India; their perspective is limited and they don’t feel the need to consult tribals, people who have been working for the cause of tribals and academics and specialists who have studied the situation very closely. Such arrogant approach of bureaucrats has hampered the tribal cause to great extent.”

Debate on defining ‘tribe’ and ‘tribal’

When it comes to define ‘tribal’ based on determining elements of ‘tribe’, there is no unanimity among nationalists, policy makers and planners, political leaders, academia and social activists in India and thus ‘tribal’ is a controversial category. It refers to –

- i) Definition of Government of India as ‘scheduled tribes’ and ‘primitive tribes’ following British category in pre-independence era;
- ii) Connotes ‘adi-vasi’ meaning ‘the people at early stage of evolution of society’ or ‘the oldest inhabitants of the country’;
- iii) Academicians have separated it as ‘forest-tribes’ to distinguish them from agricultural and pastoral castes (traditional occupation based category under caste system); and
- iv) Bhartiya Janta Party (a political party) have named them as ‘van-vasi’ meaning forest dwellers to colour them with *Hindutva* ideology, i.e. Hindu nationalism.

The human right and tribal activists and some academicians strongly feel that it is unfair to generalise them as ‘tribals’, as each tribe possess distinct dialect and cultural traits such as dress, dance, musical instrument, style of housing and customs.

Several social activists and academia have pointed out that the definition of ‘tribes’ and especially ‘primitive tribe’ indicates moral tone that ‘the

tribals need to be developed', as they are not 'civilized' or have remained 'primitive' compared to mainstream culture in India.

Nationalists in India charged anthropologists for destroying national identity by creating a category called 'tribe' for which there was no synonym in almost all Indian languages.

This confusion is reflected in debates, policies and planning of tribal development in India, as 'what should be a place of tribal peoples in the framework of the Indian nation' and 'how they should be developed and brought to a level with the rest of people – socially, economically, culturally and politically'. Three different approaches – of isolation, assimilation and integration – are observed for development of tribals in India.

Scenario of tribal development in Gujarat state

In Gujarat, various agencies including state, market or industries, non - government organisations (NGOs) & Gandhians have been working with tribals for their upliftment; by and large their approach for tribal development is assimilation and integration.

It is important to understand the response of the tribals in given situation, namely, resistance, protest, acceptance and assimilation or subjugation. These are very complex processes, having greater or no effect on other components of identity of each tribe in different geographic region in Gujarat. In order to understand and describe the complex process of shaping identity, it is equally important to understand the 'why's and 'how's of tribals response and behaviour for development and building relations with non-tribal population in the state.

The political activities, education and employment are major spheres where tribals interact with non-tribals. At individual level, in most cases, desire for social acceptance by non-tribals is observed and therefore educated and economically well of tribals try to separate themselves from illiterate, poor tribals, who have continue to live forest based economic activities and not accepted so-called civilised dressing, etiquettes and celebration of festivals like neighbouring non-tribals (largely Hindu).

At community level and regional level, the picture is complex but with statistics, the trends of marginalisation and victimisation of tribals are clearly observed.

- ⇒ Despite separate tribal development programmes and safe guards like reservation in educational and political institutions, higher illiteracy rate (40% literates), greater number among migrants and displaced population (more than 70% of estimated 28,000,000 displaced persons in India) indicate that tribal development programmes have not achieved desired goals.
- ⇒ Many tribes have a distinct organisational form called 'panch' (council) as justice delivery mechanism. The present form of local governance, that is, Panchayati Raj is not in consonant to the tribal way of life. The mainstream politics and political leaders have co-opted traditional tribal leaders rather than recognising traditional system. In fact, each tribe manages its social, cultural and judicial affairs with distinct characteristics and in defined geographic boundaries, which has not been taken into account in modern Panchayati Raj Institutions.
- ⇒ Not able to achieve desired goals of tribal development has brought 'governance issues' in limelight. It is important that in light of tribal development we examine executive or administrative (*shasan* in Gujarati), good governance (*sushasan*) and self-rule / self-reliance (*sva-shasan*).

This leads to advocating political, economic and cultural rights of tribals of Gujarat for desired development, which is possible through 'self-rule'.

Study on 'tribal identity' and 'self-rule by tribals'

The present development paradigm has been subjected to diverse interpretations. One of the major criticisms, especially in context of tribal development, is that the basic objective of the present development is to maximize production (profit) through the optimum utilization of natural resources, namely land, water, minerals and floral and faunal line. This Profit-maximising model of development has placed tribes at the receiving end of the process. It has not only disturbed symbiotic relationship they traditionally maintained with the natural environment but has also given rise to forced displacement and violent evictions from their habitat, putting very survival and continuity as a species at stake.

The concept of 'self-rule' or 'local self-government' focuses on underdevelopment and victimization on one hand and desired development, integration of each tribe's traditional mechanism for good governance, infrastructure facilities and socio-economic development on the other hand. For political participation and good governance, tribals in Gujarat are believed to be governed by two laws – (i) Panchayati Raj Adhinyam (PR), and (ii) Panchayati Raj Extension to Scheduled Areas Act (PESA), 1998.

In fact, PESA, 1998 is not being implemented in Gujarat and therefore the study needs to focus on existing PR. However, through a case study of a village that tried to implement PESA but faced administrative resistance, we have discussed a few relevant points to 'self-rule'. Going by what is executed, the PR has been critically scrutinized in the study. As PR is 3-tier system (village, block and district level), the relationship of this territory with the outer world has been examined closely; and the scope and space for functioning of such self-ruled institution viz. a gram Panchayat (village Panchayat – VP) is described in the context of 'self-rule' and 'local governance'.

This leads to enquiry on two dimensions –

- i) Sociological aspects of the tribal society² i.e. internal sociological environment of tribal society in relevance to legal and political provisions for self-rule; and
- ii) The space to execute current provision of self-rule in relevance to the external governance system. The political participation in Panchayati Raj Institution (PRI) has provided an opportunity to interact with non-tribals but one needs to examine whether tribals are truly able to bear the fruits of desired development.

There are several complexities and constraints due to which the study is planned in two phases:

- ⇒ There are in all 27 scheduled tribes (ST) listed in Gujarat state, of which about 20 reside in 10 districts, in north-eastern Gujarat.
- ⇒ The Aravalli Hills that pass from Maharashtra, Gujarat and Rajasthan states is covered with flora and fauna, creating forest area. Of these 20 tribes, the subsistence economy of tribes in northern Gujarat is agriculture while in southern Gujarat it is largely forest dependent, forest produce as well as cultivating forestlands.
- ⇒ The population of ST in Gujarat is 14% to total population, that is, about 4 millions. Though a study on tribal identity and self-rule are thus need of the hour, there are genuine constraints, such as, large population of tribals, divided into 20 tribes and spread over area of about 400 kilometres, belong to more than 50 blocks of 10 districts in the state.

² The term 'tribal society' refers to loose bonding of various tribes that composed of inter and intra tribe hierarchy.

- ⇒ Some villages are entitled as 'forest villages' while the others are 'revenue villages'. Status of 'forest village' is critical, as the forest department would not allow any infrastructure facility and thus hampering development of tribals, without having any rights as 'residents of forest village'.
- ⇒ The micro level data needs to be generated through different research methods and to be triangulated.

The **first phase of the study** overviews the present condition and trends observed regarding changes in identity of tribals and present situation regarding tribal self-rule in light of Panchayati Raj (PR) and Panchayati Raj Extension for Schedule Areas Act, 1988 (PESA). PESA is applicable to 33 blocks of 10 districts in Gujarat state, wherein the population of tribals is greater than 50%; some villages are exclusive tribal villages while some reported more than 80% tribal population.

The second phase of the study aims to generate micro level data covering almost all tribes, residing in different parts of Gujarat through survey, focused group discussions and interviews of tribal and non-tribals. Moreover, to be more specific and treating 'tribal identity' and 'self-rule' separately, both needs specific research methods: socio-anthropological research methods for 'identity' study, which are able to collect and describe data on political, economic, legal, educational and religious processes and activities on one hand while document perception, feeling, views and actions of tribals on the other hand. The research methods for 'self-rule' study should give equal weightage to secondary data (legal and political provisions) and primary data (perceptions and views of tribals of Gujarat).

The **overall objectives** of the study are:

- a. To collect and document political, economic, legal, educational and religious processes, which has contributed in shaping identity of tribals, mainly on their worldview, social structures and cultural practices.
- b. Documenting various responses - perceptions, feeling, views and actions of different tribes residing in different parts of Gujarat to describe impact on identity in question and their aspiration towards self-rule and self-reliance.
- c. Articulating political, economic and cultural rights of tribals for their desired development and inter-linking them with self-rule – to describe concept, structure and procedure for implementation.
- d. To document differences between their traditional system of *panch* (system of governance and justice delivery mechanism) and the present

democratic system of Panchayati Raj and PESA to articulate the concept of 'self-rule' or 'local self-government' of different tribes in different geographic areas.

- e. To assess whether the existing legal and political provisions (Panchayati Raj Act and Panchayati Raj Extension to Scheduled Areas Act, 1998 - PESA) respond to 'self-rule' aspirations of tribals of Gujarat based on critical analysis of existing legal and political provisions.
- f. To identify components, structures, procedures and strategies that would allow tribals of Gujarat to enjoy their rights and control over natural resources for desired development.

The **specific objectives of the first phase of study** are:

- a) To collect and document political, economic, legal, educational and religious processes, which has contributed in shaping identity of tribals, mainly on their worldview, social structures and cultural practices.
- b) To document differences between their traditional system of *panch* (system of governance and justice delivery mechanism) and the present democratic system of Panchayati Raj and PESA to articulate the concept of 'self-rule' or 'local self-government' of different tribes in different geographic areas.
- c) To assess whether the existing legal and political provisions (Panchayati Raj Act and Panchayati Raj Extension to Scheduled Areas Act, 1998 - PESA) respond to 'self-rule' aspirations of tribals of Gujarat based on critical analysis of existing legal and political provisions.

Research methodology for studies on tribal identity and self-rule

The research methods are explorative, participatory and observation based (during field visits).

- ⇒ Mainly focus group discussions (FGD),
- ⇒ Observation,
- ⇒ Interviews, and
- ⇒ Participatory learning and action (PLA) techniques including mapping, matrix, venn diagram and human body are employed for the study.
- ⇒ Analysis of government data has been an important component of this action-research to describe present development pattern and situation of tribals in Gujarat.
- ⇒ Equal emphasis is given on tribals' and non-tribals' views, feelings and perceptions as well as government data.

The data has been collected during January and December 2006 with the help of these research methods from 28 villages in 14 blocks of 7 districts.

(See appendix 1). The study also incorporates findings of a survey conducted in 2004, regarding tribal identity and their understanding about development, interaction with non-tribals.

- ⇒ Conducted group discussions with 11 tribes and their non-tribal cohabitants in these villages; (see appendix 2)
- ⇒ Conducted group discussions with tribal activists in north and south Gujarat; (see appendix 3)
- ⇒ Conducted 11 FGDs and participatory sessions in 28 villages of 7 districts;
- ⇒ Interviewed 9 tribal leaders and elected representatives belonging to different tribes, namely, Vasava, Tadvi, Bhil, Naik, Padvi, Kotvaliya, Dungri Garasiya and Dungri Bhil. (see appendix 4)
- ⇒ Attended conference at Rajpipla on 'Adivasi Jagruti Divas' (awareness day for tribals), wherein about thousand tribals participated from north-eastern part of Gujarat, belong to 11 tribes.
- ⇒ Analysis of government data – village and taluka level. This includes expenses incurred for development work; resolutions passed in gramsabha; and benefits availed under tribal sub-plan; etc.

Structure of the report

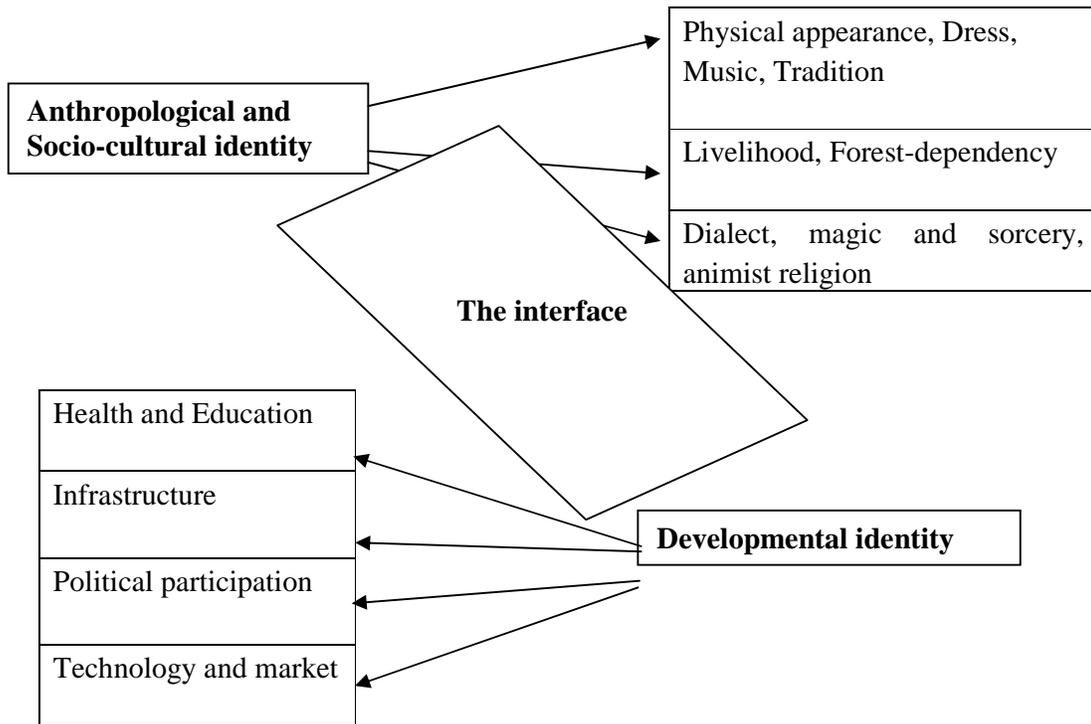
This report mainly accommodates following **core issues**:

- ⇒ Development paradigm and how tribal development has suffered and tribals are victimised on different counts
- ⇒ Shaping of tribal identity and contributing factors in Gujarat – social, economic (Livelihood issues – forest and land based), political forces, Gandhian ideology and attitudes and behaviour of non-tribal Gandhians, Government's policies and programmes and views of NGOs
- ⇒ Changes observed in different identity components in different region and tribe – dialect, dress, dance & music, construction of house, social customs & practices, mechanisms (panch), etc.
- ⇒ Tribal's first identity, intra-tribe & inter-tribe relations and prevailing hierarchy among tribes
- ⇒ Traditional governance system for justice delivery and to manage social, cultural affairs
- ⇒ Social and political transformation through Panchayati Raj Institutions
- ⇒ Concept of 'self-rule' and proposed mechanisms and procedures including views on PESA

CHAPTER 2: FACTORS IN SHAPING TRIBAL IDENTITY

Apart from anthropological entity and constitutional provisions for 'scheduled tribes', the study focuses on socio-political and economic factors that shaping or re-shaping tribal identity in Gujarat.

This study mainly confined to the interface of the socio-anthropological and the developmental identity of tribal society.



The non-tribals generally view tribals as a 'social cohesive group', which is competing to create space in governance, education and politics through 'reservation' (affirmative action taken under constitutional provision) system, mainly jobs in government run institutions (administration and educational). The fact is that the tribals have made marginal headway in markets and mainstream society. Some thinkers believes that the force behind the tribals competing with non-tribal is only the reservation system; if reservation is withdrawn they have no way to compete with the non-tribals while Some opines that tribal do not have skills, intellect and financial strength that can make them superior than non-tribals; tribal way of life and keep them 'primitive' and 'backward' and therefore do not deserve equal status at par with the upper class, upper caste Hindus.

A) Tribal Identity - the inner voice

The more conventional perspective to look at tribal society is to focus on their distinct dialect / language, dance and music, social customs and religious beliefs. These components generally draw a line between tribal and non-tribal societies (dominated by upper caste Hindu in caste system).

In view of non-tribals, 'tribal' is a 'social cohesive group' or a 'homogenous group' but it is not true, as each tribe has its distinct culture, represents different class, educational qualification, political participation and economic activities. It is therefore a tough task to draw a portrait of tribal identity along with these crosscutting realities and stratification due to education, occupation and income.

Crosscutting realities and stratification among tribals

- ⇒ In fact, almost all tribes visualize and define their identity primarily as tribe or sub-tribe. Social groupings are observed within each tribe, for example, Vasava tribe is divided in 4 sub-groups, namely, Tadvi, Padvi, Valvi and Gadhvi; of which the Gadhvi is now considered as socially and economically backward classes (SEBC) and do not reside in north-eastern tribal belt. Inter-tribes marriage alliance among sub-groups of Vasava reflects hierarchical nature – Tadvi can marry Padvi but not in Valvi. Similarly, Bhil is an overarching term used by many tribes, for example, Bhil-Vasava, Bhil-Rathava, Dungri Bhil, Garasiya Bhil and Bhil - Majirana. In case of Bhil, inter-tribe marriage is not acceptable.
- ⇒ Notably, each tribe visualizes and defines their identity in narrow periphery of specific tribes rather than broader category of 'Adivasi' or 'scheduled tribe', e.g. Damor rather than Dungri Garasiya or 'adivasi'. A survey conducted in 2004 revealed that several tribal respondents have addressed themselves as 'Kharadi', 'Damor', 'Pepda', 'Bareda' and so on. It is difficult to identify, which tribe they actually belong to. Interestingly, the government officials, not knowing details about each tribe, provide certificate with mix of religion and tribe; for example, the certificate ensures 'Hindu Bhil Rathava' or 'Hindu adivasi chaudhari'. In different parts of Gujarat, such different certificates are given to the tribe for their identification and as beneficiary for the government schemes.
- ⇒ Some tribes relate themselves with Rajput (Kshtriya) ancestors while some of them associated with the forest and therefore the aboriginal status in the society. For instant, Chaudhuris trace their origin to the Rajput clan. Chaudhuris of Vyara taluka as well as of Mandvi taluka believe that their forefathers migrated from Pavagadh hills of Panchmahal district. The Gazette and Census reports similar

accounts. The 1901 Bombay Gazette notes: "Of these (five divisions), the highest division is the Chokapuri who are also called Pavagaria, Pavagadh hills. They claim to be partly of Rajput descent and, according to their story, lived as carriers in the Rajput kingdom of northern Gujarat, and fled out on their overthrow by the Musalmans" (Shah: 1984) Similarly, Tadvis trace their origin to the Gadhera hills kingdom. They claim that their forefathers fled from the hills with swords in hand. 'Sword' in their language is called 'talwavi' (Gujarati word for sword is 'talwar') and later they were identified as Tadvi that is 'people with swords in hand'. The inner voice of tribal community at the very grass-root level is different than urbanite, educated upper middle class tribal families.

