

## Impact of PESA Act in Scheduled Areas: A Case Study of Rayagada District of Odisha

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### ABSTRACT

The 73<sup>rd</sup> and the 74<sup>th</sup> Amendments to the Indian Constitution passed in 1992 took the three-tier Panchayati Raj governance structure to rural and urban parts of the country and came into force in April 1993. However, scheduled areas, predominantly inhabited by the tribal population, were exempted from the new amendments. Given low human development indicators, there was a huge demand to empower local governance in the scheduled area as well. Thus, the government of India constituted a committee in 1994 to look into the need for such law and modalities and how it can be extended. Chaired by Dilip Singh Bhuria, a parliamentarian from Madhya Pradesh, the committee highlighted the plight of the tribal communities and the exploitation they faced and submitted its recommendations in 1995. This Article is a study of that act in a fully scheduled district of Odisha, i.e., Rayagada. The paper examines whether the well intentioned PESA Act has created any impact on self autonomy to tribal communities. The paper highlights the constitutional framework of Scheduled V Areas and the evolution of PESA Act 1996 and its background. An attempt is made to identify the gaps in compliance of other statutory State Laws with the PESA Act 1996. The paper examines the possibility of organizing a Gram Sabha within the existing rules frame work. The paper is based on both primary and secondary sources.

**KEYWORDS:** PESA, 73<sup>RD</sup> & 74<sup>TH</sup> Amendment, policy framework for tribals, present status, Future hope

### INTRODUCTION

In 2013, while hearing a case, the Supreme Court of India referred to the PESA and asked the Odisha government to go to the Gram Sabha to get permission for bauxite mining in Kalahandi and Rayagada districts. Local forest dwellers were asked whether bauxite mining will affect their religious and cultural rights and they decided against the mining on Niyamgiri hills which led to the cancellation of a huge project.

The case is considered a milestone that shows the power of the Gram Sabhas but this one of the rare achievements of PESA even as it underlines the possibilities the Act carries. The Panchayat (Extension of the Scheduled Areas) Act, 1996 or PESA, was enacted by the Centre to ensure self-governance through gram sabhas (village assemblies)

for people living in scheduled areas. It legally recognises the right of tribal communities, residents of the scheduled areas, to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources. In pursuance of this objective, PESA empowers gram sabhas to play a key role in approving development plans and controlling all social sectors. This includes the processes and personnel who implement policies, exercising control over minor (non-timber) forest resources, minor water bodies and minor minerals, managing local markets, preventing land alienation and regulating intoxicants among other things. State governments were required to amend their respective Panchayat Raj Acts without making any law that would be inconsistent with the mandate of PESA.

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There is an attempt has been made about the Impact of the PESA act, but before that it is herewith appending a brief report about Indian Panchayati Raj System, information about scheduled areas and various pros and cons of PEAS act.

### **Birth of the Panchayati Raj System in Independent India**

It was the Study Team on Community Projects and National Extension Services headed by Balwantrai Mehta and set up in 1957, which expressed concern about the lack of popular participation in Community Development Programmes and made a strong plea for devolution of power to lower levels through Panchayati Raj. Thus the Panchayati Raj system came into existence in 1959 with two basic objectives. These were (1) democratic decentralization and (2) local participation in planned programmes. This was a big step forward in the process of development. It was mentioned in the preceding unit that the Balwantrai Mehta Committee recommended a three-tier system of Panchayati Raj. In other words, the system had to work at three levels. They were: the district level (Zilla Parishad), the intermediate level (Block Samiti) and the lower level (Village Panchayat). The Committee suggested the setting up of Block Level Committees comprising elected representatives with adequate powers and resources for development programmes. The team felt that in this way Panchayati Raj system would be able to establish a link between the people and the government. The states of Rajasthan and Andhra Pradesh were the first to adopt this system. By 1959, all the states had passed Panchayat Acts, and by the mid-1960s, panchayats had been set up in all parts of the country, as more than 217,300 village panchayats, covering over 96 per cent of the 579,000 inhabited villages and 92 per cent of the rural population, had come into being. On an average, a panchayat represented a population of about 2,400 covering two to three villages. There was a lot of enthusiasm generated in the rural India and the people started feeling that they could have a say in the affairs affecting their daily lives. Unfortunately this enthusiasm could not be sustained. One explanation given is that “strengthening of local government institutions and devolution of powers did not go hand in hand with adequate delegation and devolution of powers, particularly in respect of planning and administration”. On the other hand, national development planners were busy experimenting with other development initiatives, like the ‘Green Revolution’ in the 1960s and the ‘Target Group’ approach in the 1970s, as they were anxious partly to show overnight results in the food situation and partly to reach target groups to contain poverty. As a result

local self-government system nourished through history and promised by the Constitution of India started languishing. It was only when development planners realized that community participation in development planning was not forthcoming on the expected lines and that the poverty situation was showing little signs of recovery, that we started looking back at local self-government through Panchayati Raj during the late 1970s. Thus the appointment of Ashoka Mehta Committee in 1977 marked a “turning point in the concept and practice of Panchayati Raj”.

### **Asoka Mehta Committee**

In 1977, a committee was appointed under the chairmanship of Asoka Mehta to review the working of the Panchayati Raj Institutions. The Committee listed several factors responsible for the decline of the Panchayati Raj. They included: i) Dissociation of the programmes of development from the Panchayati Raj; ii) Inability of the bureaucracy to involve panchayats in the implementation of development programmes; iii) Internal deficiencies within the panchayat institutions; and iv) A lack of clarity about the concept itself. The Asoka Mehta Committee provided a definite philosophical treatment to the system. It observed that rural India was the backbone of all developmental programmes. The future of India would depend on the welfare of the villages. Panchayati Raj as a system should contribute to the philosophy and the functions of rural life in India. The most significant recommendation of the committee was about the two-tier Panchayati Raj system. According to this recommendation, the Zilla Parishad at the district level had to be established as the first point of decentralization. It also recommended the formation of Mandal Panchayats. A Mandal was conceived as a group of villages, which would make the necessary links with the system in developing focal points. It would also develop links between rural and urban areas. One major weakness of the Ashoka Mehta Committee was that it ignored the importance of the Gram Sabha.

### **G.V.K. Rao Committee**

This Committee was set up in 1985. It was asked to look into the administrative arrangements for rural development and the role of panchayat bodies and their relationships with the administrative setup. With reference to the Panchayati Raj, we may recall the major recommendations of this committee as follows: Zilla Parishads (at district level) should be strengthened, · There should be sub-committees at the district level with proportional representation, · Some planning functions may be transferred to the district level, and · Elections of local bodies should be held

regularly. The committee believed that development was possible, only if a large number of people participated in development activities. In order to achieve this, adequate powers and financial resources at the local level were considered essential.

### **L.M. Singhavi Committee**

This was set up in 1986. It gave importance to the Gram Sabha. Once again, the Gram Sabha was viewed as the seedbed of democracy. Some of its major recommendations are: · Local self-government should be constitutionally recognized. · Elections at the panchayat level should be held regularly and without delay. · Panchayati Raj judicial tribunal should be set up in every state to deal with matters related to the working of Panchayati Raj. · There should be adequate financial resources to ensure effective functioning of panchayats. · Participation of individuals attached to political parties should be discouraged. · The Nyaya Panchayat should be given the functions of mediation and settling of issues.

### **Sarkaria Commission**

The Sarkaria Commission (1988), which was primarily concerned with the centre-state relationship, also recommended the strengthening of local bodies financially and functionally. The commission also believed that elections for panchayats must be held regularly. By the end of 1988, a sub-committee of the Consultative Committee of Parliament Rural Credit and Banking under the chairmanship of P.K. Thungan made recommendations for strengthening the Panchayati Raj system once again. One of its important recommendations was that Panchayati Raj bodies should be constitutionally recognized. Similarly, the Congress Committee headed by V.N. Gadgil in 1989 recommended a three-tier system of Panchayati Raj with a fixed term of 5 years for the elected members and reservation for Scheduled Castes/Tribes and women. The recommendations of these various committees and commissions generated a strong realization that there was a need to create a strong third layer of governance, which would help the rural community to influence its own future. To materialize this, it was considered necessary to give constitutional recognition to the third layer of governance. It was against the backdrop of these recommendations by various committees and commissions that the Constitution (64th Amendment) Bill was drafted.

### **THE CONSTITUTION (73RD AMENDMENT) ACT, 1992**

The amendment phase began with the 64th Amendment Bill (1989), which was introduced in Parliament for constituting panchayats in every state at the village, the intermediate and the district levels.

It proposed that the Legislature of a State could by law endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. This bill was the brainchild of Rajiv Gandhi, who strongly believed in strengthening panchayats by giving them constitutional status. Unfortunately, though the Bill got two-thirds majority in the Lok Sabha, it was struck down in the Rajya Sabha on October 15, 1989 by just two votes. The next Government headed by V.P. Singh also made an abortive effort to provide constitutional status to panchayats through the introduction of the 74th Amendment Bill. Notwithstanding the above disappointments, the government declared its commitment to the philosophy of 'Power to the People', and so to providing the much needed constitutional status to panchayats. Accordingly, in September 1991, the 72nd Amendment of the Constitution was introduced. This was referred to a Joint Select Committee of the Parliament in December 1991 for detailed examination. Finally, after including necessary changes, the Amendment was passed with near unanimity in the Lok Sabha on December 22, 1992 and in the Rajya Sabha on December 23, 1992. Finally, on April 20, 1993 the President of India gave it his assent. This Amendment of the Constitution is known as the Constitution (Seventy-Third Amendment) Act, 1992. This Act was brought in to force by a notification with effect from April 24, 1993. This Act makes the details of the transfer of power to the Panchayat a part of the most basic document of this nation: the Constitution of India. By virtue of this Act, no one will be able to take away the powers, responsibilities and finances given to the Panchayats. They are expected to play a much bigger role in the development of their respective areas and people. It is also expected that everyone will be able to take part in this process including the poorest of the poor. All of us know that the objective of national development can be achieved only through the development of the vast rural areas. People who are poor and unemployed cannot have adequate buying power. You must have seen that even nature does not favour us every time. From time to time, we have to face failures of the monsoon, droughts, floods, cyclones, etc. It is now hoped that through people's involvement, panchayats will be able to play a more responsible role in overcoming these difficulties.

### **74<sup>th</sup> Amendment Act 1992 in India**

The constitution 74th Amendment Act 1992, relating to Municipalities (Urban local Government) was passed by the parliament in 1992. It received the assent of the president of India on 20th April 1993. The Act seeks to provide a common framework for

the structure and mandate of urban local bodies to enable them to function as effective democratic units of local Self Government. Government of India notified 1st June 1993 as the date from which the 74th Amendment Act came into force. The Act provided for a period of one year from the date of its commencement, within which the then existing municipal laws (which were in force at that time in states/union territories) were required to be changed/amended/modified in order to bring them in conformity with the provisions of the constitution (74th Amendment) Act—1992. The Salient Features of the Constitution (74th Amendment) Act, 1992:

- A. Constitution of Municipalities.
- B. Composition of Municipalities.
- C. Constitution of wards committees.
- D. Reservation of seats.
- E. Fixed duration of Municipalities.
- F. Power, Authority and responsibilities of Municipalities.
- G. Appointment of State Election Commission.
- H. Appointment of State Finance Commission.
- I. Constitution of Metropolitan and District Planning Committees.

Action has been taken by the State/Union Territory Governments to set up State Finance Commission/State Election Commissions. All states set up their Finance Commissions. Most of the State Finance Commissions submitted their report to the concerned State Government. The concerned states accepted nearly all the recommendations made by their respective finance commissions. All State Governments/Union Territories set up their Election Commissions for conducting elections to urban Local Bodies.

#### **Scheduled Areas:-**

Article 244(1) denotes, the provision of the Fifth Schedule shall apply to the administration & control of scheduled areas & scheduled tribes in any state other than north eastern areas. The areas are (1) Andhra Pradesh (2) Bihar (3) Gujarat (4) Madhya Pradesh (5) Maharashtra (6) Odisha (7) Himachal Pradesh (8) Rajasthan. The scheme of administration of scheduled areas under the fifth schedule visualizes a division of responsibility between the state & union government. The state government has been given the responsibility of screening the legislation which is unsuitable for extension to the tribal areas. They are also responsible for framing regulation which is necessary for the protection of the tribals' land & for prevention of exploitation of the tribal by the money lenders. The Union Government provides guidelines & necessary funds that are required to raise the standard of administration & for the improvement in

the quality of life of the tribal communities. The Governor of those states which have Scheduled Areas is empowered under the Fifth Schedule with the right to modify central & state laws so as to make them applicable to Tribal Areas. The said Governor is also required to submit an annual report to the President of India regarding administration of Scheduled Areas. In addition to this there is a provision of establishing tribal advisory councils.