- ⇒ Among tribes, the views differ sharply with subsistence economy, that is, agriculture based livelihood and forest dependent economy. There is a divide among tribes that live in north and southeast regions of Gujarat.
- ⇒ A section of educated and financially capable tribal families are striving to create a space in upper caste Hindu social set up, that is, reform and transformation from nature-dependent primeval tribal society into class-based and money-dependent modern civilized society. Many of the tribals aspire to bring about 'reform' and 'transform' through better performance in different sectors, namely, politics and religion blended with changes in socio-cultural regime of tribal lives. This leads to an imitation of upper caste Hindu life style for social upward mobility or greater acceptance rather than promoting notion of tribal distinct worldview and lifestyle, closely woven with nature and forest dependent. Much has been written on 'process of sanskritisation' of scheduled castes and tribes. (Shah: 2006)
- ⇒ The evolution of different tribal organizations is struggling to establish indigenous rights and identity (based on their worldview) that demarcates the popular view of 'reform' and 'transform' and raising voice for social, cultural, economic and political right. Annual meet, cooking food together and dancing are the ways to strengthen their solidarity as 'adivasi'. Some tribal leaders have started documenting traditional medicines (herbs and shrubs), which tribals used for treatment or as preventive medicines.
- ⇒ There is a strong sentiment among tribes to retain social life and values, for example, language, traditional music and dance and social practices. Despite imitation of upper caste Hindu lifestyle, it is not likely to crumple the tribal identity. In Dangs district, no Varli man would cut a tree or chicken if his wife is pregnant. Most of the tribes engaged in pastoral activities, would only trim the tree, and would never cut from below / main stem. The tribals argue: "Where do you

find wood furniture? – in the cities. Look at our home and see how much wood we use! We are not greedy. Our ancestors have taught us to return to nature rather than exploiting her.”

⇒ The internal hierarchy among various tribes plays a critical role in defining all the tribes under the umbrella of ‘Adivasi’.

B) Economic factors - competition for resources

As the exposure increases with non-tribals as well as from individual to community level, internal aspiration of an individual to develop and mainstreaming is observed. This aspiration has led to creating community-based organizations (CBOs) or supporting external organizations like Bajrang Dal (BD) and Rashtriya Swyam Sevak Sangh (RSS).

The development programmes designed by government or NGOs for economic development of the tribals has shown national and international linkages. Most of these programmes are largely market based; thus arising the contradiction between traditional tribal societies versus global market. This process has far-reaching and deeper influence on tribal society, which has divided perspectives of development into segments and therefore issue of identity, becomes crosscutting complex reality, also cliché in absence of tribals’ views or reflections.

More remarkably, the claim to natural resources and constitutional safeguard justifies themselves to retain and nourish tribal identity. Thus, the evolution of tribal organizations and their struggle to protect tribal identity has also an economic interest, not in form of assertion or revolt but more on silent but steady manner. This trend must have started with their exposure to outside world as a player / actor in the market, gained pace in mid 1990s, as India adopted new economic policy and structural adjustment programme. Some state sponsored programmes, for example, watershed management and joint forest management also indirectly promotes economic development but overlooking tribal culture and identity, especially in distribution of natural resources and economic benefits.

We observed several economic activities and linkages through which tribals’ views have been influenced and changed. For example, Tadvis in Naswadi taluka, which have been rehabilitated due to construction of Ukai dam by the Government of Gujarat. In the process of rehabilitation

and resettlement (R & R), their interaction with Narmada Bachao Andolan (Save Narmada Movement), government officials (from Irrigation department, Revenue department, Social Welfare department) and political parties (Congress-I, BJP) must have blown air that they never had experienced. Initially, they must have learnt to identify space and methods to negotiate and slowly they must have practiced actual negotiation for fulfilling their demands and benefits and gradually for rights, space and avenues. This process influences at individual, family and community levels and therefore intermingling of various thoughts and actions has been resulted in complex structure.

In this kind of environment of competition, the tribals sometimes loose, some silently accept while some resist. Those who are aware, tries to win over and most of the times succeed but those who are not aware or not supported by tribals or non-tribals, loose and continue to face impoverishment and systematic marginalization on socio-political spheres.

- ⇒ The Vasava tribe living in the lower part of Narmada district (Sagbara and Dediapada blocks) is quite vocal about exploitation by Hindu higher castes and seeking solution of development in education, government jobs and other employment opportunities. They have been engaged in agricultural activities as landowners and cultivators or as agriculture labourers and through these activities, they are aware about government schemes and administrative provisions for tribal welfare.
- ⇒ In contrast to Vasava o Narmada district, Kotwalia tribe living in north-western part of Surat district (Umarpada block) is dependent on bamboos for livelihood, as their traditional occupation is to make bamboo products and sell in the local market. More than 50% of the families are not made members of the Corporation run by the Forest Department of Gujarat government. As a result, they have to either bribe forest officials or have to illegally bring bamboos from the forest for earning livelihood. This tribe reported low literacy rate, lower level of awareness, little benefits of government schemes in comparison to its neighboring Vasava tribe in Sadadapani village.
- ⇒ Nayak³ tribe living in Santrampur taluka in Panchamahar district that lies in forest area; their livelihood to great extent depends on forest

³ The word nayak (nayaka) is derived from the sanskrit word which means a leader or protector. The nayaka are said to represent a people with qualities of leadership, who carved out themselves an independent position of prominence among the tribes and which they maintained. The term

produce. They are happy as long as the forest department allows them to collect forest produce and facilitate to sell these produce in the local market. They are not bothered that the forest department, in fact, is turning them into labourers and selling forest produce through non-tribal agents or traders who earn larger share with these produce than the tribals. Nayak traces their root as leaders of army (of princely states) and many of them are now contesting elections at taluka to national level. This creates scenario wherein some families are poor, illiterate and migrating in search of livelihood while some have cultivable land and are supported by the community for political or economic ventures.

Thus, it is not surprising to hear contradictory voices in the tribal society on the question of 'right to forest and forest products'. But, all the tunes merge in the common interest of resource generation to gain economic strength. Therefore, whether it is a movement against Hindu upper caste exploitation, political power game, movements for right to forest or inter-tribe competition, all have economic interest implicating the competition for resources.

Tribal communities are confident in distinguishing themselves from non-tribal on the line of resources, mainly forest based economy combined with agriculture based on small land holding. Their aboriginality and hence, sovereign right to natural resources especially forest and forested land has a powerful claim. Even though, they did not own natural resources, they had an access and had control over it as common property resources.

After independence, Indian government continued policy of British Raj that forest belongs to the State. Such government imposition alienated tribals from entertaining these ancestral common property resources, which is a cutting line drawn by the government between tribal and non-tribal society on the basis of natural resources.

The direct link to forest, forested land and other natural resources distinguish tribal society from any rural community in the question of poverty and economically backwardness. The alienation from natural resources led towards a paradigm shift in tribal economy, which is driven by the government policy and laws. Further, exposure to market based economy gradually brought the demand of resource holding, especially

nayakda, with the diminutive suffix 'da', is used as a term of contempt to live a life of poverty and laziness with occasional bouts of robbery and raids in search of cattle and food. (Sahay: 1998)

forest produce like wood, fruits, honey, leaves, herbs, agricultural land and livestock like cattle, chickens, etc.

The loss of guaranteed access to resources (mainly forest based) and increase in commodification of forest produce has transformed tribal society, which is now striving to have stability through collection and selling of minor forest produce (MFP). In this process, the tribals, in fact, find it hard to cope against the nexus between available non-market resources (forest produce as subsidiary status in market). The Forest Conservation Act has allowed collection of only specified MFPs; several MFPs have been prohibited and thus selling of many of MFP is illegal. Moreover, the tribals do not have direct access the market and hence dependent on middlemen, with whom they are not able to bargain effectively. The existing economy is cash-nexus, which compel tribals to buy commodities from open market, such as, food grain, clothes, etc. and austere increased the demand for cash.

Apart from external forces there is an internal force which dragging tribal society in to market competition. Shrinking of natural sources and desire to create space in mainstream society are perhaps the determining factors. In the FGD at Chametha village, group of Tadvi shared, “our expenditures in marriage, death and other ceremony are increasing. Earlier we traveled on foot or bullock cart, now no youngster is ready to move a step without a bicycle or auto two-wheeler. Earlier we were getting vegetables, medicine wood and for construction of house from the forest, now we have to go to market to buy each and every commodity and nothing is free... Even agriculture is now fully depends on market, nothing grows without water, fertilizer and pesticides. Like earlier, we cannot change land given to us, in our names (our holding). Earlier we use to spare land from cultivation for few years and used to move land, which could have been more fertile (shifting cultivation). Now we cannot afford leaving land, as land is privatized and the government provides assistance to those who are landholders.”

As part of R & R under Narmada dam, the Government has provided five acres of land to each family at Chametha village. They said: “We are able to manage for two times meals from agriculture, but major worry is for the next generation. We know it very well that five acres given to the father will be shared equally among off-springs and if survival is a problem having five acres at present for family of 6-7 members, it will definitely aggravate the problems of survival with smaller landholding, as land would be divided among off-springs. Therefore, one needs to get into another profession / alternative source of livelihood like government job

or business.” The same was echoed with Bhils in the same village, who are historically living in the village, “there is no forest to depend on, we go to Saurashtra (western Gujarat – about 500 kilometres away from home) as agriculture labourer and we don’t know how the next generation will survive.”

Tribals with small land holding and engaged in agriculture also find hard to survive in apparently contradictory scenario, for example, introduction of modern agriculture demands for agricultural inputs like diesel, fertilizers, electricity, hybrid seeds and other equipments that can only be accessed from cash driven market. At the same time, market economy broadens the scope for aspiration for individual growth. The educated tribal youth aspire to venture into market rather than cultivation; dreams about unlimited growth and thrill of modernity than just living on two meals. It is observed that many such aspirants change their names (surname too) in order to create new identity, for greater acceptance of neighbouring non-tribals. Sometimes they face criticism of tribal brethren that “they are not proud of tribal identity”. However, such aspirants also argue that ‘traditional tribal identity’ has not offered much to them.

Access to market, services, public infrastructure and imitation of Hindu nationalism indicates the merging of tribal society in mainstream non-tribal society; but the border line is quite deep and visible in the question of control over resources. The sensitivity is thus transforming from ‘existing available resources’ to ‘maximizing resources’. This attitude is reflected in tribals’ increasing expenditures on social occasions and rituals, add-on luxury and comfort in lifestyle, dressing, modernization and consciousness on social status in terms of financial well-being and resource holding.

The exposure to market based economy also led to a process of privatization of formerly communal land (as common property), devolution of ownership from common land holding as a village or community to family or to an individual. The growth of external market has brought traditional production system to maximize income unlike production of self-consumption and sale in the local market. Traditionally structure of tribal society was like a close group under a chief or headmen (or a group of people e.g. ‘panch’) regulating the norms of living. Based on private resource holding, safeguarded by market has contributed to rise of ‘big’ man and ‘big’ families; and that has internally distorted traditional cohesiveness in tribal society.

C) Political factors

Under the constitutional safeguards, tribal society is looking towards higher education as well as political powers to entertain more economic freedom and social status. This demand predominates the desire of each tribal to become economically empowered over other socio-cultural interests.

Educational processes and market have provided tribals a platform to interact with non-tribals over a century and have been refined in the minds of tribals. With provision of reservation in education and political institutions, the non-tribals, especially political parties have to approach in order to win election and political positions in various institutions. This provides an opportunity to tribals for greater assimilation and acceptance in mainstream society on one hand but lack of experience and exposure, lack of bargaining power, the tribals sometimes become puppets to larger external forces, controlled by non-tribals.

Those who aspire for greater power through Panchayati Raj, must have an exposure to political parties and their agenda, some interaction with respective government agencies and NGOs in given situation.

Two parallel streams of political power games are visible in tribal context; one actively competes for political power vis-à-vis non-tribal, and the other, is internal party politics, which divides tribal society. The former is resulting in negotiation, lobbying, alliance and gambling with non-tribal power players and accumulating energy of tribalism, whereas, the later facilitating penetration of political nationalism and dividing tribal society on political interests. In both the cases, tribal political leaders are products of demand and politicking. Many tribal people believe that non-tribal leaders use tribal community leaders only for their own advantage; tribal talent does not get respect from non-tribal leaders. The non-tribals consider the tribal leaders and tribal society responsible for such condition, as they are not organized and tribal leaders does not raise a voice when require⁴.

These political factors are rapidly mainstreaming tribal society and the tribal identity gradually developing a political colour. Hindu nationalism and religious organization (Sangh Parivar) and its allies viz. Bajarang Dal (BD), Vishwa Hindu Parishad (VHP) and Rashtriya Sayam Sevak Sangh (RSS) are intruding through political windows. The politico-religious forces are synergising to accelerate the reform process from within the tribal society and in many cases reorganizing tribal and non-tribal society in the

⁴ This observation has been shared widely from different tribal villages during exploratory phase of the study.

common interest of political faith and Hinduism. We witnessed this in Kambodia village of Valia block of Bharuch district with Vasava tribe, in Chametha village of Naswadi block of Vaodara district with Tadvi and Bhil tribes. They initially align with BD and RSS, BJP if required, for gaining political power at village level. Soon they realised that they had become a medium to pass on messages of religious nationalism and development initiatives planned and executed by non-tribals.

Some tribal leaders are conscious of this process but not able to encounter it with assertion or revolt; what they at the most endure is not attending BD or RSS meetings and not supporting them actively. Many times the complex processes are observed at micro (village) level.

Interestingly, the Patel community at Kambodia village of Valia block is facilitating intrusion of VHP and RSS into the tribal communities and are undoubtedly successful. RSS organizes camps in the area and tribal youths are increasingly participating; even the local RSS leader is a tribal youth. RSS and VHP have played a role in Panchayat election since early 1990s. The reservation in political sphere is a dividing factor between tribes. For instance, in Kambodiya village, Vasava, Chaudhari and Gamit tribes reside, of which Gamit families follow Christianity while the two other tribes follow Hindu religion. The Panchayat seat was reserved for scheduled tribe in the year 2001 election. The Patels, representing RSS initially supported a candidate from Choudhuri tribe, but at the previous night of the election date, their support was diverted to the candidate of Vasava tribe due to political dynamics. Finally Vasava candidate won the election.

However, tribal youths are vigilant on various fronts like RSS, BD and VHP. If these organizations not able to support tribal cause, a possibility of rejection from tribal youths is greater. Incidentally, four Vasava youths were arrested by police during a conflict between Hindu and Christian religious groups on occasion of religious celebration and till date they are under court custody. The community feels that they did not get enough support from RSS to get the youths free and therefore they are not as active as in past. Due to this incident, the Sarpanch and the entire Vasava tribe in the village withdrew their support to RSS. At present the Patel community is openly opposing the current Sarpanch and they are quite sure that he will not be elected in the next election. However, the tribe considers the withdrawal of cooperation to RSS as strategic and temporary, but they think that RSS and VHP have significance in their life and these organizations are important for their social security, their imaginary threat is the Christian religious group.

Vasava tribe in Kambodia village of Valia block emphatically claims that the Patel community (now considered as upper caste in caste system due to economic empowerment in Gujarat) is strategically exploiting tribal communities in the entire area including adjoining blocks (Netrang and Valia). The Patel community is well organized and they termed it as 'Bawan Company' (we need to know actual meaning of this term). This association interferes in market, administration and in all institutions to prevent socio-economic progress of tribal community; as one of the major interests is to secure cheap agricultural labour force and keeping tribal under their control. Almost three years ago, the Vasava decided to fight against low wages paid (Rs.20-25/- per day). Vasava called off work on fields and demanded wages Rs. 30-35/- per day. After a struggle of fortnight, Patel decided to raise wages.

D) Social and religious factors – process of 'Sanskritization' and social domination

Root of social transformation of tribal society is lying in their development perspectives.

Tribes like any communities in India have different customs and practices around birth, marriage and death. Over and above these, cultural components like dialect / language, dressing, dance and music are more prominent in shaping tribal identity. Interaction with non-tribal society blended with improved economic status or aspirations have lead tribes to alter their customs and practices. With the increasing interaction with the larger non-tribal society they have begun to imbibe the customs and rituals of caste Hindus and this area is now influenced by Hinduism (religion as origin). Moreover, the erection of Hindu religious sentiment and religious nationalism is also blowing over the tribal society.

In religious term, the tribals divide themselves as 'Hindu' and 'Christian'⁵. Historically, the tribals have been worshipping natural elements and following sects like *Kabirpanthi*, *Satipanthi*, *Gorakhpancthi*, etc.; which were started by Sufi Saints poets who were influenced by *Bhakti* movement and blending of religions and promoting humanity and unity. With penetration and teachings of Swadhyay Parivar and Vishva Hindu Parishad, the tribals are exposed to classical Hinduism and encouraged to celebrate festivals like 'Ramnavami' (birth of Lord Ram), 'Rakshabandhan' (tying thread on wrist of brother by a sister), 'Navaratri' (in worship of

⁵ Although earlier studies reported some tribals adopting Islam but we have not come across such family during study period. The proportion of Christians to total tribal population is about 13% as revealed by one of the earlier study

mother goddess), etc. The temples of Hindu Gods and Goddesses are mushrooming in tribal area; visiting Hindu pilgrimage centres is also increasing among tribals.

However, many of them have continued celebrating traditional festivals around different seasons and deities. Some tribals avoid specifying their traditional sects like *Kabirpanthi*, follower of *Gorakhnath*, *Satipanth*, etc. while some share after long discussions or deeper questioning on religious beliefs. A feeling of need to change their customs and rituals in the line with those of the caste Hindus is predominating in contemporary tribal society of Gujarat.

The Hinduism recommends sixteen 'sanskars' (commitments commandments), a few of them are adopted and imitated in tribal society. For example, traditionally brother-in-law of bride and groom were performing the rituals to tide the knot and declaring marriage, which is now performed by a Brahmin (non-tribal, upper caste Hindu). Earlier, burying a dead was a tradition, now burning the dead is another imitation adopted by a section of tribal society, unless wood is not easily available.

The overriding effect of Hinduism is getting stronger and shifting towards hegemonic position.

- ⇒ In Kambodia village, families of Gamit tribe that follow Christianity are isolated and subjugated for celebration of Hindu festival.
- ⇒ The Rathava tribal youth from Pavi Jetpur block of Vadodar district reported that although Christians imparted education and health services, we now do not let them enter our village.
- ⇒ The Kotvaliya families residing in Sadadapani village reported a contradictory situation. Some women shared that Hindu-Christian marriages take place while some women reported that every one prefers to marry a person of same religion.
- ⇒ In Hathakundi village of Netrang block in Bharuch district reported hostility and domination of Hindu tribal families in the village.

Ironically, many of the Christian families are not aware of different Church orders and their association with Christian institutions. For example, the families residing in Hathakundi village follow Roman Catholic Christianity but they send their children to study in nearby school, which is run by Salvation Army (Protestant Church). Many Christian tribal families in southern Gujarat preferred to hide their identity as 'Christian', as they wish to avoid hostility and dominance of

Hindu tribals and non-tribals, especially those engaged in promoting religious nationalism.

As the tribes have gradually shifted from traditional occupations and their dependency on forest produce has reduced, their exposure to surrounding non-tribal society has increased as a part of economic need. The mainstream occupations like getting government jobs, modernized agriculture, small scale trading and aspiration for individual property holding has deeply influenced the tribal society on concept of 'development', which actually connotes 'growth'. They have learned to interpret 'development' as greater education, employment, physical well-being and comfort with infrastructure facilities and therefore the popular demands are access to road, water, electricity, health services and other amenities. On social occasions, they like to perform rituals at par with non-tribals, for instance, having musical band, buffet party, the groom in three-piece suit rather than traditional dress and traveling in hired four-wheeler.

Inductions of non-tribal social and religious institutions, academic institutions, market, *panchayats* and administrative infrastructures are influencing tribal social life to great extent. Since British Raj, establishment of schools in tribal areas is one of the major developmental interventions, focused on providing education, modernisation in agriculture and making them 'civilised'. For spread of education, *ashramshala* (residential schools) were started by Gandhians (non-tribals) in early 20th century. The disciplines, culture and environment of these schools and the non-tribal teachers are the reference group for tribal students for self and social reforms. The Gandhian reformists were following Hindu philosophy that has influenced the tribal student especially through teetotalism, vegetarianism, worshipping with prayers and discarding bigamy or polygamy as well as slang or speaking bad words, to become a better human being. This process of *sanskritization* in the name of social change and 'reform' were equated with 'civilized' life by both, tribals and non-tribals.

The schools and dispensaries started by Protestant Christian missionaries since 1950s and by Roman Catholic missionaries since early 1960 in interior areas of Gujarat state. Through these activities, the tribals started associating with them and spread of Christianity was started along with continuation of traditional customs and practices including inter-religion marriages with each tribe. There was no animosity between religious sentiments till late 1980s. With spread of religious nationalist activities by VHP and RSS, slowly a sense of competition between religion, hatred and

isolation was developed among tribes – intra-tribe and inter-tribes. This phenomenon created vertical and horizontal splits in tribal society.

Due to dominance of mainstream Hindu culture through social institutions, the educated and economically well off tribal sections were aspired to upward mobility and to create space in this social set up. The process of *sanskritization* or internal reform thus indirectly was promoted with blind imitation of non-tribal society to get into administrative, judicial and social institutions. However, a few tribals shared that “when it comes to humiliation as a tribal, we don’t tolerate. We can be violent and offensive to teach lesson to a non-tribal, who insults us. You may call it ‘jhanoon’ (militancy) but deep down we are like that.” Mainly the consumption of alcohol and eating non-vegetarian food are dividing lines between tribals and non-tribals. However, each tribal reports multiple identities; many times the identities are paradoxical due to crosscutting lines of faith, religion, education, class and political status.

The Bhils and Tadvis in Chametha village of Naswadi block reported themselves as ‘reformed tribes’.

- ⇒ The Bhils had left their dialect around two generation ago; they gave up all cultural component of tribal including the marriage and death, non-vegetarian foods and liquor. Now, they perform Hindu rituals and invites Hindu Brahmins to perform them. A Bhil fellow shared his experience with Patels (considered to be upper caste Hindu, economically well off due to large landholding) in Saurashtra region: “When I first visited my landlord in Rajkot (district), they behaved with me like untouchable; they told me to sit on floor and gave tea in a separate saucer. I had to make them understand our lifestyle and religious practices; we are not like Bhils (primitive, barbaric) living in hills. After this explanation, they did not treat me like primitive tribal and I used to sit and eat with them.”
- ⇒ A Tadvis man said during FGD: “We get good response from non-tribal in the bazaar (market), Panchayats (political unit) and dairy cooperatives because we are not like ordinary tribal, now we live in good conditions almost like non-tribal.”
- ⇒ A Vasava woman shared: “In the initial phase of our ‘mahila mandal’, the bank manager did not allow us to enter bank, because we did not know how to talk and how to deal with such institution. Now we even can go to Block Panchayat, approach parliament member and everywhere.”

Some religious organisations like Vanvasi Kalyan Parishad and Hindu Jagaran Manch are active for 'saving Hindu adivasis' and "countering the proselytisation activities of Christian missionaries. The population of Christians in Gujarat is about 2.5% and about 5% in Dangs district. Still the 'threat' of Christian conversion has been made into a strong and emotive propaganda plank by Sangh in tribal areas, along with more generalised manufacture of hatred against Muslims. (Citizen's Inquiry Committee: 2006)

Consumption of alcohol by tribals: A taboo or a tradition?

Consumption of alcohol has great significance in religious, cultural and social celebration of tribal life. Traditionally tribals prepared alcohol from some fruits or flowers like Mahua for self-consumption. In 'Gandhi's Gujarat', consumption of alcohol is a taboo and therefore consumption of alcohol by tribals is seen as 'tribal's obsession' that leads to their ruining. However, the Forest Department defines producing alcohol from forest produce as commercial purpose.

In such difficult situation, the alcohol that tribals consume is actually adulterated alcohol, produced locally and supplied from Border States like Rajasthan, Madhya Pradesh and Maharastra. This has been evolving as social problem and influencing social life, family economy and health of tribals.

Awakened tribals do identify consumption of alcohol as one of the major factors that leads to backwardness of tribal society and a challenge for tribal development. They did point out presence of vested interest of non-tribal traders and even of police in spreading and sustaining alcohol consumption among tribals. The elaboration of 'vested interest' and 'exploitation' includes use of tribals as cheap labour, bondage and ignorance so that the vicious cycle of exploitation continues. Further, spreading of alcohol consumption is an easy way to capture tribal youths and provoke tribals against tribals to sustain vested interest of non-tribal traders, contractors, politicians and other exploiting agencies.

E) Impact of development initiatives by the State

The development perspectives are largely brainchild of non-tribal intervener and the stereotyped notions of tribals lead them to plan and implement programmes that bound to perturb or change tribal's worldview and way of living.

The foremost concern for the tribals is to get certificate as 'scheduled tribe'. Interestingly, most of the tribals get certificate as 'Hindu adivasi' or 'Hindu Dungri Bhil adivasi' and follow this pattern. If Indian Constitution promotes equality, why should State servants mention 'Hindu' and 'adivasi' and promote religious identity? In case of tribal family that follows Christianity, they do not mention religion but certified them as 'Gamit adivasi' etc.

Interestingly, most of tribals families do not mind certification in this manner. Several tribals shared that: "we are born Hindus. Therefore if mentioned in the certificate as 'Hindu' is not objectionable."

Joint Forest Management (JFM) is one of the programmes that envisage partnership of the government and tribals for conservation of forest. It is designed by Central Government, spirited by the capital gain for tribal community, as living in forest is a way of life for most tribals.

- ⇒ Despite claim of 'promoting partnership', the authority of the government continues and the tribals loose on the count of equality and autonomy.
- ⇒ Although tribals are aware that in gaining economic benefits, they loose their cultural beliefs; for instance, tribals residing in Rakhaskhadi village of Surat district shared that: "The government talks of conservation of forest and forming Van Mandali but we have been conserving forest, as it is our 'mother', who nourishes us. On the contrary, the forest has now become a source of income for most of us; we collect forest produce and sell. Thus our 'mother' has turned into a supplier of resources that we sell and survive... The village committee has collected Rs. 28,000/- and paid this amount towards construction of water tank in the village. It is 'development' on one hand but the fact remains that we sold forest produce and accumulated profit for our gain, which we never use to do in past."
- ⇒ The procedure of forming Van Mandali is complex and the results one gets is estimated very high and in reality the Forest Department offers to a village and members of Van Mandali is meager amount; mostly in form of vessels, music instruments or some electronic gadget for the village. Bhanubhai of Vanazi village of Narmada district shared his experience saying that: "Any Van Mandali has to be registered within a period of three month. If it is not registered within prescribed time, it is subject to automatic dissolution. Further, a registered Van Mandali is to be renewed every year. The office of registration of Van Mandali is located at Gandhinagar. Even though the Sarpanch of the village is the

chairperson of the Van Mandali, none of the members of Van Mandali is accountable to the Gramsabha or Grampanchayat. All the affairs are handled directly by Van Mandali and forest department...A very few tribals as member of Van Mandali understand such nitty-gritty of van Mandali and the Forest Department takes undue advantage of tribals' ignorance...In no form or spirit, JFM can be considered as joint venture or a programme that truly leads to development of tribals. In fact, it is another instrument created by the Forest Department to book tribal leaders who raise voice against them."

Introduction of Self-Help Groups (SHGs) through SGSY programme and paced by NGOs is another programme for tribals development through the habit of savings and credit among tribals. This claims to be a programme that encourages individual (tribal) growth through market opportunities.

- ⇒ Many groups made of tribal women as members find it difficult to manage, as their thinking and needs are not geared to market-driven lifestyle. Therefore more of them use this facility for health care or for spending on social occasion; defeating the original purpose of creating corpus / capital for economic enterprise at a small scale.
- ⇒ The successful SHG members claim with pride that we have accumulated savings that runs into millions. The 'profit-making' attitude is imbibed and claimed as 'development' and ability to stand in market rather than erosion of tribal values.

The construction of houses under housing schemes, viz. Indira Awas Yojana and Sardar Awas Yojna are altering the dwelling pattern of tribal families e.g. regarding storing of food grains, pet animals and co-existence with livestock etc. In reality most of them are constructed by non-tribal contractors and therefore allows no flexibility or freedom to tribal to build house as per their tradition or use raw material that are locally available at cheaper rates.

The development of road, electricity, telephone and transport paving up accessibility to market and fostering growth of local market laden with consumer goods. Most of the NGOs working with tribals for their development are mainly playing the role of trainer to fit them in market economy.

The NGOs focusing on right to basic amenities like drinking water, health services, houses etc. and creating livelihood opportunities also get trapped in right to survival; in such endeavours, the social, cultural and political rights of tribals are either not on priority or overlooked.

These services are being provided through institution building that are based on democratic values and managed by formal bodies that follow mainstream practices viz. financial records, meeting minutes, stock register etc. Mahila mandals, Farmers' Associations, Watershed Development Committee, Water User Associations are these kind of institutions evolving in tribal society which are trained to deal with the market. These institutions are striving for development through market opportunities rather than safeguard of reservation and forest rights.

The Draft National Policy of Tribals has systematically kept tribals much away from forest rights; the 'management' and 'conservation' of forest will be State's responsibility and tribals could be partner to that.

Similarly, the recent Act (2006) The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act allows use of forestland (for prescribed purpose) but a High Powered Committee was appointed to look into forest related issues and this committee has promoted wildlife conservation as primary agenda rather than survival of 3 million tribals / forest dwellers residing in forest areas and engaged into pastoral activity. This committee also denied 'social scientists' and 'environment activists' as 'qualified' to be a member of the committee.

The government has enacted laws in last 30 years to promote and protect forest and wildlife, undermining tribals and their role in conservation of forests.

The issues of conflicts with the Forest Department moves around cultivation of forestland and access to major forest produce. Forestland issues are mainly related to:

- ⇒ Access to farming,
- ⇒ Ownership,
- ⇒ Transfer of ownership,
- ⇒ Mortgage or collateral for loan,
- ⇒ Security,
- ⇒ Border of separation of revenue and forest land,
- ⇒ Grazing land versus forest land etc.

These conflicts arise with individual, village as a whole and with grampanchayats.

The people those have ownership of lands (pays revenue) generally faces less problems than those who do farming on the lease basis from Forest Departments. In case of the latter category, each year farmers have to

renew their lease by paying an amount to forest department, the tribals of many villages informed that even though they are farming the lands for generations, they are not the owners of the lands. This compulsory renewal keeps the control of Forest Department on the farmers.

Indian State has not solved long due issue of 'forest village' versus 'revenue village' deliberately. The tribals suffer, as no infrastructure facility is allowed inside the forest and they are deprived of primary school, electricity, roads, telecommunication and pipelines for water. The communal landholding / lease given to tribe for cultivation in early 1950s have been stopped since almost a decade, which deprive them of livelihood and force them to migrate in search of employment.

Thus on one hand the mainstream society promote 'reform' and process of *sanskritisation* among tribals to make them 'civilised' and the government without providing alternatives to tribals for survival, depriving them from forest and their natives with various development projects, viz. construction of dams, mining and defense colonies. About 2% of total population has been displaced in India and more than 80% belong to scheduled tribe (Fernandes: 1998) The scenario of displacement in Gujarat is not much different than national scenario. Of total population of tribal mounting to 6 million, about 0.2 million have been displaced due to development projects initiated by the State and majority of them are not rehabilitated satisfactorily. The Tadvi families displaced due to Sardar Sarovar Yojana reported that many of their relatives have not been resettled; among the resettled families, half of them long to go back or given poor land on which survival is difficult and therefore they migrate every year in search of livelihood.

F) Intra-tribe and inter-tribe dynamics

The collective self-image of each tribe plays a critical role in developing and maintaining intra-tribe and inter-tribe relations.

Origin of tribe is one of the core areas of self-image. It the tribe identifies as *kshtriya* (warriors), the social customs and practices, beliefs, status of women, etc. are evolved based on this image. This is one of the factors that don't bind all tribes together. Some tribes identify them as forest dweller while some as ancestors of *kshtriya*.

Self-image and concept of tribe's origin create a hierarchy among different tribes. Most of them would not express hierarchy aloud but they do practice it consciously.

This is one of the reasons for sustenance of endogamy. For instance, Bhils of Chametha village considered Nayak as the lowest among various tribes. Bhils in a FGD informed that: “Nayak were brought to the village for grazing their cattle. They were paid fifty paise for a month and food every day for their work in early 1950s... Now they are paid 10 rupee per cattle per month and food grain as wages. They have continued their traditional occupation and yet not developed like us. We can work with Patels in Saurashtra and Patels treat us well but Nayaks do not send their children to school, they are poor and dependent on us (village residents) for livelihood.”

- ⇒ Each tribe is endogamous and prefer to identify self with ‘sub-tribe’, e.g ‘Padvi’ or ‘Valvi’ is primary identity, Vasava is secondary identity.
- ⇒ Many of them do not identify as ‘adivasi’ or ‘tribal’ but accept ‘scheduled tribe’, as this is the title that help them to get benefit of affirmative actions of the government, namely, reservation in education and political system, scholarship for primary education, and priority under tribal sub-plan.
- ⇒ Kantibhai Nayak, a young tribal leader in Satkunda village refuted the claim of other tribes that they are at the bottom of the hierarchy and informed that Nayak tribe is one of the most organised tribe, which has been benefited socially, economically and politically from the tribe and from non-tribals. He said: “The word ‘Nayak’ means ‘leader’. We were the leaders in the army of princely state. Because of this image, we aspire to have greater strength and power and our previous generations did not send our children to schools... We have started organising ourselves since last 2 decades. The families of our tribe are spread over 3 districts and our *panch* is very active. The *panch* assures our overall development. One of our *panch* members was elected as Member of Legislative Assembly (MLA) and thus we have good political connections... Such political leaders of our tribe help us in getting benefits of various government schemes, developing political connections and with non-tribal leaders... When I was contesting election in the village as Sarpanch, our tribe members were divided and therefore I lost. The fact is that if we have common agenda, we do organise ourselves and fight collectively.”

Each tribe may or may not have its *panch* (council). The jurisdiction of tribe’s council could usually be confined to a few villages and a defined region. The council is primarily a body of five wise men, which are considered to be wise, impartial and trustworthy. Generally the *panch* membership continues through his lineage, i.e. the eldest son of a member of council is appointed as a member after demise of his father. It holds discretionary powers to deliver justice or regulation of norms and

practices. The geographic territory of this *panch* is as wide as its members. Women are generally not allowed when the council meet. Mainly social, cultural and justice delivery (divorce, inheritance, social disputes, etc.) are the functions carried out by the council. The traditional '*panch*' system in the tribal society in the village has been losing significance in the recent years.

A very few tribes (Chaudhari, Dungari Garasiya and Nayak) in Gujarat reported to have traditional *panch* system, with written constitution and association with membership.

The tribes without council prefer to form a *panch* at village level to solve disputes and this is one of the platforms where inter-tribe as well as tribal and non-tribal interaction is taking place within territory of the village. This is mainly to avoid any external agency to enter village, such as police, non-tribal political leader. Some tribals, however, prefer to approach police and courts for disputes and crimes of late.

In Dangs district, 'patel' that is the headmen and a few renowned personalities of the village consist a *panch* and it plays some amount of administrative role along with the rituals and social justice while in other parts of Gujarat, no formal procedures are observed to make a *panch*.

Dangs is one of the exceptions with regard to *panch* and governance, as under the chiefdom, '*Nayak*' (a title meaning the one who give 'nyay' or justice) was governing sub-territories assigned by the king that include his role as revenue collector working for / under the King and 'Patel' or 'Police Patel' (a title, meaning the one who maintains law and order) was the headman of the village handling administrative and dispute resolving activities. Patel was the person who conveyed the public demand to Nayak and vice versa. In this hierarchy, in pre-independence era, Patel was heading *panch* with other members (*Karabhari* - collected revenues and a *Jagaliya* - played a role of office assistant) of the village and the *panch* was considered to be the village level administrative body.

Nayak (governing sub-territories assigned by the king)



Patel or Police Patel (maintaining law and order)



Patel heads *panch* + *Karabhari* (collecting revenues) + *Jagaliya* (office assistant)

Village meetings were called by the *panch* when it is felt necessary but final decision-making power was assigned only to *Patel*; in critical issues *Nayak* also attended such meetings, *Nayak* intervenes only when *panch* fails to make decision. The revenue was divided among the *Nayak*, *Patel* and the *Jagalia* in the ratio of 6:4:3:1.

Role of the *panch* in Dangs district

- ☞ Performance of rituals of Birth, Marriage, Divorce and Death
- ☞ Conflict resolution
- ☞ Management of forest and land
- ☞ Providing and management of village amenities
- ☞ Performing religious and cultural festivals
- ☞ Collection of revenue
- ☞ Bridging *Nayak* with people

No other district has reported this type of functioning or hierarchy, as many of them belong to different princely states like Gayakwadi, Nawab of Idar and Nawab of palanpur. Surprisingly, traditional system in Dangs is still in place.

- ⇒ For any developmental activity like digging community well, clearance of forestland for cultivation, construction of road, etc. the *panch* decides about the place, time and announce it in the village. On the pre-decided time, the village residents collectively contribute (in labour and in kind).
- ⇒ The 'Patel' as chief of *panch* can indulge in internal affair of any other tribe living in the same village, regardless of which tribe he belongs to. For example, Patel belong to Bhil, but can solve problems of Kokana or Varli in the village and they accept his decision without dispute.
- ⇒ Police-Patel has also role in management of forests; he has to inform forest departments for violation of forest rules. Police-Patel collected land revenues and submitted directly to the collector with no obligation to inform the *Nayak*.

Even though, tribals have distinct geographical spread, it is not likely that they are organized by location and follow common customary practices based on geographical location.

Across Gujarat, social cohesiveness within a tribe is much more than the cohesiveness within a village and therefore bringing different tribes living in a village through democratic processes for developmental, economic and political activities is difficult. For example, in Chametha village of Naswadi taluka of Vadodara district, Bhils, *Nayak* and *Tadvis* lives as per

their own social norms with non-tribals like Muslims in the same village. Tadvis have been rehabilitated by Sardar Sarovar Nigam and newer residents compared to Bhils and Nayak. They are more close to their clan living in Bharuch district rather than other tribes in the same village.