#### **Scheduled Areas of Odisha**

In exercise of powers conferred by sub-paragraph 6 of the Fifth Schedule to the Constitution of India, the revised Presidential Order titled "The Scheduled Areas (states of Bihar, Gujarat, Madhya Pradesh & Odisha) Order 1977" has declared the full districts viz. Mayurbhanj, Sundargarh, Koraput (which now includes the districts of Koraput, Malkangiri, Nabarangapur and Rayagada), Kuchinda tahasil of Sambalpur district, Keonjhar, Telkoi, Champua, Barbil tahasils of Keonjhar district, Khondamal, Balliguda and G.Udayagiri tahasil of Khondamal district, R.Udaygiri tahasil, Gumma and Rayagada block of Parlekhemundi tahasil in Parlakhemundi Sub-division and Suruda tahasil (excluding Gazalbadi and Gochha Gram Panchayats), of Ghumsur sub-division in Ganjam district, Thuamul Rampur and Lanjigarh blocks of Kalahandi district and Nilagiri block of Balasore district as Scheduled Areas of the state. After reorganisation of districts in the state, 7 districts fully and 6 districts partly are covered under the Scheduled Areas of the state.

The scheduled tribe population of Odisha is 81,45,081 (2011 census), which constitute 22.84% of the total population of the state. The tribal population of Odisha is 9.7% of the total tribal population of India. Odisha has the unique distinction of being the homeland of the highest number of tribal communities (62) & the largest number of particularly vulnerable tribal Groups (Previously known as Primitive tribal Groups) which is (13) thirteen in numbers. Each tribal community is distinct in terms of their traditional cultural practices like dance, arts & crafts etc. They are in majority in 118 out of 314 Blocks. Table 1.10 gives us information about the population of scheduled tribes of Odisha state from the census of 1961 to 2011. Malkangiri district has the highest proportion of STs, (57.4%) & followed by Mayurbhanj (56.6%), Rayagada (55.8%) & Nabarangpur (55%), Puri district has the lowest proportion of STs (0.3%) Khond is the most populous tribe followed by Gond. The other major tribals living in Odisha are Santal, Kolha, Munda, Saora, Shabar, Bhottada, Bhumij, Bhuiya, Oraon, and Paroja & Kisan.

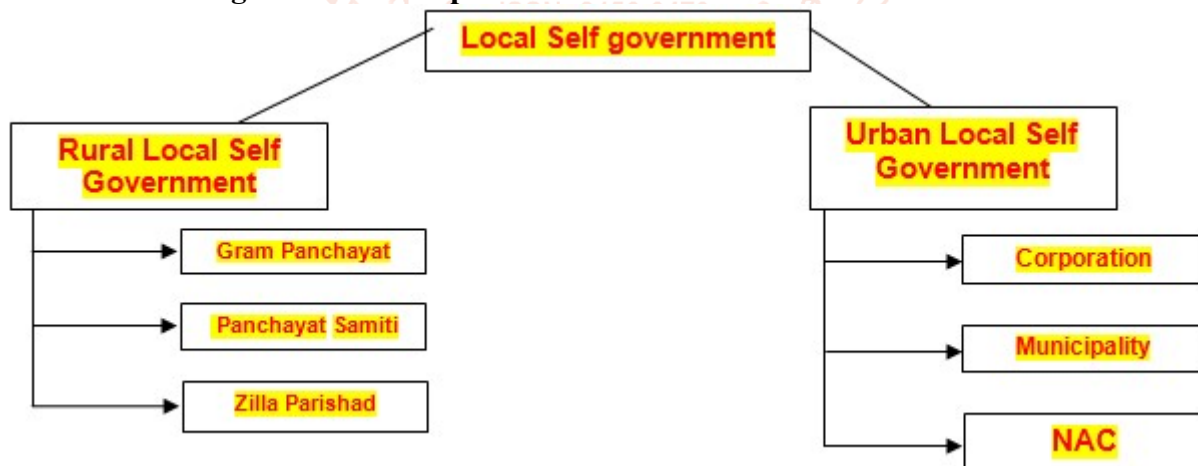
## Panchayat Extension to Scheduled Areas Act, 1996 THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

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

into force on December 24, 1996. This Act extends panchayats to the tribal areas of the states such as Andhra Pradesh, Bihar, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Orissa and Rajasthan. It intends to enable tribal societies to assume control over their destiny and to preserve and conserve their traditional rights over natural resources. The State Governments were required to enact their legislations in accordance with the provisions of the Act within one year, i.e. by December 23, 1997. Most of the states have enacted the required state legislation to give effect to the provisions contained in Act 14, 1996. The salient features of the Act are: 1) Every village shall have an elected Gram Sabha and it shall be competent to safeguard and preserve the traditions and customs of the people. 2) Gram Sabha shall approve the plans, programmes and projects for social and economic development before their implementation. 3) It would be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes. 4) Every Gram Panchayat shall obtain from the related Gram Sabha a certificate

of utilization of funds for the plans, programmes and projects. 5) The reservation of seats in the Scheduled Areas in every panchayat shall be in the proportion of the populations of the communities in the panchayat. 6) Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to panchayats at the appropriate level. 7) Recommendations of the Gram Sabha or the panchayats shall be mandatory for granting i) licenses for mining minerals, and ii) concessions for the exploitation of minor minerals by auction in the Scheduled Areas. 8) The state legislature shall endow panchayats and the Gram Sabha specifically with: i) the power to enforce prohibition or regulate or restrict the sale and consumption of any intoxicant; ii) the ownership of minor forest produce; iii) the power to prevent land alienation in the Scheduled Areas; iv) the power to manage village markets; v) the power to control money lending to Scheduled Tribes and social sectors; vi) the power to control local plans and resources for such plans, including tribal sub-plans; and vii) the state legislations that may endow panchayats with powers and authority, as may be necessary to enable them to function as institutions of selfgovernment, and contain safeguards to ensure that panchayats at the higher level do not assume the powers and authority of any panchayats at the lower level or of the Gram Sabha.

### Diagrammatical Representation of the Local Self Government



### Objectives of the Act

1. To extend the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas with certain modifications.
2. To provide self-rule for the bulk of the tribal population.
3. To have village governance with participatory democracy and to make the Gram Sabha a nucleus of all activities.

4. To evolve a suitable administrative framework consistent with traditional practices.
5. To safeguard and preserve the traditions and customs of tribal communities.

The Gram Sabhas under PESA Act were entrusted with wide-ranging powers to:

1. Enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.
2. Ownership of minor forest produce.

3. Prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe.
4. Manage village markets by whatever name is called.
5. Exercise control over money lending to the Scheduled Tribes.
6. Exercise control over institutions and functionaries in all social sectors.
7. Control over local plans and resources for such plans including tribal sub-plans.