More significantly, villages in Dang are more open for inter-tribe harmony, all tribes living in the same village participates in each others rituals; still, for example Koknas maintain social relationships and depend on Koknas living in Maharashtra to perform rituals. Therefore, the administrative geographical boundaries viz. village, taluka and districts become irrelevant regarding interdependence on socio-political, cultural and religious homogeneity.

G) Interaction with non-tribals

The non-tribals here include those who do not belong to scheduled tribe.

The educated, well off tribals look for social upward mobility and imitate upper caste Hindus; politically motivated tribals interact enthusiastically with non-tribal political leaders and parties for political power and for creating political fraternity. Thus the tribals enjoying higher social or economic or political status identify themselves as 'reformed' and closer to non-tribals, mostly upper caste Hindus while the experiences of powerless, poor tribals differ significantly vis-à-vis non-tribals.

The social bonding between non-tribal communities is loose; mainly economic transactions take place with non-tribals at village level as well as workplace. The non-tribals in tribal areas and in context of employment are generally portrayed as 'exploitative', especially through money lending, grabbing of agriculture land, exploitation in daily wage and control of market. The forest and land issues assume importance as livelihood issue; the tribals have to invariably deal with non-tribals for these issues.

At village level, members of Panchayat, large landholder, teacher, holding government jobs, fair price shop owner, etc. are considered to be power-centres in different ways and contexts. They play critical role in decision-making at village level and marginalisation of tribals in various spheres.

⇒ In most of the villages people objected that non-tribal teachers are irresponsible to their work, irregular and lacks in will in teaching tribal children. Demand for tribal teacher is high almost in all villages. Similar objection was found in case of non-tribal government officials viz. talati, TDO, social welfare officer. The common objection was that these officials are not serious about development of tribal areas. The

non-tribal officials underestimate and neglect tribals, for example, Talati does not provide certificate or offer any kind of help without taking bribe.

- ⇒ Most of the villages reported non-tribal Fair Price Shop (FPS) owner, who do not provide food grains and household items as per quota specified by the government. The owner is more interested in selling those goods in open market to get more money; not bothered about basic requirements of tribals and that adversely affect their survival.
- ⇒ A Sarpanch of Kambodia village has faced 'no confidence motion' against him by non-tribals. This is a known practice of non-tribals to remove tribal Sarpanch to maintain their political power and hegemony.
- ⇒ A non-tribal Sarpanch would not give priority to tribals needs or development. For example, Nayak families of Satkunda village in Panchmahal district have to dig their wells by themselves in order to get drinking water, the gram Panchayat made no provision for them in last 20 years.
- ⇒ The non-tribals with large landholding in the village give advance to tribal family and make sure that the family works for them round the year against the advances given to the family. Thus it promotes a sort of bonded labour tradition and economic exploitation.
- ⇒ Many non-tribal families informed that they have peculiar relations with tribals. The non-tribals believe that consumption of alcohol by tribals is one of the causes for their underdevelopment. Under influence of alcohol, the tribals fight, the men batter wives, waste money on food and health care and become indebted. Therefore the tribals are always short of money and that time they borrow money from non-tribals. Many times non-tribals beat tribals, as tribals fight with them under influence of alcohol and register police complaint and then free them on bail with financial support. Thus non-tribals behave as saviour or god-like for tribals; yet maintain upper hand dominance over tribals with such favours.
- ⇒ A few inter-marriages between tribal and non-tribals have been reported. In absence of data, we decline to comment on this issue.

A study on 'Land Alienation among tribals of Gujarat' has revealed that about 7% tribals every decade are alienated from their lands. This is official figure but unofficially the rate of land alienation among tribals is roughly 14-15% every decade. This is mainly due to three reasons: (a) development projects, such as, construction of dam, construction of highways, etc; (b) industries acquiring lands or wide spread pollution due to neighbouring industries compel tribals to sell their land; and (3) failure of legal and executive safe guards, such as, article 72 & 73 of Land

Revenue Code: “No non-tribal is allowed to buy land of tribal, except the Collector of the district approved the deal.” The Collector generally approved the deal in the name of ‘development’. (Jani et. al: 2000)

In such complex, crosscutting realities and issues, the approach to tribal development should have been ‘bottom up’ and ‘tribal oriented’ rather than bureaucratic. The PESA has delegated a wide range of power to village panchayat for regulation of market, money lending and land resources but all of them are still on papers. The following description vividly depicts the reality and loopholes; ways and means that make PESA provisions non-effective and tribal’s perspective on PESA.

CHAPTER 3: PANCHAYATI RAJ AND PESA IN GUJARAT

Panchayati Raj: Communities stake on governance

'Panchayat' literally means assembly (*yat*) of five (*panch*) wise and respected elders chosen and accepted by the village community. Traditionally, these assemblies settle disputes between individuals and villages. Thus 'Panchayati Raj' ('Raj' literally means governance or government) stands for political system wherein a council of elected members taking decisions on issues key to a village's social, cultural and economic life. The council leader is named *sarpanch* and each member / elected representative belong to Grampanchayat (village council).

Mahatma Gandhi advocated *Panchayati Raj*, a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. His term for such a vision was "Gram Swaraj" (Village Self-governance). It was adopted by state governments during the 1950s and 60s as laws were passed to establish Panchayats in various states. Panchayati Raj in India as on this day the constitution (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions.

73rd Amendment Act, 1992

The salient features of the Act are:

- To provide 3-tier system of Panchayati Raj for all States having population of over 20 lakh.
- To hold Panchayat elections regularly every 5 years.
- To provide reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than 33%).
- To appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats.
- To constitute District Planning Committee to prepare draft development plan for the district as a whole.
- Powers and Responsibilities.

According to the Constitution, Panchayats shall be given powers and authority to function as institutions of self-government. The following powers and responsibilities are to be delegated to Panchayats at the appropriate level:

- Preparation of plan for economic development and social justice.

- Implementation of schemes for economic development and social justice in relation to 29 subjects given in Eleventh Schedule of the Constitution.
- To levy, collect and appropriate taxes, duties, tolls and fees.

Gram Sabha

In the Panchayati Raj set up, the Gram Sabha, the general assembly of villagers has a key role for effective functioning of Panchayats. In the Gram Sabha meeting, the rural poor, the women and the marginalised people would now get an opportunity to join in decision making on matters affecting their lives. Active functioning of the Gram Sabha would ensure a participatory democracy with transparency, accountability and achievement.

- Gram Sabha should meet at least in each quarter preferably on Republic Day, Labour Day, Independence Day and Gandhi Jayanti.
- Decide developmental work to be undertaken by Panchayats based on needs assessment.
- Suggest remedial measures for economy and efficiency in the functioning of the Panchayats.
- Question and scrutinise the decisions of Panchayats in the meeting of Gram Sabha.
- Discuss the Annual Financial Statement of Gram Panchayats.

In context of tribal self-rule, we need to understand historical background and Panchayati Raj Extension Act (extended to Scheduled Areas), popularly known as 'PESA'.

Historical background: Scheduled Area and Tribal Self-Rule in India

The pre-independent geography of India was far different from that of today. This has direct link with tribal society and consequent actions by the state.

The areas where tribal were residing, they were either free from any kind of rulers or ruled by tribal chief-men. The non-tribal kingdoms were brought into British rule by defeating the kings, while tribal areas were declared as 'non-regulated areas'. Later, in the beginning of twentieth century, British undertook the cooption policy and started maintaining records of tribal areas, extended services to these areas and built relationship with tribal chief-men to bring under their regime.

In the independent India, Vth and VIth Schedule of Indian Constitution were created for these non-regulated areas. The VIth Schedule gives

special provision for north-eastern states while non-regulated areas in nine states (Jarkhand, Orissa, Andhra Pradesh, Madhya Pradesh, Chhattisgad, Maharashtra, Gujarat, Rajasthan and Himachal Pradesh) of India converted into 'Scheduled areas' (SA). Like British regime, special powers have been given to the Governor of these states for peace and good governance of the tribal areas. No laws are routinely applicable to Scheduled Areas unless the Governor gives a nod to it. The past experience shows that these powers are rarely exercised by the Governor.

Creating 'Scheduled areas' revolves around protecting distinct tribal socio-cultural life as well as promoting autonomy that they have entertained traditionally. In most cases, the mainstream administrative officials have overpowered administration and development work of scheduled area.

As per 73rd amendment of Indian Constitution in 1993, Panchayati Raj system was reframed and the Commissioner, Schedule Tribes recommended that Panchayati Raj cannot be applicable to SA in view of traditional tribal system for self-governance. This recommendation was accepted by the parliament and it was legislated that article 243-M of the Panchayati Raj Act, the provisions of the legislation do not apply to Scheduled Areas. In this move, the traditional system of tribal for self-governance was undermined. In absence of special law for governance in SA, Panchayati Raj Act was implemented in SA of these states. An activist group in Andhra Pradesh challenged the Act in the High Court of the state. As a result, the Act was declared unconstitutional in relation to Scheduled Areas. Therefore, the Parliament set up a high power committee under the chairmanship of Dileep Singh Bhuria in 1994 to suggest changes in the Act with reference to Scheduled Areas.

Bhuriya committee submitted its report in January 1995; its recommendation dealt with village governance, participatory democracy, community control over resources and suitable administrative framework for the tribal areas. Based on the recommendations of Bhuria committee, the Parliament (keeping Article 243-M in view) passed Panchayati Raj Extension to Scheduled Areas Act (PESA) in 1996. The Act has extended the provisions of the constitution (73rd Amendment Act) to the SA, subject to exceptions and modifications as provided in section 4. As per section 5, the provisions of state Act has to be brought in line with section 4 of the Act within one year.

The distinct socio-cultural, economic and political life of tribals and deliberate interference or control by the state have remained two different poles rather than complementary. The state has overtly or covertly kept

tribals away from forests, mainstream development projects and depriving them of basic amenities, which has resulted into massive displacement and underdevelopment of tribal population. Various laws, naming a few, Land acquisition Act, Minor Forest Produce Act, Mines and Minerals Acts, Land Revenue Code, have deprived tribals from ancestral access and right over forest and other natural resources. This situation has given rise to tribal assertion for rule and governance as well as disintegration of tribal society in India.

Tribals have suffered over the years due to imposing state's control over natural resources, especially water, forest and forestland that they have traditionally enjoyed. The gradual yet massive deforestation, mining, exploration of oil, large scale displacement of tribal population due to construction of reservoir of dam and hydropower plants etc. has deprived tribals their right to natural resources. Most of development projects were planned and executed without informing or consulting tribals. The development programmes designed at the top were imposed on them through out the decades and recorded as partially successful, as they could not address the tribal needs and could not incorporate tribals' views.

Thus, the concept of tribal self-rule in India has not only been evolved from development perspective but also from deep-rooted feeling of alienation and deprivation of tribals. The voices of dissent has been rose not only from tribals, the actors for change (human right activists / organisations and intellectuals) from civil society also have raised their voice against such exploitation. All of them have articulated 'need for tribal self-rule' or interchangeably 'local self-government'. The assertion for 'tribal self-rule' is expressed with different magnitudes.

- ⇒ On one extreme, there has been the articulation of the demand for greater autonomy for tribals over their land, forest and other resources through village level as an administrative and revenue unit.
- ⇒ There has been demand for separate statehood. The demand of separate statehood in Gujarat is not as strong as in other states of India but greater awareness and demand for local self-government.

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

This Act extends Panchayats to the tribal areas of nine States, namely Andhra Pradesh, Chhatisghadh, Gujarat, Himachal Pradesh, Jharkhand,

Maharashtra, Madhya Pradesh, Orissa and Rajasthan. This has come into force on 24th December, 1996. Except Rajasthan and Jharkhand, all States have passed laws to give effect to the provisions contained in the Act, 40 of 1996.

Under the Act, Gram Sabha has been vested with powers for:

- Ownership of Minor Forest Produce
- Development plans approval
- Selection of beneficiaries under various programmes
- Consultation on land acquisition
- Manage minor water bodies
- Control mineral leases
- Regulate/Prohibit sale of intoxicants
- Prevent alienation of land and restore unlawfully alienated land of STs
- Manage village markets
- Control money lending to STs
- Control institutions and functionaries in all social sectors.

Exploring tribal self-rule or local self-government in Gujarat

The Government of Gujarat state launched PESA in 1998 but it is not implemented in SA of the state. This situation has created confusion among civil society, especially among NGOs working with and for tribals and academicians engaged in research related to this issue.

The researchers find it difficult to articulate 'self-rule' in absence of execution of the law, as people do not exercise at conceptual or at implementation level. In this case, Panchayati Raj and PESA, both need to be treated as focus points and juxtapose both; also to go beyond law and legal provisions and explore the concept of 'self-rule' in totality, that is, studying the principles, mechanism, procedures required for 'local self-government of and for tribals'.

To articulate 'local self-government of and for tribals', we have critically looked at the following aspects:

- (i) Panchayati Raj - its principles for governance, structure and functioning;
- (ii) PESA and its provisions;
- (iii) understanding traditional system of tribals for governance, and Whether traditional system of tribals and modern system for governance (PR & PESA) have commonalty or grounds for exchange;
- (iv) Views of tribals – the villages which have tried to implement PESA as well as opinions of tribals on PESA.

In context of 'self-rule' or 'governance at local level' through legal provisions, it is important to consider powers assigned to people (tribals in context of the study) and whether they are able to exercise those powers in order to achieve good governance. We have therefore tried to evolve research methods that would capture reality for the desired development of tribals in Gujarat. At this juncture, keeping tribal's underdevelopment and victimisation at centre, the concept of 'self-rule' focuses on three different yet closely inter-linked dimensions:

- (i) The 'rule' means a combination of power and execution of powers and thus 'self-rule' asserts rule of tribals. The existing laws (Panchayati Raj Adhiniyam and PESA) in this regard come under scrutiny at conceptual level, for example, principles of ruling (decentralisation, autonomy), powers assigned, powers utilised, administrative and legal procedures to exercise 'ruling', etc.
- (ii) When an act is enforced for 'rule', it is then important to assess its impact, effectiveness regarding implementation and actors in implementation, identifying lacuna / deterrents in implementing mechanism and procedures and so on.
- (iii) In context of tribals' rights and development, 'self-rule' becomes a basket, inclusive of concepts and practices. By and large, the activists criticise law, its implementation and ineffectiveness, which are based on various items:
 - (a) Powers assigned to tribals are adequate and relevant and are exercised;
 - (b) Issues related to 'governance', such as, implementing machinery and administrative and legal procedures that are supportive to tribals (least interference of government officials);
 - (c) Ability to exercise existing rights like voting, contesting election, political participation through forum like Gramsabha and Panchayat Samiti;
 - (d) Channels and means created to tribal development and whether they truly contribute to tribal's development; and
 - (e) Whether tribals are aware and capable to administer 'self-rule' and if not what and how capacity building measures should be taken.

It is important for a research study to incorporate all the three dimensions – law enforced by the government, tribals' political participation and willingness to bring about change through 'self-rule' as well as assessing existing laws, machinery and implementation.

Based on these aspects, the study compares PR Act and PESA and based on tribals' views, it concludes a few important experiences. Based on these learnings, it provides a set of recommendations for 'tribal self-rule'.

(i) Panchayati Raj - its principles for governance, structure and functioning

Responding to various crosscutting discourses for 'self-rule', the parliament of India has shaped the idea of 'self-rule' under the constitutional arena.

While defining 'self-rule', the important key words are:

- ⇒ political decentralization,
- ⇒ financial planning for carrying out development work,
- ⇒ autonomy and lesser interference of government officials in carrying out development work,
- ⇒ local leadership, and
- ⇒ ability of people to develop themselves.

In popular parlance, PR is like a bowl of salad. From people's perspective, 'ruling' is associated mainly with: (a) political; (b) administrative and financial; and (c) development work – government projects to be implemented with permission of block & district panchayat. Each point is isolated and practiced in seclusion. The associated points could be categorised as follows:

Political	Administrative and financial	Development work
Conducting democratic functions like electing people's representatives	Providing basic amenities (water, health care and primary education)	Creating infrastructure facilities (electricity, roads, transportation and telecommunication)
Organizing gram sabha	Management of natural resources like land, forest and water	Availing different government schemes

Different functions are carried out by different individuals and institutions:

- ⇒ Gramsevak provides information and Talati provides planning and support in getting funds for development work and both are accountable to the government (the Executive), not the village residents;
- ⇒ The elected representatives like Sarpanch and village panchayat members are responsible in getting funds, ensuring government employees for their effective functioning like malaria worker, female

health worker, person appointed for water works, etc. and accountable to people's and peoples' forum like Gramsabha and Grampanchayat.

⇒ Generally, the equation between Sarpanch (elected representative) and Talati (government employee) is considered to be crucial for the village residents, as one plans and another execute. But in reality, Talati remains powerful / a power centre, as s/he handles revenue, land related issues and certify families for its caste, income, type of ration cardholding, etc. S/he generally is a link between block and district panchayat level executive functions but now Sarpanch's connections with a political party or a person has also assumed greater importance and thus, other than Talati, political connections are crucial in getting funds for development work in the village.

This mode of functioning and mechanism creates confusions rather than complementary mode of functioning; these are presented here as the gaps between people, administrative functionaries and political representatives.

Each gramsabha resolutions and grampanchayat's decision for development activity face bureaucratic vagaries and wariness, corruption and political pressure for sanctioning of grant or application for government schemes. The bureaucratic red traps squeeze important aspects of 'people's rights' and 'people's powers' assigned through gramsabha and formation of gram Panchayat in Panchayati Raj Act.

This also create a larger space for contractors / middlemen, which we have elaborated here as 'Contractor Raj'. Contractor Raj has been spreading widely and gradually, is seen as one of the solution mechanism for development work on one hand while it is in fact a bigger threat in the context of 'self-rule', as it promotes corruption, money and muscle power through political linkages and politicking.

(a) Conducting democratic functions

These functions are planned and executed by government authorities, thus directly under control of these authorities. The local governance agencies or elected representatives have no role to play in planning, decision-making, organising or conducting any of these functions. This is one of the reasons for low level of awareness about these agencies and functioning, despite them being essential for democratic functioning and implementation.

Activity	Authority	Functionary at Village, Taluka, District level	Sources of fund	Confusion or Gap for responsibility and implementation
Conducting democratic functions				
Organizing gramsabha	State Government	<ul style="list-style-type: none"> ➤ Sarpanch, Gram Panchayat ➤ Government official that plans gramsabha 	Central and State government allocation	People are not aware about the following aspects: <ul style="list-style-type: none"> ➤ Political and administrative arrangements for local governance ➤ Inter-linkages and its importance between political and administrative procedures and functionaries
Conducting election	Election Commission	<ul style="list-style-type: none"> ➤ Official from Election Commission 		

This situation also creates perplexity in people's mind:

- ⇒ No component of these functions is accessible to them, no role to play and yet they are considered essential.
- ⇒ Even though people participate in gramsabha and exercise voting as a right, the planning, decision-making and implementation are in hands of bureaucracy. Gramsabha is planned by the bureaucracy and one of the government employee attends and witness Gramsabha. The financial allocation and deciding the implementation agency is under the Executive.
- ⇒ The elected representative like MP & MLA manipulate the process at higher levels, i.e. at block or district or state level, which are beyond people's reach and comprehension. Thus the nexus of politics and bureaucracy remain intact.

(b) Providing basic amenities

The mystification continues in people's mind about planning, decision-making, executing and providing finances for development activities and getting basic amenities.

As there are many implementing agencies and several government employees with multiple responsibilities create complex scenario. For example, Talati prepares budget in consultation with Sarpanch for the village(s) but the implementing agency could be Department of Education or Rural Development or Social Welfare.

The officer could verify the documents but final signing and sanctioning authority is Block Development Officer (BDO), who would be looking after all the departments. If the application of the village goes to block panchayat level planning board and later to District Planning Board and come back to BDO for final sanction. The BDO then announce for tenders to be submitted and approves the lowest priced tender. The contractor corrupts not executive also the political party or elected member like MP and MLA for ensuring that his/her tender passes. The Sarpanch or village panchayat elected member doesn't know these procedures in detail; these are beyond their reach to intervene.

There is an unholy nexus between administrative & political parties but on paper, the procedures create a picture of lack of coordination between executive (respective department) and Planning Board. The role of executive is crucial in implementation but there is no compulsion on the government official to supervise and monitor the progress or quality of the development work carried out by the contractor.

This zig-zag is complex, as nexus between political leader, contractor and government official is ever-changing and dependent on local social composition of a given geographic region. The complexity is observed at all levels - in procedures, structure and execution.

Activity	Authority	Functionary at Village, Taluka, District level	Sources of fund	Confusion or Gap for responsibility and implementation
Providing basic amenities				
Drinking water	Panchayat, DRDA, GWSSB, WASMO,	<ul style="list-style-type: none"> ➤ Sarpanch, Gram panchayat ➤ President, Taluka panchayat ➤ Project Director, DRDA ➤ District departmental officers (PIAs) 	Central and State government allocation, e.g. under Planning Commission, Ministry / Department of Rural Development	<ul style="list-style-type: none"> ➤ The Block Panchayat (BP) is supposed get plans and estimates from village Panchayat (VP) prepared in Gramsabha and should consolidate it to prepare plan and estimates of BP.
Pre-primary Education	Integrated Child Development Scheme	<ul style="list-style-type: none"> ➤ Anganvadi worker ➤ Child Development Project Officer (CDPO) 	Allocated Departmental budget	<ul style="list-style-type: none"> ➤ The DRDA and other PIAs are supposed collect plans from VP for selection of villages and amenities should be provided as per the priority of BP
Primary Education	Education Dept.	<ul style="list-style-type: none"> ➤ Sarpanch, Gram Panchayat ➤ Block, District Education officer ➤ Road and Building Department ➤ Social welfare officer for individual benefits e.g. Scholarship 	Allocated Departmental budget	<ul style="list-style-type: none"> ➤ BP does not necessarily consult DRDA and other PIAs for planning and selection of villages and not follow the plan and estimates prepared by VP in implementation.
Primary Health care	Dept. of Health	<ul style="list-style-type: none"> ➤ Female Health Worker ➤ District Health Officer 	Allocated Departmental budget	<ul style="list-style-type: none"> ➤ PIAs are not transparent to the VP about implementation process and various criteria.
Malaria prevention	Malaria prevention board	<ul style="list-style-type: none"> ➤ Malaria worker ➤ District Health Officer 	Allocated Departmental budget	

During FGDs, most tribals reported knowing Talati and Sarpanch but not able to differentiate them as ‘government employee’ and ‘elected representative’ respectively.

- ⇒ A few tribals know about BDO as sanctioning authority but do not know in which circumstance BDO should be approached, i.e. for individual benefits or village development work.
- ⇒ Similarly, some tribals informed that the Gramsevak can help them in forming SHG and in starting income generation activities but they do not know beyond Gramsevak and have no knowledge of responsibilities of block or district level officer in providing financial support for income generation activity.
- ⇒ Tribals receive financial assistance / scholarship for primary education of their children in government run school at individual or family level but know little about role and responsibility of the Education Inspector. They therefore cannot complain or approach Education Inspector for getting quality education or proper facilities in primary school. However, for getting sanitation facility or building a new room, one need to approach Department of Water and Sewerage and Department of Road and Building; very few tribals are aware about such nitty-gritty.

(c) Creating infrastructure facilities

The procedure and mechanism for getting infrastructure facilities are similar to get basic amenities; equally multi-part, intricate and cumbersome.

Activity	Authority	Functionary at Village, Taluka, District level	Sources of fund	Confusion or Gap for responsibility and implementation
Creating infrastructure facilities				
Village Electrification and Public Electricity (Street light)	GEB	<ul style="list-style-type: none"> ➤ Sarpanch, Gram Panchayat ➤ Executive engineer of local GEB branch 	<ul style="list-style-type: none"> ➤ Allocated Departmental budget ➤ Panchayat's revenue ➤ State Govt. support through Social welfare Dept 	<ul style="list-style-type: none"> ➤ Either the respective department approach village for implementation or the village has to approach concerned department and

Crematory or Graveyard	Gram panchayat	<ul style="list-style-type: none"> ➤ Talati ➤ Mamlatdar ➤ Deputy District collector 	<ul style="list-style-type: none"> ➤ MLA and MP grant ➤ Panchayat's revenue 	<ul style="list-style-type: none"> fulfill requirements of eligibility. ➤ The eligibility criteria are decided by the department, which may not be people-centric. ➤ Implementation is preferred through Contractor and no provision for maintenance of the respective facility. ➤ The Sarpanch has to be dependent on the contractor, no supervision or monitoring on contractor's work – either by the people or govt. officials.
Transport	GSRTC	<ul style="list-style-type: none"> ➤ Sarpanch, Gram panchayat ➤ President, Taluka panchayat ➤ District Road Transport Officer 	Allocated Departmental budget	
Public Distribution system	Food Corporation of India – state level body distributes goods	<ul style="list-style-type: none"> ➤ Sarpanch, Gram panchayat ➤ Retailer 	Central and state government	

- ⇒ For availing government schemes by an individual or a family, the aspirant has to collect the application form from concerned agency, mainly located at block or district headquarters.
- ⇒ The government scheme could be for individual or group / community or for the entire village; different scheme is launched by different project sponsoring agencies and they decide their own criteria and do not necessarily has any relationship with planning of Gramsabha. For example, district Panchayat and DRDA both are district level authority, but district Panchayat, which is an elected body, does not has any say on the project formulation and delivery process of DRDA. Thus, the DRDA bureaucracy can easily underestimate the Panchayats.

The following table provides detailed information on confusion, lack of coordination among different departments and sponsoring agencies as well as problems at implementation level.

Activity	Authority	Functionary at Village, Taluka, District level	Sources of fund	Confusion or Gap for responsibility and implementation
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Availing different government schemes	Dept of Social Welfare, Dept of rural development, Dept. of Forest, Dept. of Agriculture Development, Dept. of Irrigation Development. Dept of Revenue	<ul style="list-style-type: none"> ➤ Sarpanch, Gram Panchayat ➤ Gram sevak ➤ PIAs worker ➤ President, Block and District Panchayat ➤ Project Director, DRDA ➤ District Departmental officers 	Central and State government allocation under specific scheme Tribal sub-plan Project implementation agency (PIA) allocation	<ul style="list-style-type: none"> ➤ For each scheme, the applicant has to be in touch with different government department ➤ There is no coordination among these departments and hence no official would help the applicant if the application is concerned to another department. ➤ Lack of awareness among people means no benefit. ➤ The district Panchayat, which is an elected body, does not has any say on the project formulation and delivery process of the concerned department
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- ⇒ Gramsevak and Talati are government officials appointed for spreading awareness and facilitating benefits of the government schemes.
- ⇒ Sarpanch as village head and an elected representative could also help in availing scheme.
- ⇒ Educated youth work like 'agents' or 'mediating person' that take charges for writing of application, submission of filled form, getting benefit of the scheme.

No scope for self-rule under conventional Panchayatiraj

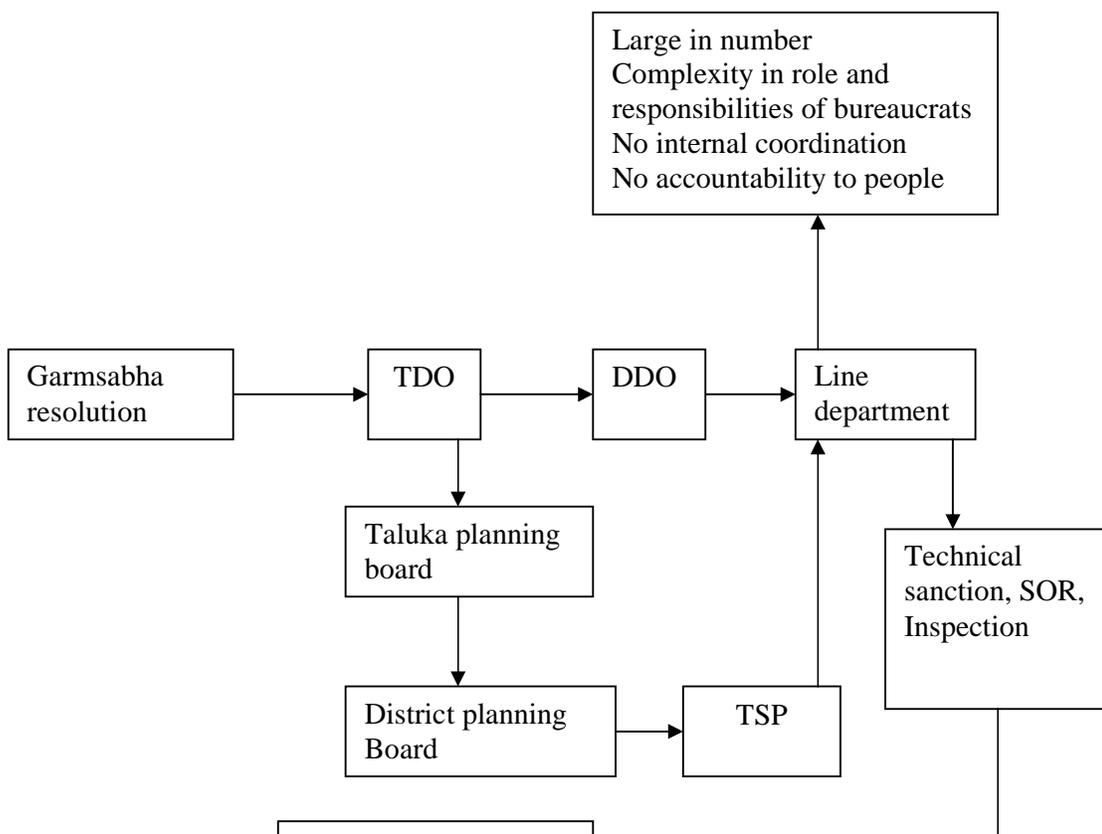
The panchayatiraj failed to bring any qualitative changes in governance in tribal areas. Self-rule under panchayatiraj is nothing but a bureaucratic

insult to natural inexperience of tribals to administrative complexities and a mockery of peoples' demand for self-rule. The major constraints of panchayatiraj at tribal areas are given in the following table-

Functions	Constraints
Conducting democratic functions like electing people's representatives	Administrative arrangement has no place for community
Organizing gramsabha	
Providing basic amenities (water, health care and primary education)	The process beyond gramsabha is zig-zag and complex. Lack of coherence of line departments.
Management of natural resources like land, forest and water	Many authorities, less space
Creating infrastructure facilities (electricity, roads, transportation and telecommunication)	Intricate and cumbersome Politics and contractor raj
Availing different government schemes	Lack of transparency and information flow

following by Talati and Sarpanch.

- ⇒ A few tribals had collected information from agents and block Panchayat offices directly.
- ⇒ Most of the tribals shared that if one person is benefited, that person becomes either guide for the others or people try on their own to get benefit of the same scheme with other sources; if someone knows Sarpanch or an agent well, then they seek help from them.



- ⇒ The government machinery does not seem to be effective at village level for providing benefit of any government scheme.
- ⇒ Awareness about various government schemes is high among those tribals who have greater interaction with non-tribals or powerful tribal leaders and lobby. Level of awareness is low in the interior villages with little or no exposure to outsiders or non-tribals.
- ⇒ Comparatively, awareness about housing scheme is the highest followed by business support scheme (financial assistance for milching cattle, poultry farm) and employment guarantee scheme.

The above facts interpret that the information are mainly disseminated by informal sources. Benefits of housing schemes are directly visible and hence are quickly spread among the villagers. As the benefits of other schemes are not possible to know if the beneficiary does not share willfully villagers are not aware about such other schemes.

Contractor Raj prevails and rules in this regime

At village level, the Sarpanch has to get an approval for building a room in primary school from the Department of Road and Building. Before approval, a resolution is required of the Department, which should be forwarded to Block Panchayat and Block Panchayat then forward it to District Panchayat Committee for approval. The District Panchayat Committee then sends the proposal to the District Development Officer (DDO) and that officer looks at the budgetary provision. This is a cumbersome process. Unfortunately, most of the times, the DDO sanctions the proposal if the Sarpanch has good political connections with MLA or MP or political party.

How contractor enters scenario and rules

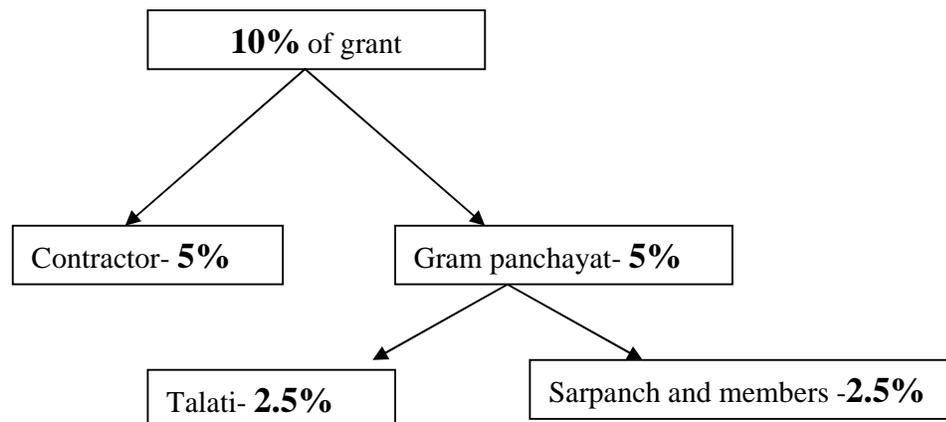
- Either the respective department approach village for implementation or the village has to approach concerned department and fulfill requirements of eligibility.
- The eligibility criteria are decided by the concerned Department, which may not be people-centric.
- Implementation is preferred through Contractor and no provision for maintenance of the respective facility.
- The Sarpanch has to be dependent on the contractor, no supervision or monitoring on contractor's work – either by the people or govt. officials.

Sarpanch expressed that the Contractor Raj is impossible to eliminate unless development grant is directly deposited to Grampanchayat, in its accounts. The contractors have made inroads to the existing bureaucratic arrangements, especially of sanctioning the grants to the Grampanchayats for any developmental activity.

A Sarpanch of Bhadam village of Narmada district informed: “It is an unwritten rule in Grampanchayat to keep aside 10% of any grant received from the government. Prior this stage, a share of the bureaucrats at taluka level has already been deducted from the approved grant amount along with the share of taluka panchayat members. The amount that Grampanchayat keeps aside is then shared among various partners, namely contractor, Talati, Sarpanch and Grampanchayat members...The share of gram panchayat members is not given in percentage but as per the will of the Sarpanch and involvement of the members. Generally, a Grampanchayat members receive Rs. 200-300/- per development work. As per the official rule, the Grampanchayat cannot appoint a contractor for any work of less than Rs. 80,000/- and there are a very few work for which panchayat receives grants more than this amount. Therefore, official scope of involvement of contractor in utilizing government grants is very less.”

In an FGD with 5 sarpanch, they informed that a well-designed arrangement of percentage share has been worked out over a few years and therefore it is impossible to implement any development work without involving a contractor.

We have tried to depict this with the following diagram:



One of the Sarpanchs expressed: “Any Sarpanch works actually as a full time official at Grampanchayat without any remuneration from government; and even in some cases they does not receive travel expenses for participation in events like submission of proposal to taluka panchayat for development work of the village. Therefore they cannot ignore the percentage share arrangement for the sake of their own survival.”

(c) Managing natural resources

Till now, no village is allowed to manage resources on its own under Panchayati Raj; PESA has introduced this concept but has remained on paper.

Several lacuna and loopholes have been discussed in the report, as no judicial or statutory powers are assigned to Grampanchayat. Moreover, respective law has to be amended in light of each natural resources and common property along with procedures for implementation, responsibility of the government officials and empowering village level elected representative.

Activity	Authority	Functionary at Village, Taluka, District level	Sources of fund	Confusion or Gap for responsibility and implementation
Management of natural resources	Panchayat, Dept of Revenue, Dept of forest	Sarpanch Gram panchayat Talati Mamlatdar District Collector	Allocated Departmental budget	People do not have any idea about the role of various authorities for management, utilization and mobilization of local resources

From the above analysis it can be inferred that:

- ⇒ In articulating role and responsibilities of various functionaries, tribals consider them as external agency whose locus of control lies outside the village, more likely on the hand of higher authorities and political leaders. Therefore, they do not think deeper about the accountability of the functionaries to the village people or the government officials.
- ⇒ Incapability of tribals in distinguishing the role and responsibilities of Sarpancha and Talati and has little idea about the role of elected panchayat members indicate that they are more acquainted with the government officials rather than the people’s representative. Gramsevak too is mainly viewed as a source of information and agricultural input provider.

- ⇒ Tribals have little idea about the Revenue Department; the views are limited only to the role of revenue collector who collects revenue for cultivation of land. In this situation, it is obvious that tribals do not see any right vis-à-vis government for land ownership and cultivation.
- ⇒ The tribals do not see any role of the functionaries in local level planning, implementation and monitoring of any developmental activities; rather they see these roles in hierarchy of the State machinery.

Little or no awareness about management of local resources make tribals confused and subjugated to State machinery. Two distinct reactions were observed:

- ⇒ Most of the tribals in north Gujarat (Panchmahal, Sabarkantha and Banaskantha districts) shared that: “The forest should be managed by the Forest Department; otherwise we would destroy it for fulfilling our needs of fuel, construction of house and income generation.”
- ⇒ The tribals residing in south Gujarat, however, strongly rejected the idea, reaffirming that the forest should belong to tribals. They said: “It is the government which has promoted contractors (non-tribals) who do not respect forest and natural resources available in the forest. They are the cause of destruction of forest because of their greed and unholy beliefs of exploitation...Any true tribal will definitely provide strong support in conserving forest, as it is our ‘mother’ who sustain us.”

They also argue that the tribals have not destroyed forest but the nexus of the government and contractors is a causative factor and hence to conserve forest, it should belong to tribals, as it is sacred for them rather than to contractors for whom it is a commodity for commercialisation.

(ii) PESA and its provisions

Gujarat government promulgated an ordinance on 20th December, 1997 to bring the Act of 1993 in conformity of the PESA, 1996. It was later replaced by the Gujarat Panchayats (Amendment) Act, 1998. Tribal area consists of 5,055 villages in 33 talukas in seven districts with a tribal population of about 62 lakhs.