### Significance

1. It aimed to decentralize power and empower indigenous communities, paving the way for participatory democracy & envisaged that each tier of the local governance is independent.
2. It is based on the cardinal principle of governance that human communities are the best agency to handle most of their survival challenges, manage their affairs and progress towards growing emancipation through the instrumentality of participatory deliberative democracy.
3. It also calls for creating the appropriate levels of Panchayats similar to 6<sup>th</sup> Schedule Area, where the administrative boundaries are autonomous enough for self-rule.
4. The act is constructed around the Gandhian concept of Gram Swaraj which was included in the Constitution as Article 40 (organisation of village panchayats) and came alive only when PESA was adopted.
5. While the 73<sup>rd</sup> Amendment, which inserted Article 243, made the terms Gram (village) and Gram Sabha (village assembly) a part of the Constitution for the first time, PESA gave shape to the concept of self governance, by devolving power and authority to them.
6. Hence the first substantive section of PESA begins with the legal presumption that the 'Gram Sabha' is 'competent' and calls upon the state governments to ensure legal, procedural and administrative empowerment as a means of deepening democracy.

### Review of Related Literature

A good numbers of scholars and writers have made useful studies on PESA Act and its impact. Similarly, there are some evaluation studies and commission reports on tribals and their development. Here follows a brief review of some of the available literature on the subject.

**Mukul (1997)** says that though this act will strengthen the tribal peoples struggle on issues of natural resources, mega projects, displacement and self-governance in practice the situation is entirely different. In spite of several prohibitions in the fifth and sixth schedules, tribal areas are being governed mechanically and sometimes ruthlessly by the law without any modification. Whether it is the Forest Act, Land Acquisition Act, they are being facing serious problems. Many tribal areas all over the country have never been included in the scheduled areas from the colonial period itself. As a result of this a large number of tribals living in compact areas have no right to claim the fifth or sixth schedules. **Pal (2000)** described the Extension Act, 1996 as an important legislative framework for the tribals to have control and right over natural resources and preserve their identity and culture in a participatory manner through the institution of Gram Sabha. He discusses the powers, functions and authority of Gram Sabha and panchayat and also warned the state legislature to keep in mind some powers given to Gram Sabha and panchayats before amending the acts in consonance with extension act. He mentioned that the extension act itself creates confusion by authorizing either the Panchayat or the Gram Sabha to perform certain functions. There is also confusion in some states that it does not specify which tier would perform what function. He argued that the rights of the tribals have been suppressed. There are certain states like Odisha and Maharastra where there are no rights of tribals to cut bamboos and rights have been given to the paper mills and tribal women are not permitted process, store or sell hill brooms freely.

**Dewal and Chitlangi (2000)** noted that Rajasthan is the first state in the country to adopt PRIs. They created a unique experiment made by creating vigilance committees by the Gram Sabha. In principle, the Gram Sabha occupies a unique position to make Gram Panchayats accountable but in practice it has been reduced to only advisory body. The influential members of the gram panchayats dominate the functioning of the Gram Sabha. Electroloral politics have spoiled the atmosphere of harmony and co-operation in village masses. Member of the vigilance committees are not so influential in comparison to the members of the gram Panchayats and therefore they can't effectively watch and supervise the working of gram Panchayat. The need of the hour is that apart from having been granted a constitutional status, it should be made mandatory for gram panchayat to implement resolutions passed by Gram Sabha.

**Nambiyar (2001)** made an evaluation of the reality entrenched within the rules and regulations set by the state and bring to light the gaps that cause non participation. He noted that unsuitable meeting co-ordinations that keeps the attendance of women very low. The lack of attendance and participation also comes from the presence of local factionalism, party politics, and the attitude of not raising issues or questions which unpleasant others to open meetings. So the author here tries to reconnect sabha with gram which means some shift in understanding the concept of Gram Sabha both at the individual and public level. The author also given importance for mobilizing community based organizations, youth groups and women network to strengthen Gram Sabha. **Singh (2002)**, in his article "Decentralised Governance in Madhya Pradesh" has pointed out the success of decentralization of power to Panchayati Raj system.

The 73<sup>rd</sup> constitutional amendment has made a significant contribution to a new type of partnership that got evolved between the Government and the people. Focusing on the experience of Gram Sabha in scheduled areas the author has pointed out the various gains of implementation of reservation in all three tiers of Panchayati Raj. This has made the tribals, who were previously not involved in any decision making process to become important stake holders in the decision making process. The tribals were branded as outsiders and no of acts and legislations such as Land Alienation Act, 1897, mines and forest act grossly affected them and did all ills to their livelihood and resources. But the new amendment rests the decision making authority on the Gram Sabha for the local community development needs, thereby making it a legal, political and economic body. In her paper "Destitution, Deprivation and Tribal Development" **Pathy (2003)** based on evidences on Kashipur in Odisha argues that even after years of its working the ITDA project could neither mitigate the grave food insecurity that prevailed nor could it influence the process of development of land, natural and human resources in the project area. As landlessness is very high in the area, people have to depend on the MFP for livelihood. The forest wealth is exchanged to non tribals thereby depriving the community of their livelihood. Low level of technology, low agricultural production, and lack of market penetration and relation of exploitation draw the community in a social process that produces and perpetuates indebtedness. Roy **Burman (2006)**, in his article (Draft National Tribal Policy of 2006) mentioned that though the new draft policy is a welcoming step but it is just the repetition of the previous draft of NDA Government. Instead of rectifying the problems raised

in the previous draft, the new draft has several regressive features. The functionalities of these systems are dominated by the ministers and their mentors. The regulations which made for the interest of the tribals are not obeyed by anybody. Instead of giving powers to the tribals it has a great use value for the bureaucrats. Tribals are not the real beneficiaries of the fifth schedule. Though there is provision that TAC have been constituted only in states like scheduled areas but there are some states like Tamil Nadu and West Bengal without schedule areas they have TAC. There are some districts having more than 50% of ST population but there are no schedule areas. It has also deprived tribal people from the right over MFP. Due to lack of proper arrangement effective participation does not exist. **Menon (2007)** highlights the inherent contradictions in the PESA Act. He noted that there is law for development and also there is law to protect the environment and people also have right to protect those who displaced. Protective legislations like Tribal Rights Acts and PESA plays a dual role for the struggle of tribals. He argues that the law which has made to protect the tribal rights, has overlapped with the discourse of sustainable development or the need to ensure the greater common good. He describes though PESA Act has implemented to give right to the tribals over the natural resources, large numbers of tribals have been displaced across the country in the name of development. Protective legislation such as PESA has remained largely unimplemented or has been watered down by individual states. He explained how these tribals rights are often limited in context of large scale development projects both at the expense of social rights and the environment but these large scale projects never follows development in a sustainable way. Behura and Panigrahi (2004) describe the importance of traditional tribal polity and explain the growth of modern PRIs in the Scheduled areas of the State and explain how tribals are caught in between the culture of their traditional polity imposed by modern Panchayati Raj Institutions. Their analysis reveals that a new generation of leadership has emerged in the local PRI structure and the new party based political system has encouraged leadership among younger generation. However, due to their educational backwardness, in many cases the new generation neither coped with the older traditional leadership, prevalent in villages, nor even they are able to bargain with the party based new political system. The tribal PRI members, by and large have low level of knowledge regarding the functioning of Panchayati Raj system. Because of their low level of consciousness about the organizational and operational system, it became easier for the non-tribal