The Act stipulated that:

1. MFP of the forest area under the jurisdiction of a village shall form part of the village fund.

2. Taluka Panchayats are to be consulted before acquiring any land for any development project, and before resettling of rehabilitating persons affected by such projects.
3. There shall be reservation of 50 per cent seats for tribals in all tiers of Panchayats.
4. Duties of village Panchayats have been expanded to include planning and management of water bodies.
5. The duties of Taluka Panchayats have also been expanded to include control of local plans and resources for such plans including the tribal sub-plan.
6. Bombay land revenue code, 1879 has been amended to protect scheduled tribes.
7. Bombay land revenue code, 1879 has been amended to give primacy do district Panchayats over the collectors.

Gujarat, in spite of its long tradition of Panchayati Raj, has not been very successful in providing to its village level institutions, the functional and financial autonomy, which is integral to self-governance. Watering down of recommendations of the Bhuria Committee points towards the reservation of the state in reducing its hold over the local institutions and Gram Shabha. (Narwani: 2004)

The PESA, 1998 is not implemented in Gujarat and therefore the write up is of theoretical nature rather than empirical, except a case study of Motidabas village of Dang district. The second phase of the study aims to generate greater data through survey and interviews of tribals from different areas of Gujarat state.

A) People's initiative under PESA and role of bureaucracy

A case study of Motidabas village in Dang illustrates:

- ⇒ An initiative taken by gram panchayat to execute PESA, its nitty-gritty and uncooperative role of bureaucracy.
- ⇒ Articulating various concerns in implementing PESA, especially the bureaucratic control over gram panchayats.
- ⇒ Despite a clear instruction in PESA for least intervention / interruption by the government officials, the bureaucracy continued to overpower decisions regarding Grampanchayat and its development rather than supporting an effort towards self-governance and self-reliance.

B) PESA, Land and Government

Section 4 (i) of PESA 1996 states that the Gramsabha or the Panchayat at the *appropriate* level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before

resettling or rehabilitating persons affected by such projects in Scheduled Areas; the actual planning and implementation of the projects in Scheduled Areas shall be coordinated at the State level.

- ⇒ The 'appropriate level' is defined in Gujarat as Block Panchayat. But the law stating only about 'consultation' with Panchayat, not about consent and even the significance of recommendations of Panchayat during the consultation is not clear in the law.
- ⇒ Further, the law makes a vague stipulation that the actual planning and implementation of the projects shall be coordinated at the State level. It has no indication about mechanism of coordination between the project authority and the stakeholders.
- ⇒ In fact, if the Panchayat has no role to play in planning and coordination process of any land acquisition initiative, this important section of the Act maintains status quo and super-imposition of the bureaucracy, leaving no room for practical action towards self-governance and self-reliance.

Land acquisition from tribal areas and displacement of tribals

With regards to development projects, one needs clarity on project authority, its roles and responsibilities and its functions through different government departments / authorities like forest ministry, municipal bodies, railway ministry, highway authority etc. and the stakeholders with regard to land acquisition, extent of displacement, compensation and rehabilitation etc, could face several problems. PESA is completely silent about the legitimate areas of such existing laws in execution of PESA.

Forest villages versus Revenue villages

PESA is also silent about how to legitimise or de-legitimise the status of the tribal villages that are within the forests and as part of revenue since over centuries. The controversies are raised as and when a bill is proposed with regard to tribal, forest and / or natural resources like land and its regularization. In light of implementation, such policy and legal issues are raised, emphatically expressing tribal's perspective and worldview. The amendments in Forest Conservation Act, 1927 passed in lower house of the parliament on tribals (December 2006) considers the tribal people living in forest areas as encroachers. In such cases, it is not understood that how PESA will safeguard tribal rights.

This is how the PESA does not prohibit state authorities in exercising powers as they did before the enactment of the Act. The politics,

bureaucratic red traps and corruption has the same authorities to play even after enactment of the Act.

Many villages in Mandvi taluka of Surat district belong to the jurisdiction of the Forest Department and the entire village, including the houses is considered as 'forest village' (a village on forested land).

- ⇒ Any development activity is carried out exclusively by the Forest Department through special development programmes.
- ⇒ The villagers have to pay rent for agricultural land (allotted on lease) each year to forest department.

Simultaneously, the governing system of the gram Panchayat also exists in these villages, and villagers have to pay house, water and electricity taxes to gram Panchayat.

Right over forest land – for cultivation, afforestation

It implicates that these forest dwellers have no rights on forestlands that they cultivate or the forest produce that they collect. It is also evident that government easily evicts such forest dwellers and they do not get any compensation for the land they loose. It is not clear whether PESA makes a point on such 'forest villages', which belong to the jurisdiction both, the Forest Department as well as the Revenue Department, and yet they bear the brunt from both the sides. In this light, PESA has very little relevance to larger tribal population. And if it is holds good for tribals, it is not clear what role gramsabha or panchayat can play planning and implementation developmental programmes in coordination with the Forest Department.

C) PESA, Forest and Government

The Gujarat state version of PESA has vested the ownership of minor forest produce found (except in National Parks and Sanctuaries) in forest, as is situate in the jurisdiction of that village, to the Village Panchayat and the Gramsabha.

Minor forest produce

The general practice is, an individual collects the minor forest produce (MFP) and sells them to either the Forest Department or the market agents. This is in practice since several decades, i.e. even before enactment of PESA in 1996. One needs to verify the legality for collection and marketing of minor forest produce under Forest Laws and Departmental Charters and through what mechanism PESA can endow ownership of minor forest produce to gramsabha and grampanchayats in consonance with the Forest Laws.

There are mainly two confusions regarding MFP in PESA.

- (i) The list and definition of the MFPs: The cane and bamboo are excluded in PESA. This is contrary to the commonsense definition of MFP, which is 'that part of a tree that can be sustainably harvested without damage to the survival of the tree.' More significantly, it denies access to poor tribal artisans to two types of MFPs on which their livelihood is most critically dependent. On the other hand, many State policies have subsidized bamboo for private industry. The Gujarat Forest Policy should be verified for the industrial use of cane and bamboo.
- (ii) Interpretation of the concept of 'ownership of MFP': Those who wish to maintain status quo, views it as "the ownership does not provide Gramsabha the right to take any decisions related to stewardship, management or sustainable harvesting of MFPs" while the gamut of empirical evidences, from the national and international experience of JFM and community control of forests, claims that the exercise of 'ownership of MFPs' by Gramsabha; this version would inevitably lead to a destruction of forests. Therefore, 'ownership' as defined in PESA is reinterpreted to mean the right to net revenues from MFP, after retaining administrative expenses of the Forest Department. These interpretations have almost killed the concept of ownership and control of local resources by Gram Sabha. This should be verified with the Gujarat state version of PESA.

Joint forest management

The joint forest management (JFM) system is in place at various places in Gujarat and yet it needs to be clarified in light of PESA, about the linkages, mechanism, procedures and demand and supply.

D) PESA: Panchayat and Governance System

PESA endows many powers to gramsabha and panchayats:

- ⇒ Enforces prohibition and regulates the sale and consumption of any intoxicant;
- ⇒ Prevents and takes action against alienation of land;
- ⇒ Manages village markets, exercises control over money lending, etc.

Many of such powers are executive and judicial in nature. There is no mechanism or procedures indicated or prescribed by PESA for execution of or for exercising such powers. For example, if sellers of intoxicant do business under legal provision of existing laws and pay duties to the government, how Panchayat can prohibit or regulate the sale and consumption of intoxicants within the village.

Similarly, to exercise control over money lending, the Panchayat must have power to enact a law. To execute the powers endowed by PESA, a Panchayat body needs executive, judicial and to extent certain police powers. But, neither PESA directs the State authorities to delegate such powers to Panchayat nor the State government has developed any administrative arrangement so that Panchayat can entertain powers provided by PESA. Thus these progressive thoughts and provisions remain on papers.

There are parallel institutions like the 'Van Samiti' or 'Van Mandali' (Joint Forest Management Committees (JFMC), Village Education Committees (VEC), Watershed committees etc., which are active in the villages belong to scheduled areas. These committees also deal with some sponsored projects either of the Government and / or Non-Government sources. A few of the committees are formed and monitored directly by the Project Implementation Agencies (PIAs) viz. Department of Rural Development Agency, Forest Department, Non-Government Organizations (NGOs) etc. NGOs utilizes fund from both, the Government and the Non-Government sources. PESA empowers Gramsabha and Panchayat to exercise control over local plans and resources including Tribal Sub-Plans, but it has no indication how to control over these parallel institutions and implementation of development program funded through non-Panchayat channels. Field investigation shows that Panchayats have no coordination with such parallel institutions and they are no way accountable to Gramsabha or Grampanchayat.

Thus, the present form of governance system under PESA does not provide much space for self-governance and converts gram panchayat to another project implementing authority (PIA) rather than a governance authority.

The critique of PESA identifies the gaps of the proposed system of governance along with the confusions at conceptual and implementation level, which are the major hindrances in self-rule and local governance for self-reliance. The following details on Panchayati Raj identify the gaps and prevalent confusions due to which the tribals are deprived of their social, economic and political rights and further marginalized through existing legal and administrative provisions. In addition, lack of awareness and information in people's mind makes self-rule unachievable.

TRIBALS' INITIATIVE TO MANAGE VILLAGE UNDER 'PESA'

Conflict between Tribals and Forest Department

Motidabas is located at a distant of 50km away from Ahwa, district headquarter of Dang district. It is part of group panchayat, which includes in all 7 villages: Nanidabas, Nirgunbhad, Kandolghodi, Lahinchariya, Motachariya, Chikhpada. The panchayat office is located at Lahanchariya and sarpanch is from the Nirgunbhad village.

The village comes under revenue area but surrounded by forests. People were traditionally depended on forest for timber and some non-timber forest produce. Dependency on non-timber forest produce was less since each of the households has small patch of agriculture lands; they were traditionally collected timber for construction of houses. There is a belief passed across the generations that the kings of the Dang given only those areas to the British where human and animals does not moves, that is the peaks of the hills, and adivasis has rights over the remaining areas. The villagers were never happy with the idea that forest should be remained with the forest departments.

The Forest was initially under state list but in 1980s, it was shifted to concurrent list, Forest laws were amended and since then the Forest officials (DFO, ranger, bit guard, etc.) have become more powerful, in the name of conservation of forest. The conflicts with people, especially tribals have increased significantly; some problems are solved with bribing forest officials, some with paying penalty (ranging between Rs 50 to 1500), some with rebel and protest, and some silently; however, many have still remained unsolved with legal action and slow judicial processes. In Dangs, the forest officials are more repressive, as it has the largest forest cover and more than 90% is tribal population.

Moti Dabas village is an exception in matters of unity, collective decision-making and action. In 1993, a police patel and his wife had gone to the forest for collecting wood for their newly constructed house. Soon they were caught by forest bit gourd and within few minutes 25 forest official including forester and the ranger gathered in the place and encircled them, threaten them to beat and kill. The police patel shouted loudly and called the villagers. All the villagers ran into the place and made them free.

Awakening and assertion for rights with support of human rights activists

The human right activists started their activities through awareness generation on land and forest rights, organizing people in 1989. A community based organization was formed named 'Adivasi Kisan Hakk Sanrakshan Samiti'. Several tribals joined another people's *sangathan*

(organization) named, 'Dangi Lok Adhikar Samiti', which was later affiliated with state level network (Adivasi Mahasabha) on tribal issues.

Later since 1997, the legal awareness and support was provided through Centre for Social Justice (CSJ), a NGO located at Ahwa. Three (Rameshbhai, Pastiyabhai and Subhasbhai) educated (secondary education) youths took the leadership to fight for their rights in form of attending training camps, collective actions and creating networking with tribals residing in other villages; also started organizing meetings in their own village, spreading information about various laws and provisions for tribals and situation of tribals in other parts of Gujarat. Gradually they became a member of a tribal organization - Dakshin Gujarat Advasi Sangathan - DGAS (South Gujarat Tribal Organisation).

Implementation of PESA in Motidabas

The people of Moti Dabas were aware about Bhuria committee since its formation through human right activists. The trio with the help of the activists and CSJ workers called a meeting in the village to inform about the provisions of PESA in 1999. After two consequent meetings, the villagers were ready to implement PESA, especially, exercising powers assigned to Gramsabha. On 11th October, 1999, the Gramsabha passed a resolution with the sign of about 200 people; a committee with eight members was formed.

Before imposition of tax, the committee prepared four sets of documents on PESA and the resolution passed by the Gramsabha. All these documents were submitted in person to: (i) The District Collector; (ii) Mamlatdar (Revenue Head of Block); (iii) District Forest Officer; and (iv) District Superintendent of Police. Acknowledgement receipt was collected from each official.

Resolution passed by the Gramsabha on 11th October, 1996

Resolution1:

To impose a tax on the collection of sand from riverbed of Khapri. Rs. 25/- per tractor and Rs.50/- per truck would be collected. Lahanbhai was given responsibility to collect the tax and issue receipt against it.

Resolution2:

A letterhead and a receipt book to be printed on the name of the 'Motidabas Gramsabha'

The village started collecting tax on sand from October 1996; at the end of the first year, in all Rs. 8,000/- were collected. The collection was reduced to Rs.1500/- in the next year and then to Rs.800/- in the third year. This taxation continued till 2003 and at the end of the year the committee decided to stop collection of tax.

The money collected from tax was not deposited in a bank account but kept with Lahanabhai, who collected tax. However, he informed time to time to the eight-member committee and details were shared with villagers in Gramsabha. Gramsabha was held tri-monthly and utilization of fund was decided in gramsabha. The expenditure made from the collection was as follows:

1. Payment for printing letterhead and receipt book, stamps and other stationary
2. Purchasing of a set of Cricket
3. Purchasing a set of volleyball with net
4. Expenditure made for to and fro and convenience to send villagers to participate in various events organized by CSJ and DGAS
5. Purchasing pans and utensils required in celebration festivals
6. Contribution for celebration of Christmas by Christian community and adivasi festival by the rest

Even though taxation is now stopped, it however does not mean the end of implementation of PESA in the village. The villagers are still interested to impose tax if a viable number of trucks would come to collect sand.

The consecutive Gramsabha has passed the following resolutions:

- ⇒ On selling and consumption of alcohol: Preparation of alcohol is allowed for self-consumption and selling of it within the village.
- ⇒ Prohibiting entry of police into the village during celebration of festivals and arresting for consumption of alcohol.

Response of Bereaucracy to the people of Moti Dabas village

- ⇒ In October 1999, when representatives of the village Committee met the District Collector, he responded positively and appreciated their initiatives orally.
- ⇒ The response from the Mamlatdar was very reactive, saying that he is not aware of any such law and whatever the villagers are doing is illegal. No Gramsabha has power to impose and collect tax and pay receipt on their letterhead.
- ⇒ The DSP accepted the application without commenting on it. The DFO asked what the Collector has said. When the group shared the Collector's response, he did not ask further and accepted the application.
- ⇒ The role of BDO was very supportive and enthusiastic as tribal about such initiative.

⇒ The DFO provoked the contractors that whatever the villagers are doing are illegal and they should not pay tax to the villagers. The villagers came to know about this by the drivers of trucks who came to collect sand.

No government officer made any harm to the villagers of Moti Dabas; their role was passive and discouraging.

Role of Panchayat

People of Moti Dabas were aware about its existence as a village belonging to group Panchayat; they never associated any other Grampanchayat belonging to same group Panchayat. The Gramsabha of Moti Dabas totally bypassed other villages in group panchayat and superseded them for collection of tax on sand. The reason behind lies in the history of people's struggle against the Forest Department and consecutive momentum gained from activists and the tribal movement.

⇒ At first, the response of the Panchayat towards the initiative of people of Moti Dabas was not supportive and the sarpanch said that the act of the villager is illegal. The Gramsabhas held during the period 1999-2003 were conducted by people of Moti Dabas in the leadership of the eight member committee, where no elected Panchayat representatives ever attended it. The resolutions passed in the Gramsabha were directly sent to other village Panchayats in group through the committee.

⇒ The nearby Grampanchayats and taluka panchayat members called this initiative as illegal act. Within one month of imposition of tax five sarpanch of Shyamgahan, Jakhana, Narodchand, Ghotiatar and Jakhana grampanchayat went to meet DFO and complained against the people of Motidabas. But the DFO made them understand about PESA and said that it is not an illegal act. After that no official action was taken by these Grampanchayats to stop taxation.

⇒ The Block Panchayat members approached Mamlatdar to take action on the people of Moti Dabas, which is hearsay.

Present status of the gramsabha

The independent Gramsabha meetings are stopped after 2003. Instead the Gramsabha is converted to *official gramsabha*, meaning it is organized officially by Grampanchayat and government officials attend it. The agenda, time and place are decided by group Grampanchayat, like usually done under PR Act.

The harassment by the forest officials has continued on families, who are cultivating forestlands. The latest one is that in October 2006, the DFO, SRP and a team came in to the village and destroyed entire crops farmed

in the forestland. They also had beaten up a woman. After this incidence, the village residents are panic; however, continued to fight for get ownership over the land, on the basis of recently passed Recognition of Forest Rights of Tribal (and Other Forest Dwellers) Act 2006.

Impact of Moti Dabas initiative

The above case study infers to enlighten many concerns in implementing PESA. The bureaucratic control over Grampanchayats is one of such a concern.

Despite least intervention / interruption by the government officials promised by PESA, the bureaucracy continued to overpower decisions regarding gram Panchayat and its development rather than supporting an effort towards self-governance and self-reliance.

- ⇒ The impact of Moti Dabas is now seen to be reflected at many other villages in Dang district. One of such village is Bhkapal, where people boycotted official Gramsabha when their demands were not recorded as Gramsabha resolution by the government official present in Gramsabha. The village residents continued the boycott and insisted to record their demands as Gramsabha resolution, which compelled the District Collector and the DSP to visit the village and accept their demands as Gramsabha resolution for development work in the village.
- ⇒ Similarly in other villages (Dabhdar, Chikar, Ghodi, Javra, Bhangri and Tedkhambla), tribals are active to make Gramsabha more vibrant and acceptable by the bureaucracy. Some of them are passing resolutions to collect wood from the forest for construction of own houses.

(iii) Understanding traditional system of tribals for governance in context of PR & PESA

Theoretical analysis of PESA and field exploration elucidates many challenges to exercise tribal self-rule on the ground of multiple reality of tribal sociology in Gujarat. Some of the major challenges are illustrated here.

A) Traditional system of tribals for governance and self-rule

The social composition of tribes as well as intra and inter tribe hierarchy affects the process of creating local self-government of and for tribals. Each tribe has different set of rules and mechanism for governance and justice delivery and therefore a unified system for governance in different region and with different tribes is not observed. This is also one of the limitations of the modern system for governance, as it treats all tribes in a unified manner.

While talking about modern system for governance, 'village' is a unit and different tribes reside in each village. Thus, we need to understand intra-tribe and inter-tribe composition in a village, as cohesiveness determines the socio-cultural composition of a tribal society around a common habitat. When two or more tribes coexist in a village, there is rarely any platform exists where all the tribes get together to handle any socio-political affair. Generally, the tribe higher in hierarchy or greater in number generally maintains supremacy over other tribes in a village and cluster / geographic region.