PRI members to manipulate the functional processes in gram panchayats by influencing the tribal PRI members. **Mohapatra and Singh (2009)** made a critical analysis of the the PESA Act in Odisha and compare it with the Central PESA Act. They argue that the state has diluted the spirit of PESA Act. The control and grant of licence or mining lease for minor minerals has been denied to the Gram Sabha in Odisha. It has been reserved for the Zilla Parishad, though under PESA it should have started with the Gram Sabha. This right of the lowest tier should be restored through amendment. Similarly the Zilla Parishad, not the Gram Sabha has been empowered to have the right of prior consultation in land-acquisition for development projects. In this context of Odisha PESA needs to be amended to seek specific classification on what Gram Sabha is and to elaborate the role of Palli Sabha. **Pattnaik (2009)** also touched upon the background of PESA Act in Odisha and made a comparison between Central and state provisions. He also pointed out some of the critical issues on the implementation of PESA Act in Odisha which should be taken into consideration. Implementation of PESA in Odisha has not resulted in any spectacular change in terms of the ideals and the objectives envisaged in the act. The role of state agencies, political leadership, the bureaucracy and the attitude of non-tribals and power holders continues to exist in the traditional fashion. It is also found that the Gram Sabha can do hardly anything in development paradigms. The right over natural resources has not been specified or outlined in the existing state law. **Das (2003)** noted that despite the presence of progressive legislation designed to ensure democracy in backward tribal regions, underdevelopment and poor governance are rife in such areas. There is a bureaucrat- contractor-politician nexus continues to ensure that the tribals are denied even those right to identify themselves and to their livelihood. The author has highlighted some of the incidents of the misutilisation of development programmes and harassment to the tribals. If some of them protests for their rights, they were threatened with the gun. It also focused the issues like loss of identity and loss of livelihood of the tribals. In spite of strong legislations like PESA, tribals are alienated from their homeland on the name of national development. **Purohit (2002)** has analysed the special provisions and powers for panchayats in the scheduled areas of Madhya Pradesh especially PESA Act. Some of the problems like giving powers to the Zilla Parishad for implementation of development schemes and social justice and administration come into conflict with traditional life style of the tribal communities of the scheduled areas. He has also warned that in the name

of modern system, social and cultural unity of the tribal communities should not be allowed to be broken by political parties penetrating into the panchayats in Scheduled Areas.

**Upadhyay (2002)** discussed the importance of 73<sup>rd</sup> amendment which empowers the states to enable the Panchayats to function as self Government. However, the analysis shows that the state Panchayati Raj acts have not delegated any substantial powers to the PRIs and there is absence of clarity on the role of the PRIs with regard to functions given to them. After implementation of PESA Act it is found that in many states neither rules have been made nor any prescribed guidelines have been issued. Another problem is that conflict/controversy arises with the village level user groups formed under various development programmes of the state Government and the Panchayat. The activities of these groups are parallel with the Panchayat. As a result in future the possibility of an inter-institutional conflict cannot be ruled out.

All the writings are useful in their own ways. But most of these are at macro level. A micro analysis of the tribal development programmes on the basis of village level study may bring the real problem of development that the tribals are facing. Here is a humble attempt by the scholar in this direction.

### OBJECTIVE OF STUDY:

The various objectives of the study are as under:-

1. To analyze the importance of PESA Act of 1996
2. To examine the effective implementation of PESA Act for political development of Scheduled Areas
3. To suggest some valuable strategy for better implementation of PESA Act.

### Hypotheses

1. PRI members are not properly trained about their rights and responsibilities
2. Though women representatives were there, but they are rubber stamp, real works are done by their spouse
3. PESA Act has failed to achieve its aims and objectives.

Block administration were not conducting awareness programmes for PRI members properly, as a result they are not utilizing their duties optimally.

### Methodology

#### Universe

The Rayagada district is the universe for the proposed study

#### Census

The Bissam Cuttack block of Rayagada district is the census for the proposed study

**Sample & Sampling ,Tools and Techniques**

Out of 20 Gram Panchayats(GP hereafter) of Bissam Cuttack block, 01 Panchayats namely Chatikona has selected on the basis of simple random sample method. There are 17 Revenue Villages(RVs hereafter) in the sid GP, out of which 03 RVs i.e., **(01) Chatikona (02) Biras Guda & (03) Pedi Padar** has been taken on convenience sampling method. Simple statistical tools like average, percentage, etc has also used to analyse the data collected and diagrams like Pie-chart, Bar-Diagram will be used to present the analysis in graphical/ photo pictorial forms.

**Tools of Study**

Both primary & Secondary sources of information are collected to develop the present study .Secondary sources include available literature on the subject i.e. books, magazines, periodicals, reports etc. Primary sources of information are the serving of interview schedules, participant & non – participant observation & Focus group Discussions.