- ⇒ The mainstream society and the Executive accept the village as an entity for governance, which overlooks ground reality, i.e. its composition, undercurrents and inherent qualities. The socio-cultural isolation and internal hierarchy restrict different tribe's participation in common affairs and sharing facilities. Even within a particular tribe, there are hierarchical sub-tribes and traditional chief-men-ship and these practices restricts a true democratic decision making process within any tribe.
- ⇒ The abiding to follow customary norms and values are stronger than management of and regulation of common resources through modern norms, which are alien to tribes to some extent. Therefore, only those have succeeded who are able to overcome traditional norms and have learnt the techniques to align with political parties to impose political agenda.
- ⇒ It is still very difficult for most of the tribe members to overcome the traditional and accept the modern values or to learn the blending of the two. This situation is generally interpreted as 'ignorance' or 'lack of awareness' of tribes regarding political structures, processes and their rights. Subject to such socio-cultural complexities of tribal society 'self-rule' must be elucidated in more minuscule level.

The traditional system of tribals is its *panch*, chiefdoms, and norms and practices on social, cultural issues.

- ⇒ The jurisdiction of *panch* includes the following matters:
 - A justice delivery mechanism
 - A regulatory body for social, cultural affairs - rituals related to birth, death, marriage, religious and cultural festivals
 - Resolving conflicts arise from ancestral property distribution, land, physical and psychological harassments, violation of social norms, divorce etc.

The community accepts the justice delivered by the *panch* without questioning it. The members of *panch* are considered to be wise, impartial and trustworthy and generally the *panch* membership continues through his lineage and hold discretionary powers to deliver justice or regulation of norms and practices. The geographic territory of this *panch* is as wide as its membership.

Can traditional system of tribals be adopted for self-rule in modern time?

In whatever form, in retrospect to the tribal traditional governance system, the tribal society in Gujarat was primarily of feudal nature without leaving any room for common population in decision-making process. Thus, tribal self-rule based on traditional practices need be viewed from a democratic angle with caution.

a) Effectiveness of *panch* as a system

Navasarjan Trust (an NGO) working in Suart district has channelised legal affairs and assistance through *panch*, as they try to resolve the disputes at village level rather than going to judiciary, which is long-drawn and expensive. The Navsarjan promotes *panch* based on two concepts:

- ⇒ Internal affairs are handled by the respective *panch* of each tribe while the cross-tribe affairs are handled by village level *panch*, i.e. by five wise and impartial persons; and
- ⇒ Negotiations between the *panch* of respective tribes or families, which takes place at local level and therefore the justice delivery is tribal-sensitive, reflects ground reality.

The concept of 'governance' and 'management' are common to 'self-rule' and *panch*; the affairs dealt by *panch* and Panchayat are however different. The way of functioning and effective of *panch* needs to be incorporated in modern thinking and institutions, especially Panchayati Raj Institutions for local self-government of and for tribals.

Panchayati Raj promises to bring about development of tribals through democratic, political and administrative procedures and mechanism. As the governance is considered to be impartial, the hierarchy and divisionary factors among tribals need to be leveled. The traditional norms and practices should be in tune with modern thinking, modern institutions and should provide scope for blending rather than super-imposition or separate entity.

b) Geographic spread of tribe and social composition of a village

Another challenge is 'geographic spread of a tribe'. Even though, tribals have distinct geographical spread, it is not likely that they are organized by location and follow common customary practices based on geographical location. Across Gujarat, social cohesiveness within a tribe is much more than the cohesiveness within a village and therefore bringing different tribes living in a village through democratic processes for developmental, economic and political activities is difficult. For example, in Chametha village of Naswadi taluka of Vadodara district, Bhils, Nayak and Tadvis lives as per their own social norms with non-tribals like Muslims in the same village. Tadvis have been rehabilitated by Sardar Sarovar Nigam and newer residents compared to Bhils and Nayak. They are more close to their clan living in Bharuch district rather than in the same village.

More significantly, villages in Dang are more open for inter-tribe harmony, all tribes living in the same village participates in each others rituals; for example, Koknas maintain social relationships and depend on Koknas living in Maharashtra to perform rituals. Therefore, the administrative geographical boundaries viz. village, taluka and districts become irrelevant regarding interdependence on socio-political, cultural and religious homogeneity.

Thus, if 'self-rule' or 'local self-government of and for tribals' is executed at the village level i.e. on the basis of geographical locations, this will overrule the harmonization of socio-political feature of tribal society with administrative system and this ignorance, in fact, has impinged seriously the idea of self-rule. Therefore, viewing it from the angle of victimization and underdevelopment, this kind of administrative system has ended up in geographical marginalisation of various tribes rather than their integration, empowerment and development.

Disintegration of tribes on geographical basis will rule out collective resistance to existing State exploitation, Contractor Raj (rule of contractors and middlemen) and business community's vested interests on natural resources.

c) Social transformation of tribal society and Self-rule

The tribal society in Gujarat is under rapid social transition and hence the customs and values are also changing with time at faster pace. Many prosperous tribal families are now following modern customs and values from the larger society along with traditional ones. They have also learnt, to some extent, political and governance processes under the influence of

non-tribals and to respond their development needs through the Executive.

Most of the tribal families are struggling to survive, as they are confused between the role and capability of traditional management systems versus modern, legal and politicized systems for natural resource management. Many of them therefore practice both and accept them as part of life. For example, Kotwaliya of Umarpada taluka continue to bring bamboos from nearby forest areas, knowing well that it is illegal; some of them have registered themselves with Forest Produce Development Corporation which has legalized cutting of bamboos from the given forest areas. Those who are not able to register under Forest Produce Development Corporation, they have no option but to bring out bamboos from the forest and pay penalty if caught by the forest officials.

Institutional arrangement for functioning of PRIs in tribal areas and some confusion

Even though PESA is implemented in Gujarat, only SA are covered but there are several blocks are not covered where tribal population is greater than 50%. As per Indian Constitution, the SA cannot be widened despite tribal population increases and be greater than 50%.

Despite overlapping concepts, i.e. 'tribal areas, where tribal population is more than 50%' and 'Scheduled Areas, prescribed by Indian Constitution', which should be covered and governed under PESA is debatable.

Contrarily, the implementation of PESA is also realized to be very poor, and the grampanchayats and so the gramsabhas are overshadowed by the state machineries in the name of developmental grants and benefits of government scheme.

Some of such confusions arises from functioning of PRIs in tribal which already been proved to be mockery of self-governance under Panchayati Raj. Some of these confusions are illustrated as below:

- ⇒ Definition of village and tribal development: The composition of tribal villages is much different from that of a non-tribal village. The households in a tribal village are scattered and spread over a large geographic area. Therefore the population is thinly spread and covered under 'group panchayat' and not 'independent panchayat' based on population criteria of Grampanchayat. In the villages with mix population, i.e. tribals and non-tribal populated village, situation of tribal families is dismal. Thus the debate continues: 'Is tribal development more important or the villages / areas with tribal population?'
- ⇒ Gram Panchayat and 'gramsabha': As per the definition of Panchayati Raj, the Gramsabha is the executive organ of local governance. The panchayat body at village level has clear administrative features and is institutionalised under administration system. But the Gramsabha is not institutionalised under existing administration system. Therefore, managing the local affairs and promoting village development with the help of available local resources and government assistance are not efficiently undertaken by any village and despite its resolutions, no Gram panchayat or existing administration system.

⇒ No recognition for panch as customary body: The *panch* across the tribal society functions as a social institution and thus the *panch* is meaningful as a representation of 'gram-samaj' (rural community); however, a village as an administrative unit does not recognise as representative body and assign roles and responsibilities. The reality is fragmented with different types of affairs handled by different agencies and there is no coordination among them. The separation of social affairs from administrative and development issues gives a cosmopolitan feature of panchayat and gramsabha. But the tribal society is not acquainted to such institutions; they neither can establish their ownership nor can accept the belongingness of such institution to their society.

Panchayati Raj

- ⇒ fails to complement the 'gramsamaj' to 'gramsabha'
- ⇒ fails to complement the 'panch' to 'panchayat'
- ⇒ conceptual hollowness leads to failure of self-rule

A well-known academician B K Royburman has criticised definitions provided in PESA - of 'community', 'village' and 'gramsabha' as they are not only confusing but imposing administrative functions and serves as cosmetic language changes rather than actually providing 'self-rule' that truly can empower tribals.

(iv) Views of tribals on PR & PESA

During FGDs, with many tribes in different villages, they repeatedly reported ignorance, indifference, disappointment and pessimism regarding Gramsabha, which is considered to be a backbone of PR. For most of the tribals, gramsabha is a mere formality and panchayat is working as an office of state administration, not as a village institution.

- ⇒ The questions regarding Gramsabha are answered most of the times in question form "Whose gramsabha", which in fact indicates lack of ownership to Grampanchayat. Sometimes, they need clarification: "Which gramsabha you are talking of, government gramsabha or of the locals / village?"
- ⇒ They replied to our queries on their passive participation in Gramsabha as "Who have time to listen us? The government officials are coming from taluka has no time to go in for details and they try to wind up Gramsabha in maximum one or one and a half-hour. They (government officials) come with fixed agenda and fixed resolutions, we have to listen and sign on the register. If we raise other issues, they ignore us, or simply promise to look into it in future or force us to

complete our issue as quickly as possible. We can only raise an issue, if they are not wilful to response, what can we do?”

- ⇒ In Garad village of Dangs district, a participant revealed, “Gramsabha is called twice or thrice in a year, a majority of village population attend Gramsabha. Our panchayat is a group panchayat of four villages, not less than two hundred villagers attend gramsbha each time. But, our only job in gramsbha is to listened to whatever the panchayat and government officials say.”
- ⇒ The villagers further expressed disappointment saying, “As everybody signs on the register, so do we. If we don’t agree to sign, the government officials scold us and say not to attend Gramsabha for the sake of it...Every time resolutions are passed, may that for constructing the road, hand-pump or electricity but nothings happens later; same resolutions are passed for three times, yet no progress takes place. What do we do then? In case, the activity starts after a long time, the place and amount are all altered; the resolution of Gramsabha is not observed in this case.”

However, the Grampanchayat with tribal Sarpanch has remarkable achievements, such as:

- ⇒ The level of awareness and participation in Gramsabha is higher in the villages with tribal Sarpanch than the villages where non-tribal Sarpanch.
- ⇒ The proportion of availing government schemes is higher than village with non-tribal Sarpanch. In Satkunda village, the families of Nayak tribe have to dig wells themselves for getting drinking water under non-tribal Sarpanch. The Sarpanch could have built hand pumps with financial assistance from the state government under tribal sub-plan but he deliberately neglected Nayak tribe.
- ⇒ The connection with higher-level political leaders like Member of Legislative Assembly (MLA) and Member of Parliament (MP) is greater than villages with non-tribal Sarpanch. For instance, Vasava of Kambodiya village and Tadvī of Chametha village reported greater help from tribal MLAs and MPs; these tribal leaders are able to give voice to tribal concerns within political parties to some extent.
- ⇒ Benefit of government scheme for the group like SGSY is higher than individual, as tribal Sarpanch is able to fetch financial assistance at village level rather than individual level. The tribal Sarpanch of Kuvarsi village in Danta block of Banaskantha district is been able to get financial assistance for building roads, electric poles and building public heath care centre (PHC) worth 10 millions.

Tribal insisted for the demand of local Gramsabha, as most of the tribal villages come under group panchayats, which means more than one village. The tribal habitat is any way sparse and spread over a large geographic area (radius of 2-3 kms), having group Panchayat means larger geographic area, which makes functioning of village Panchayat even difficult and at the same time, each village independently need to articulate their development needs. In addition, each tribe lives in separate hamlets and if there are more than one tribe meaning more hamlets and wider geographic areas to be covered. The government overlooks tribal sociology, terrain and tribal habitat under 'administrative', 'political' and 'election related' requirements, which are proven to be impractical mockery of 'self-rule' concept.

It is interesting to note here that advantages being Sarpanch are greater and therefore castes like Baraiya and Damor have reportedly paid money to get certificate as 'scheduled tribe' and had contested elections for reserved posts of ST.

CHAPTER 4: CONCLUSION

An appeal for civil society to understand tribal development

The bigger question of tribal identity and self-rule lies in interpretation of 'development' in tribal context. The development debate is to examine whether the concerned people are reaping the fruits of development. Development may become regressive and dehumanizing for the tribal, if they do not constitute the component of development; and becomes the object of development instead of subject of development. Therefore, the orientation of tribal identity around development should be a serious concern for architectures of development programmes in a multilingual, multicultural, multiethnic and multireligious country like India.

The role of civil society is to ignite a debate on conceptual framework of politics, economics and development for the best of a plural society. There is a new school of thoughts emerging from the society that is advocating for development with a human face. This study attempts for establishing a foundation of discourse of tribal identity in the canvas of development and self-rule (under nation-state ideology) around tribal society.

Shaping of tribal identity in Gujarat is determining mainly by nation-state ideology and development paradigm. Both the consideration are conceived and controlled by ethnic majority, which is exogenous and alien to the tribal world. "The western Philosophy of 'enlightenment' and 'epistemological individualism' maimed the very basis of tribal people's identity, survival and social reproduction. It may be asserted that among the tribals, the individual's nature is a strong sense of obligation and commitment of their community for their very survival as well as treat this as a defense mechanism to alien encroachment and domination. The all pervasive imposition of individualism and espousing the specific variety of nation building have acted as a subterfuge for the elimination of tribal identities and contributed to the process of ethnocide." (Pathy: 1999)

This is, therefore, if the shaping or reshaping of tribal identity raises a question mark on legitimacy of ideology of nation building and development paradigm, tribal self-rule raises the concern of development alternative in the same tune. The tribal self-rule thus cannot be considered as a mere administrative autonomy or coordination of tribal people into the state administrative machinery; self-rule must have a deep ideological position on development alternatives to lead the tribal society into a destiny of their own. "The renewed visibility of tribal question as a significant world concern at the present moment is of course due to the

collapse of the major economic and political ideologies. An increasing number of concerned scholars and activists in their search for development alternatives have taken a second look at the tribal values, institutions, lifestyles and management systems. Slowly but certainly an organizational and conceptual framework is emerging to affirm the cultural diversity and emancipation of the victims of internal colonialism, ethnocide and genocide.” (Pathy: 1999)

The new development paradigm demands for:

- ⇒ Emphasis on understanding on social organization and cultural values of the concerned community
- ⇒ Acknowledge the importance of the qualitative aspects of human development
- ⇒ Build up inner strength of people and socio-cultural infrastructure to guide desired development
- ⇒ Emphasis to establish a meaningful link between national and local level development
- ⇒ Emphasis to establish in-built cultural mechanism for stability of the system

Finally, civil society must analyse and understand the process of formation of modern nation-state that sporadically eliminating or absorbing smaller and weaker cultural entities. The evolving modern nation state is overpowering the language, culture and identity of the stronger section of the society in to the weaker one. This is a course of political question. Tribal culture and values would hardly survive without the control over territorial resources and self-development and increasing realization of the dehumanizing consequences of welfare system. This demands for an alternative governance mechanism that would have provided a political space for autonomy, self respect, identity and creativity. Therefore civil society in a rigorously growing nation-state must be responsible to answer the emerging concern “should ‘tribal’ be remain ‘tribal’ in near future?”

Highlights of the study

The central focus of the first phase of the study moves around how tribal identity is shaping or reshaping along social, political and economic changes in the tribal society.

Tribal society has been looked in the light of ‘aboriginality’ and relationship with ‘forest’. The distinguished feature of tribal society has been formed a separate ‘identity’ of tribal people in the eyes of non-tribal / mainstream society. Later, socio-economic backwardness and articulation

of 'tribal rights' has evolved a different line of thoughts on 'tribal identity' and created demand for 'development and empowerment' of tribal people and finally pushed into the ideas of 'tribal self-rule'. This study finds a strong nexus between formation and modification of tribal identity around changing social, political and economic life of tribal people and emerging need and demand for tribal self-rule.

- ⇒ Tribal is a generic term: The term 'tribal' is generic and its implicit meaning as 'scheduled tribe' is complicated and controversial, as each tribe is distinct, endogamous and has its own culture like dialect, deities, dress, dance, music, housing and rituals. Tribal identity, therefore, is a complex issue and external social, economic, political, religious forces contribute in shaping and reshaping their identity. The process of Sanskritisation and Hindutvaisation have played a critical role in shaping tribal identity.
- ⇒ Adivasi or scheduled tribe or tribal?: Internally, tribals in Gujarat found loosely bound under the umbrella of tribal as a whole. Each tribe visualizes and defines their identity in a narrow periphery of specific tribes than a broader category of 'Adivasi' or 'scheduled tribe'. Inter and intra-tribe hierarchy is evident and many of the tribes extrapolate their origin to glorified social superiority of their tribe. A few of them even tend to trace their origin to royal and non-tribal clans, i.e. Kshatriya (warriors), higher in the ladder of the caste system in India, to prove their superiority in social hierarchy.
- ⇒ Government officials view tribals in religious terms: The government officials certify tribals with religious identity combined with the name of the tribe listed under 'scheduled tribe'; for example, the certificate for Gamit tribe is: 'Hindu Gamit adivasi'. Under the Hindutva agenda, VHP has named tribals as 'vanvasi' (forest dwellers) to separate them from other tribes and communities residing in scheduled areas and other areas.
- ⇒ Role of 'market': Market forces are found deeply influencing in shaping tribal identity with a tinge of modernity in values and lifestyle. The external exposure to market opportunities and shrinking of common property resources, the market-based economy is slowly replacing the communal resource holding based non-market economy. The evolution of 'big' men and 'big' families supported and safeguarded by the market economy is weakening the traditional composition of tribal society. There is a silent competition for resources in order to attain power and capacity to maintain higher social status.
- ⇒ Role of tribal organizations: The evolution of tribal organizations and their struggle to protect tribal identity is also not free from market forces. Their demands for ownership on forest resources and better R

& R packages have economic interest. Thus, the juxtaposition of forces mainstreaming tribal society to market economy and the struggle for protection of tribal identity and to establish tribal rights steadily giving a shape of new and modern tribal society.

- ⇒ Role of social and political transformation: The parallel lines of social transformation of tribal society also have a political connotation. One stream of politics in the tribal society competing for political power vis-à-vis non-tribal society, while another stream of tribal politics inducting tribal society with mainstream party politics. The former is resulting negotiation, lobbying, alliance and gambling with non-tribal power players while the latter facilitating penetration of political nationalism and dividing tribal society on political interest. The rapid Hindu-isation with the help of tribal political leaders and a peculiar relationship of negotiation and bargaining with non-tribal society is slowly developing a political identity of tribal society in Gujarat.
- ⇒ Process of sanskritization: The perspective of 'development' on the other end is accelerating the process of sanskritization. The sanskritization process is rapidly replacing the cultural identity of tribal society. Almost in all tribes the Hindu upper caste cultural components are rapidly intruding and dominating cultural life of tribal society. Brahminical method of celebrating rituals and observation of Hindu festival and visiting Hindu religious places growing rapidly in the entire tribal belt in Gujarat. In some areas sanskritization is so conscientious that some tribal people completely gave up their traditional way of living, culture and completely accepted upper caste Hindu way of living.
- ⇒ Role of development projects: The development projects designed and implemented by state and non-government organizations are also driving tribal society into mainstream market based economy and introducing modern practices and values. Practicing accounting system, stock keeping and democratic process of decision-making are introducing through SHGs, watershed committee etc. Similarly development of local market and accessibility to consumer goods, transportation and communication, altered housing pattern by housing schemes of government etc are establishing new value system and changing their viewpoints towards life and life style.