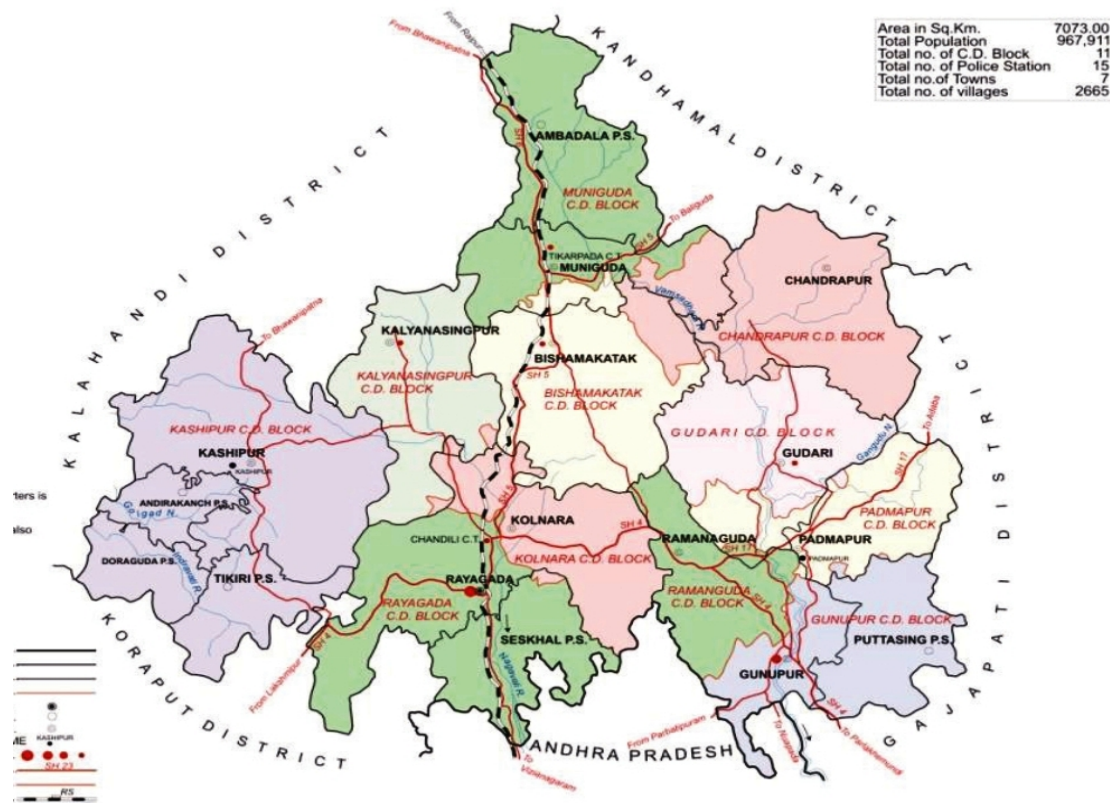
**Brief profile of the District**

Rayagada district came into existence on 2<sup>nd</sup> October 1992 consisting of Rayagada and Gunupur Sub-divisions of undivided Koraput district vide Govt. Of Odisha notification No. 36/92-49137/R dated 01.10.1992. According to local people the name Rayagada, the headquarters town of the district has been derived from “Raya” means the Rock, “Gadda” means deep holes which signifies deep holes in the Rock. The natural beauty of the Rayagada district fills one's heart with immense joy and thrills. The charming valleys of the rivers Nagavali and Vamsadhara, vast stretches of hills, evergreen forests, perennial streams, stiff and massive rocks standing like mythological demons and deep holes in the rocky river beds presenting thrilling sights are the attractive features of the district. The district bounded by Kalahandi and Kandhamal districts in the North, Srikakulam district of Andhra Pradesh and Koraput district in South, Gajapati district in the East and Nabarangpur and Kalahandi districts in the West. The history of the district is very much co-related and covered with the history of erstwhile Koraput district from which it has been separated during 1992. Though the district came into existence on 2nd October 1992. It has large and glorious records

evident from copper plates, rock inscriptions as well as different coins which clearly indicates that the region was the centre of attraction in all ages.

In the 3<sup>rd</sup> Century B.C. during the reign of Asoka the great, it was covered under Kalinga Empire. As evident by Andhra Historical Journal XXVII edition at page 46, the hilly tract between river Languli and Prachi language as Bansadhara and Nagavali was famous for spices. Another Bhojpur rock inscription in Brahmi of Rastrik King Mandhata adds some fact about this region. Later Rastriks were defeated by Kharavela, the only Aryan emperor of Odisha at the time of Samudragupta himself during the Chawpagada battle. The rock inscription of Allahabad inscribed by Mahamantri Harisena provides evidence to this fact. Later the ruins of Mud fort and historical idol of MahakalBhairav found at Champikata very near to Rayagada, makes it clear that this is the ancient Chamapagada fort. During Ganga Vamsi and Surya Vamsi kings it was under Dadarnab Dev of Gudari Katak. A rock inscription found at Pataleswar temple in Brahmi script provides an evidence to this effect. A subsequent literature found at Pataleswar temple speaks about the river Languli gives a supporting evidence to the various facts. This region went to Bahamanis when Mukunda Deva was defeated at Gohiratikiri in 1519. Then it was under Nandapur kingdom for brief period of 47 years.

Biswambar Dev who was defeated and killed by Hasin Khan was perhaps the 3<sup>rd</sup> king installed at Rayagada. Still the Satikunda Goddess Majhi Ghariani and the Mud fort around it speak much about its evidence. In subsequent years it was under Bobilli, a tahasil of Vijayanagaram. Later during the English regime Rayagada district was covered under the Jaypur Zamindari which continued till the creation of Odisha province in 1st April 1936. The climate of the district is mainly tropical in nature. It is very much influenced by the South-Western monsoon during June-September. Vast stretch of high hills and Green forests control the climate to a great extent.



**MAP OF RAYAGADA DISTRICT**

### Location & Size:

Rayagada district is located between  $19^{\circ}0'$  and  $19^{\circ}58'$  north latitude and  $82^{\circ}5'$  and  $84^{\circ}2'$  east longitude in the Southern part of Orissa. It is bounded by Gajapati district in the east, Koraput and Kalahandi district in the west, Kalahandi and Phulabani districts in the north and Koraput and Srikakulam (Andhra Pradesh) district in the south. As per 2001 census the district having 7073 sq. kms of geographical area occupies the 8<sup>th</sup> ranks in the state.

The district has a physical expansion of nearly 125 kms from Padmapur CD Block on the east to Kashipur CDBlock on the west and nearly 120 kms from Rayagada CD Block on the south to Muniguda on the north. This indicates that the horizontal and vertical expansions of the district are almost equal.

The diagonal expansion from Chandrapur in the northeastern corner to Kashipur in the southwestern corner is nearly 120 kms, whereas expansion from Gunupur in the southwestern corner to Kalyanasingpur in the northwestern corner is nearly 100 kms. The physical shape and size of the district is irregular with the areas of Muniguda CD Block projecting towards north, Kashipur CD Block towards west and areas of Rayagada and Gunupur CD Blocks projecting towards south.

The district consists of two fertile valleys of the Nagavali and the Vamsadhara rivers. The valley of the Vamsadhara slopes down from a height of 396m near Ambadala to 79m at Gunupur while that of Nagavali falls from about 366m north of Kalyanasingpur to 152m in the south of the tahasil of Rayagada. The areas covering Kashipur tahasil, northern part of Gunupur, eastern part of Bishamakatak and southwestern part of Rayagada are full of hills and forests. Numerous hills, dense forests, green valleys, rivers and streams enrich the district with natural resources.

### Topography:

The district being a part of the southern Orissa highlands is sub-divided into the sub-micro regions as given below:

#### 1. Dasamantapur forested hills.

This sub-micro region is composed of hills with average height around 1,000m above mean sea level (MSL). Western part of Kashipur Tahasil comes under this region.

#### 2. Nagavali or Langulya basin.

Kalyanasingpur, eastern part of Kashipur tahasil, northern part of Rayagada tahasil, Bishamakatak and Chandili come under this sub-micro division. The river Nagavali, high hills and perennial streams are important geographical features of this region.

### 3. Koraput Eastern Ghats.

This region consists of the river Nagavali, high and rugged hills and southern part of Rayagada Block.

### 4. Vamsadhara Basin.

The catchment areas of the river Vamsadhara with average height of 650m(MSL) are the main features of this basin. Ambadala, Bishamakatak, Rayagada, western part of Gudari, Puttasing, Padmapur and Gunupur are included in this region.

### 5. Ambadala – Puttasingh forested hills (East Rayagada)

This narrow hill region has an average height of 800m above mean sea level. A number of streams such as ChuraldhoaNadi, PoladNadi, GangutiNadi, Sana Nadi etc. originating from these hills serve as the tributaries of the main river Vamsadhara. The region has a gradual downward slope towards Vamsadhara basin on the west. Puttasing, Padmapur, Gudari, Bishamakatak and Ambadala come under this region.

#### Hills:

A good number of small and high hills spread over the district. Among them Subamundi Dongar (1368m), Kailashkota hills with its peaks Mati Dongar (1024m), Jora Dongar (1020m), Puttasingi hills with its peaks – Thaladi Dongar (997m), Panchapat Mali (1359m), Korappadi Dongar (1512m), Miyamali Parbat (1526m), etc., are important. Nimgiri (1529m) is the highest peak located at Bishamakatak police station.

#### Rivers:

The Vamsadhara and the Nagavali rivers are the lifelines of the district. The Vamsadhara rises from the extreme north of Bishamakatak and passes through Bishamakatak and Gunupur tahasils. Making its path along the boundary of Orissa and Andhra Pradesh it falls in the Bay of Bengal. The total length of this river is 277kms, out of which 141 kms flows within the district. The Nagavali originates from the hills of Kalahandi district. Flowing through Kalyanasingpur, Chandili and Rayagada it passes into Srikakulam district of Andhra Pradesh and finally falls in the Bay of Bengal. Its total length is 242 kms, out of which 101 kms flows within the district. Near Rayagada it has two falls of 9m and 6m depth presenting picturesque scenery. A number of perennial streams like Golagad near Tikiri, Gangudi at Gudari and Padmapur also enrich the water sources of the district.

#### Tanks:

A good number of tanks locally known as 'Bandha', 'Munda', 'Kota', etc., are available in the district. There are nearly 1625 tanks consisting of 756 private tanks, 690 Gram Panchayat tanks and 179 revenue tanks. Providing drinking water to the animals and meeting the need of the people for bathing, washing, etc., some of these tanks serve as oasis during hot summer. These tanks bear testimony to the philanthropic activities of the rulers and zamindars of bygone days.

#### Climate:

The climate of the district is mainly tropical in nature. It is very much influenced by the southwestern monsoon during June to September. Vast stretch of high hills and green forests control the climate to a great extent. As usual the district experiences four seasons in a year, the summer from March to May, the rainy from June to September, the post monsoon from October to November and the winter from December to February. The month of May is the hottest and December is the coldest month in a year.

#### Temperature:

Temperature varies with the change of season. The month of May being the hottest, temperature rises above 45°C. It was the highest (45.6°C) in April 1999. During summer the temperature varies from 21°C to 45°C. With the onset of monsoon during June, the temperature gradually decreases and it comes down to as low as 9°C or less during December and at first part of January. The lowest temperature recorded was 5°C on 28.12.1955. In the year 1999 annual mean maximum and minimum temperatures were recorded as 36.3°C and 18.5°C respectively.

#### Forests:

Green valleys, rivers, streams and hills provide suitable environment for luxuriant growth of forests in the district. Before a century this region was inaccessible due to vast stretches of dense forest. But gradually the forest areas of the district is reducing. Coarse textured sandy soil with small amount of organic matter is found in Rayagada and Bishamakatak areas on both sides of the Nagavali river. Coarse textured alluvial soil is found in Gunupur subdivision on both sides of the Vamsadhara river. The soil of the district does not exhibit a uniform characteristic. Valleys and low-lying areas are more fertile for cultivation of paddy and

vegetables whereas the uplands are suitable for growing pulses, oilseeds, spices etc. Further classification of soils for different areas of the district is given below:

**TABLE – 01- Classification of Forest Area by Legal Status in Rayagada district**

Sl.No.	Classification of Forest	Area in Sq. Kms.
1	2	3
1	Reserve Forests	771.62
2	Demarcated Protected Forests	1147.19
3	Un-demarcated Forests	-
4	Un Classified Forests	0.96
5	Other Forests	892.56
6	Total Forest Area	2812.33
7	Total Geographical Area	7073.00
8	% of Forest area to Geographical Area	39.76
<i>Source : Principal Chief Conservator of Forests, Odisha</i>		

### Geology:

The main features of the geology of this district are Archaean and recent.

### Archean:

- A. Khondalite/ Charnockite groups are available in Kashipur, Rayagada and Bishamkatak areas.
- B. Unclassified – Gneisses including Singhbhum granite are available in Gunupur, Padmaur, Gudari and Chandrapur areas.

### Recent:

Alluvium – Entire Rayagada CD Block and part of Bishamakatak, Kalyanasingpur come under this region.

### Flora:

Green valleys, rivers, perennial streams, wide range of hills provide suitable environment for healthy growth of plants. Common trees like Sal (*Shorea robusta*), Asana (*Terminalia tomentosa*), Dhaura (*Anogeissus latifolia*), Piasal (*Petrocarpus marsupium*), Waou (*Dillenia indica*), Simili (*Bombay malabaricum*), Gombhari (*Gmelina arborea*), Chara (*Buchanania latifolia*), Bandhan (*Ougniadalpergioides*), Kasi (*Bridelia retusa*), Dhalasirisa (*Albizia procera*), Chakunda (*Dalbergia lanceolaria*), Boda (*Callicarpus indica*), Kantasirisa (*Araciale lenticularia*), Toon (*Cedrela toona*), Gandhana (*Promna species*) etc. are seen in the hilly regions of the district.

Amongst shrubs *Ardisia* species, wild banana, Odasamari (*Cyclocircinalis*), Genguti (*Clerodendron infortunatum*), Banamalli (*Coffea bengalensis*) and creepers like Sialilata (*Bauhinia vahili*), Naipalasa (*Butea superba*), Kumbhatua (*Smilax macrophylla*), etc. abundantly grow in the forests. Grass like Sabai (*Imperata arundinacea*), Bagali (*Polinidium agustifolium*), broom grass (*Thysanotus aegrotis*) are found in the low lying forests throughout the district. Fruit bearing trees like Mango (*Mangifera indica*), Tentuli (*Tamarindus indica*), Jamu (*Eugenia jambolana*), Palm, Amla, Kendu, Jackfruit, Bara koli Plum etc. are found in the forests as well as plane areas of the district.