The second part of the study is focusing on emerge of need and demand of tribal self -rule and its status in the state of Gujarat. The relevance of PESA and Panchayati Raj has been examined in the context of tribal sociology, traditional governance institutions. i.e. Panch (council) and emerging issues of tribal rights.

Keeping political decentralization at the centre, 73rd amendment of Indian Constitution brought about changes in Panchayati Raj system in 1992 through the Panchayati Raj Act. In all 484,000 elected Panchayats were constitutionally recognized as local bodies of self government since then in India.

Within existing legal provisions, tribal-self rule need to be conceptualised by considering village panchayat as a primary unit and block as well as district panchayat as secondary but higher units of and for self-rule. The following matters should be considered for conceptualisation of self-rule:

- ⇒ Local tribal representatives;
- ⇒ Their efficiency to function, activeness, process of decision making;
- ⇒ Negligible dependency on external authority / agencies;
- ⇒ Negligible dependency on block and district panchayat for funds and implementation of development work;
- ⇒ Response to external forces/factors or demands in consultation with village residents;
- ⇒ Autonomy – availability and scope for exercising;
- ⇒ Developmental initiatives subject to rate of growth and capacity building of elected representatives; and
- ⇒ Minimising ‘contractor raj’ and providing funds for maintenance of existing or newly created infrastructure facilities.

This has been found that PESA has very little significance, as it is not being implemented or only experimented in a few villages. Panchayati Raj is being implemented in the entire state and participation of tribal people in Panchayati Raj is increasing. However, there are certain gaps in theoretical idea of Panchayati Raj and practical implementation of it in tribal context.

- ⇒ First, sociological composition of tribal society is such that each tribe handles their internal affairs independently without leaving any space for other tribes living in the same villages. Therefore, there is little space for all tribes to get together to handle any socio-political affair. The inter tribe and intra tribe hierarchy is also barrier in functioning of Panchayati Raj in real sense.
- ⇒ Secondly, tribal society has been governed traditionally by their tribe institutions known as panch. A few tribes reported its panch, which is effectively functioning as justice delivery system and as regulatory mechanism for social and religious norms and practices. Some tribes are part of village level panch and able to solve their problems like dispute of inheritance, marital disputes, theft, property distribution or

ownership and so on. Even today, these panch are dealing with socio-cultural life of tribal people but have very limited role modern economic, political and development affairs. Since, many panch can be coexist in village depending on number of tribe and not followed by democratic values and practices the panchs are not becoming complementary to the Panchayat introduced by state. Both the institutions are functioning in parallel, but panch is still keener to the tribal people while panchayat is functioning as state's organization and not owned by people. However, there are variations across the regions.

- ⇒ Thirdly, administration system is operated within a certain geographical boundaries while tribal society is not bound by geographical boundaries. Even if different tribes lives in the same village, they are keener to their counterpart living in somewhere beyond the geographical boundary of a village or a taluka and even in some cases crosses the boundary of a district or the state. Thus, Panchayati Raj which treats villages are as tiny replica of a republic nation and people living in the village has natural interest to the internal affairs of the village is not always true in the context of tribal villages.
- ⇒ Contractor Raj is impossible to eliminate unless development grant is directly deposited to Grampanchayat, in its accounts. The contractors have made inroads to the existing bureaucratic arrangements, especially of sanctioning the grants to the Grampanchayats for any developmental activity.

PESA can be an initiative to address tribal issues if it is further amended to make more clear and practical. Even the present form of PESA can be implemented only if the Governments make appropriate amendments in their State Laws which impinge on specific provisions contained in the Central Act namely (i) Land Acquisition Act; (ii) Excise Act; (iii) State Irrigation Act; (iv) Minor Forest Produce Act; (v) Mines and Minerals Acts; (vi) Land Revenue Code / Act; (vii) SC/ST Land Alienation Act; (viii) Money Lenders Act; and (ix) Regulated Market Act etc. This process should have been started soon after forming PESA but the state government is idle on this aspect.

The present status of tribal self-rule or local self-governance in whatever form is nothing but a mere illusion. The tribals and even Panchayats are also confused by the existing laws and illusive powers, including PESA. The bureaucracy, state and all business communities active in tribal areas with vested interest are still overshadowed tribal dream for self-rule. At least half of tribals, especially illiterates considered themselves as illegible to participate in planning and implementation, as they are less

educated while some others consider that their views are not so much important in such a complicated matter like planning or implementation.

Some awakened tribals feel that the government exercise its power during planning and implementation and exclude tribal people. Non-tribal leaders use tribal community leaders only for their own advantage; tribal talent does not get respect from non-tribal leaders. The tribal leaders and tribal society itself as responsible for such condition as they are not organized and tribal leaders does not raise a voice when required.

What government needed is to understand the harsh realities of tribal society, a wider perspective to look into the substantive issues of tribal self-rule and above all a true will to provide a solution of underdevelopment and victimization of tribal society.

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SYNOPSIS
SHAPING OF TRIBAL IDENTITY AND CONCEPT
OF SELF-RULE IN GUJARAT

STUDY CONDUCTED BY BSC RESEARCH TEAM

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DECEMBER 2006

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INTRODUCTION

The debate on 'tribal identity' and 'tribal self-rule' or interchangeably 'local self-government of and for tribals' revolves around tribal development, which includes their social, political and economic rights. The international Human Rights as well as Social, Cultural and Political Rights have recognized distinct rights of indigenous communities, especially tribals. This is mainly so in light of their relation and inter-dependence with forest, natural resources and land. This debate is centred on whether the tribals have been able to reap the fruits of development or have traumatized and suffered or not able to get as much as they deserve. As part of debate on development, approach to development of tribals also has come under scrutiny, with a question: 'whether tribals should be considered distinct or should be assimilated in mainstream.'

In Gujarat, various agencies including state, market or industries, non-government organisations (NGOs) & Gandhians have been working with tribals for their upliftment; by and large their approach for tribal development is assimilation and integration.

It is important to understand the response of the tribals in given situation, namely, resistance, protest, acceptance and assimilation or subjugation. These are very complex processes, having greater or no effect on other components of identity of each tribe in different geographic region in Gujarat. In order to understand and describe the complex process of shaping identity, it is equally important to understand the 'why's and 'how's of tribals response and behaviour for development and building relations with non-tribal population in the state.

The political activities, education and employment are major spheres where tribals interact with non-tribals. At individual level, in most cases, desire for social acceptance by non-tribals is observed and therefore educated and economically well off tribals try to separate themselves from illiterate, poor tribals, who have continue to live forest based economic activities and not accepted so-called civilised dressing, etiquettes and celebration of festivals like neighbouring non-tribals (largely Hindu).

Overall objectives

- ⇒ To collect and document political, economic, legal, educational and religious processes, which has contributed in shaping identity of tribals, mainly on their worldview, social structures and cultural practices
- ⇒ Articulating political, economic and cultural rights of tribals for their desired development and inter-linking them with self-rule – to describe concept, structure and procedure for implementation.
- ⇒ To assess whether the existing legal and political provisions (Panchayati Raj Act and Panchayati Raj Extension to Scheduled Areas Act, 1998 - PESA) respond to 'self-rule' aspirations of tribals of Gujarat based on critical analysis of existing legal and political provisions.

Research methodology

The research methods are explorative, participatory and observation based (during field visits).

- ⇒ Mainly focus group discussions (FGD),
- ⇒ Observation,
- ⇒ Interviews, and
- ⇒ Participatory learning and action (PLA) techniques including mapping, matrix, venn diagram and human body are employed for the study.
- ⇒ Analysis of government data has been an important component of this action-research to describe present development pattern and situation of tribals in Gujarat.
- ⇒ Equal emphasis is given on tribals' and non-tribals' views, feelings and perceptions as well as government data.

The data has been collected during January and December 2006 with the help of these research methods from 28 villages in 14 blocks of 7 districts.

HIGHLIGHTS OF THE MAJOR FINDINGS

The central focus of the first phase of the study moves around how tribal identity is shaping or reshaping along social, political and economic changes in the tribal society.

Tribal society has been looked in the light of 'aboriginality' and relationship with 'forest'. The distinguished feature of tribal society has been formed a separate 'identity' of tribal people in the eyes of non-tribal / mainstream society. Later, socio-economic backwardness and articulation of 'tribal rights' has evolved a different line of thoughts on 'tribal identity' and created demand for 'development and empowerment' of tribal people and finally pushed into the ideas of 'tribal self-rule'. This study finds a strong nexus between formation and modification of tribal identity around changing social, political and economic life of tribal people and emerging need and demand for tribal self-rule.

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origin to glorified social superiority of their tribe. A few of them even tend to trace their origin to royal and non-tribal clan i.e. Kshtriya (warriors), higher in ladder of caste system in India, to prove their superiority in social hierarchy.

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- ⇒ Role of tribal organizations: The evolution of tribal organizations and their struggle to protect tribal identity is also not free from market forces. Their demands for ownership on forest resources and better R & R packages have economic interest. Thus, the juxtaposition of forces mainstreaming tribal society to market economy and the struggle for protection of tribal identity and to establish tribal rights steadily giving a shape of new and modern tribal society.
- ⇒ Role of social and political transformation: The parallel lines of social transformation of tribal society also have a political connotation. One stream of politics in the tribal society competing for political power vis-à-vis non-tribal society, while another stream of tribal politics inducting tribal society with mainstream party politics. The former is resulting negotiation, lobbying, alliance and gambling with non-tribal power players while the latter facilitating penetration of political nationalism and dividing tribal society on political interest. The rapid Hindu-isation with the help of tribal political leaders and a peculiar relationship of negotiation and bargaining with non-tribal society is slowly developing a political identity of tribal society in Gujarat.
- ⇒ Process of sanskritization: The perspective of 'development' on the other end is accelerating the process of sanskritization. The sanskritization process is rapidly replacing the cultural identity of tribal society. Almost in all tribes the Hindu upper caste cultural components are rapidly intruding and dominating cultural life of tribal society. Brahminical method of celebrating rituals and observation of Hindu festival and visiting Hindu religious places growing rapidly in the entire tribal belt in Gujarat. In some areas sanskritization is so conscientious that some tribal people completely gave up their traditional way of living, culture and completely accepted upper caste Hindu way of living.
- ⇒ Role of development projects: The development projects designed and implemented by state and non-government organizations are also driving tribal society into mainstream market based economy and introducing modern practices and values.

Practicing accounting system, stock keeping and democratic process of decision-making are introducing through SHGs, watershed committee etc. Similarly development of local market and accessibility to consumer goods, transportation and communication, altered housing pattern by housing schemes of government etc are establishing new value system and changing their viewpoints towards life and life style.

The second part of the study is focusing on emerge of need and demand of tribal self -rule and its status in the state of Gujarat. The relevance of PESA and Panchayati Raj has been examined in the context of tribal sociology, traditional governance institutions. i.e. Panch (council) and emerging issues of tribal rights.

Keeping political decentralization at the centre, 73rd amendment of Indian Constitution brought about changes in Panchayati Raj system in 1992 through the Panchayati Raj Act. In all 484,000 elected Panchayats were constitutionally recognized as local bodies of self government since then in India.

Within existing legal provisions, tribal-self rule need to be conceptualised by considering village panchayat as a primary unit and block as well as district panchayat as secondary but higher units of and for self-rule. The following matters should be considered for conceptualisation of self-rule:

- ⇒ Local tribal representatives;
- ⇒ Their efficiency to function, activeness, process of decision making;
- ⇒ Negligible dependency on external authority / agencies;
- ⇒ Negligible dependency on block and district panchayat for funds and implementation of development work;
- ⇒ Response to external forces/factors or demands in consultation with village residents;
- ⇒ Autonomy – availability and scope for exercising;
- ⇒ Developmental initiatives subject to rate of growth and capacity building of elected representatives; and
- ⇒ Minimising ‘contractor raj’ and providing funds for maintenance of existing or newly created infrastructure facilities.

This has been found that PESA has very little significance, as it is not being implemented or only experimented in a few villages. Panchayati Raj is being implemented in the entire state and participation of tribal people in Panchayati Raj is increasing. However, there are certain gaps in theoretical idea of Panchayati Raj and practical implementation of it in tribal context.

- ⇒ First, sociological composition of tribal society is such that each tribe handles their internal affairs independently without leaving any space for other tribes living in the same villages. Therefore, there is little space for all tribes to get together to handle any socio-political affair. The inter tribe and intra tribe hierarchy is also barrier in functioning of Panchayati Raj in real sense.
- ⇒ Secondly, tribal society has been governed traditionally by their tribe institutions known as panch. A few tribes reported its panch, which is effectively functioning as justice delivery system and as regulatory mechanism for social and religious norms and practices. Some tribes are part of village level panch and able to solve their problems like dispute of inheritance, marital disputes, theft, property distribution or ownership and so on. Even today, these panch are dealing with socio-cultural life of tribal people but have very limited role modern economic, political and development affairs. Since, many panch can be coexist in village depending on number of tribe and not followed by democratic values and practices the panchs are not becoming complementary to the Panchayat introduced by state. Both the institutions are functioning in parallel, but panch is still keener to the tribal people while panchayat is functioning as state's organization and not owned by people. However, there are variations across the regions.
- ⇒ Thirdly, administration system is operated within a certain geographical boundaries while tribal society is not bound by geographical boundaries. Even if different tribes lives in the same village, they are keener to their counterpart living in somewhere beyond the geographical boundary of a village or a taluka and even in some cases crosses the boundary of a district or the state. Thus, Panchayati Raj which treats villages are as tiny replica of a republic nation and people living in the village has natural interest to the internal affairs of the village is not always true in the context of tribal villages.
- ⇒ Contractor Raj is impossible to eliminate unless development grant is directly deposited to Grampanchayat, in its accounts. The contractors have made inroads to the existing bureaucratic arrangements, especially of sanctioning the grants to the Grampanchayats for any developmental activity.

PESA can be an initiative to address tribal issues if it is further amended to make more clear and practical. Even the present form of PESA can be implemented only if the Governments make appropriate amendments in their State Laws which impinge on specific provisions contained in the Central Act namely (i) Land Acquisition Act; (ii) Excise Act; (iii) State Irrigation Act; (iv) Minor Forest Produce Act; (v) Mines and Minerals Acts; (vi) Land Revenue Code / Act; (vii) SC/ST Land Alienation Act; (viii) Money Lenders Act; and (ix) Regulated Market Act etc. This process should have been started soon after forming PESA but the state government is idle on this aspect.

The present status of tribal self-rule or local self-governance in whatever form is nothing but a mere illusion. The tribals and even Panchayats are also confused by the existing laws

and illusive powers, including PESA. The bureaucracy, state and all business communities active in tribal areas with vested interest are still overshadowed tribal dream for self-rule. At least half of tribals, especially illiterates considered themselves as illegible to participate in planning and implementation, as they are less educated while some others consider that their views are not so much important in such a complicated matter like planning or implementation.

Some awakened tribals feel that the government exercise its power during planning and implementation and exclude tribal people. Non-tribal leaders use tribal community leaders only for their own advantage; tribal talent does not get respect from non-tribal leaders. The tribal leaders and tribal society itself as responsible for such condition as they are not organized and tribal leaders does not raise a voice when required.

What government needed is to understand the harsh realities of tribal society, a wider perspective to look into the substantive issues of tribal self-rule and above all a true will to provide a solution of underdevelopment and victimization of tribal society.

CONCLUSION: AN APPEAL FOR CIVIL SOCIETY TO UNDERSTAND TRIBAL DEVELOPMENT

The bigger question of tribal identity and self-rule lies in interpretation of 'development' in tribal context. The development debate is to examine whether the concerned people are reaping the fruits of development. Development may become regressive and dehumanizing for the tribal, if they do not constitute the component of development; and becomes the object of development instead of subject of development. Therefore, the orientation of tribal identity around development should be a serious concern for architectures of development programmes in a multilingual, multicultural, multiethnic and multireligious country like India.

The role of civil society is to ignite a debate on conceptual framework of politics, economics and development for the best of a plural society. There is a new school of thoughts emerging from the society that is advocating for development with a human face. This study attempts for establishing a foundation of discourse of tribal identity in the canvas of development and self-rule (under nation-state ideology) around tribal society.

Shaping of tribal identity in Gujarat is determined mainly by nation-state ideology and development paradigm. Both the considerations are conceived and controlled by ethnic majority, which is exogenous and alien to the tribal world. "The western Philosophy of 'enlightenment' and 'epistemological individualism' maimed the very basis of tribal people's identity, survival and social reproduction. It may be asserted that among the tribals, the individual's nature is a strong sense of obligation and commitment of their community for their very survival as well as treat this as a defense mechanism to alien encroachment and domination. The all pervasive imposition of individualism and

espousing the specific variety of nation building have acted as a subterfuge for the elimination of tribal identities and contributed to the process of ethnocide.” (Pathy: 1999)

This is, therefore, if the shaping or reshaping of tribal identity raises a question mark on legitimacy of ideology of nation building and development paradigm, tribal self-rule raises the concern of development alternative in the same tune. The tribal self-rule thus cannot be considered as a mere administrative autonomy or coordination of tribal people into the state administrative machinery; self-rule must have a deep ideological position on development alternatives to lead the tribal society into a destiny of their own. “The renewed visibility of tribal question as a significant world concern at the present moment is of course due to the collapse of the major economic and political ideologies. An increasing number of concerned scholars and activists in their search for development alternatives have taken a second look at the tribal values, institutions, lifestyles and management systems. Slowly but certainly an organizational and conceptual framework is emerging to affirm the cultural diversity and emancipation of the victims of internal colonialism, ethnocide and genocide.” (Pathy: 1999)

The new development paradigm demands for:

- ⇒ Emphasis on understanding on social organization and cultural values of the concerned community
- ⇒ Acknowledge the importance of the qualitative aspects of human development
- ⇒ Build up inner strength of people and socio-cultural infrastructure to guide desired development
- ⇒ Emphasis to establish a meaningful link between national and local level development
- ⇒ Emphasis to establish in-built cultural mechanism for stability of the system

Finally, civil society must analyse and understand the process of formation of modern nation-state that sporadically eliminating or absorbing smaller and weaker cultural entities. The evolving modern nation state is overpowering the language, culture and identity of the stronger section of the society in to the weaker one. This is a course of political question. Tribal culture and values would hardly survive without the control over territorial resources and self-development and increasing realization of the dehumanizing consequences of welfare system. This demands for an alternative governance mechanism that would have provided a political space for autonomy, self respect, identity and creativity. Therefore civil society in a rigorously growing nation-state must be responsible to answer the emerging concern “should ‘tribal’ be remain ‘tribal’ in near future?”