### Fauna:

Wide range of hills, vast stretch of forests and perennial streams provide suitable conditions of food and shelter for wild animals. Tigers, leopards and panthers are seen in the dense forests. Now-a-days their numbers have been limited. Bears, hyenas, jackals, jungle cats, wild dogs, spotted deer, sambar, barking deer etc. are also found in the forests of the district. Stripped squirrel, large Indian squirrel, porcupine, gray mongoose, snakes, reptiles, lizards, etc., are commonly seen in the jungles. Common langoor, Bandar and bonnet monkey are also found in good number. Birds like green pigeons and blue imperial pigeons, snipes, painted snipes, red and gray fowls, parrots, wood-peckers, horn bills, etc., are seen in the forests.

Natural environment of the district with its green valleys, rivers, vast stretch of forests and climatic conditions are suitable for peaceful habitation of wild animals and birds. Instead of showing any cruelty to them they should be preserved for maintaining healthy ecological balance.

### Cropping Pattern:

The cropping pattern of the district is largely dependent on monsoon rain. Geographical situation of lands such as hills, streams, rivers, valleys, slopes and planes play important role in variation of growing crops

in different regions. Pulses and oil seeds are grown in the slopes of hills. Low lying areas of the rivers Vamsadhara and Nagavali are suitable for growing paddy and vegetables. Due to scarcity of water during summer double cropping is very rare. Paddy is the main crop. Depending on availability of water and nature of soil other crops like sugarcane, tobacco, groundnut, cashew, chilli, turmeric, ginger, maize, ragi, fruits and vegetables are grown in different parts of the district.

### Agriculture

Agriculture is the main source of livelihood of the people in this district. Paddy is the main crop. It is extensively grown in the river valleys of Vamsadhara and Nagavali. Other plane areas of the district are also utilized for growing paddy. But all the agricultural activities depend on the monsoon rain. Erratic monsoon brings misery to the people. Pulses like Mung, Biri, Arhar, gram etc., oil seeds like – mustard, groundnut, Nizer, cereals like – ragi, maize, wheat, millet, suan, jowar, cash crops like – sugarcane, tobacco, etc., are cultivated in different parts of the district. Cold climatic conditions in higher altitudes are suitable for growing winter vegetables like cabbage, cauliflower, beans, potato, tomato, raddish, cucumber etc. throughout the year. Cashew plantation is widely taken up by government and non-government organizations. Coffee is grown in hill-slopes of Kshipur, Bishamakatak and Muniguda. Oil-palm plantation is carried on in Gunupur sub-division. The climatic condition of the district is also suitable for commercial plantation like rubber, aromatic and medicinal plants. Due to want of marketing facilities the floriculture is yet to be taken up on commercial basis.

### Electricity and power:

This district does not have any scope for generation of electricity. It receives electricity from the GRIDCO, Orissa and supplies it to the domestic and industrial consumers as per guidelines of Government of Orissa. Till 1999-2000 as many as 1280 villages, i.e., 48 per cent of total villages of the district have been electrified.

### Industry:

**Table-02**

Sl. no.	Name of the ore/minerals	No. of working mines	Area covered (in Hect)	No. of workers employed	Output in 000Mt	Value (Rs in 000)	Quantity Export abroad (in 000 Mt)
1	Graphaite	-	-	-	-	-	-
2	Bauxite	1	1388.74	-	-	-	-
3	Manganees Ore	-	-	-	-	-	-
<b>Total</b>		<b>1</b>	<b>1388.74</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

There is no mineral exploration in the district to provide viable basement for industrial set up except road and building ingredients. Hence the industrialization did not keep pace with other districts of the state. However, there are some micro and small scale enterprises in the district. As per Micro-Small-Medium Enterprise (MSME) Act 2006, the industries are categorized as Micro Small and Medium according to the limitation of investment as given below.

**Table-03- Limit of MSME investment under MSME – Act-2006**

Category	Manufacturing Investment in Plant and Machinery in Rs.	Serving investment in equipment in Rs.
Micro	Up to 25 lakh	Up to 10 lakh
Small	More than 25 lakh but not exceeding 5 crore	More than 10 lakh but not exceeding 2 crore
Medium	More than 5 crore but not exceeding 10 crore.	More than 2 crore but not exceeding 5 crore.

Number of micro/small/ medium enterprises set up with investment and employment during 2009-10 and 2010-11 in the district is given below.

**Table 04 Number of Micro/ Small/ Medium enterprises set up with Investment and Employment of Rayagada district (Rs. In Lakh)**

Year	Micro			Small			Medium			Total		
	No.	Inv.	Emp.	No.	Inv.	Emp.	No.	Inv.	Emp.	No.	Inv.	Emp.
2009-10	159	492.85	529	1	439.00	35	-	-	-	160	931.85	564
2010-11	157	845.19	685	5	880.24	95	-	-	-	162	1725.43	780

It is seen from the table that there is no medium sized industries in the district. During 2009-10, 22 microlevel industries were set up with the aeration of employment opportunity for 83 persons and in the subsequent year equal numbers of micro level industries were set up providing employment for 119 persons. As regards small scale industries, while one industry was set up during 2009-10, 3 such industries were set up during 2010-11 providing employment opportunity for 94 persons. On the whole, the trend of setting of micro and small industries indicates that with increase in number of industries, there has been 86% rise in the employment potential. Number of handicrafts and cottage industries set up during the year 2008-09, 2009-10 and 2010-11 is given below.

### **Irrigation:**

Agriculture in the district is mainly dependent on monsoon rain. Erratic monsoon causes failure of crops, for which this district is frequently affected by drought. Though irrigation is essential for carrying on agricultural activities but its scope is limited due to the undulation of land. The plain areas of the district are irrigated through the rivers Vamsadhara, Nagavali and numerous streams. There is one medium irrigation project namely Badanala project with an area of 8,653 hectares. There are 156 minor irrigation projects with total area of 35,662 hectares and 676 Lift Irrigation points with area 25,400 hectares. Ground water is also utilized for irrigation purposes through dug-wells and bore-wells etc. In addition to this the farmers also use pump sets, sprinklers, tanks, wells for the purpose of irrigation. Availability of ground water being abundant there is wide scope for providing irrigation through dug-well, bore-well and lift-irrigation points etc.

### **Animal husbandry:**

The natural environment of the district provides wide scope for rearing of livestock. But the lack of knowledge, interest, health care and marketing facilities stand in the way of its development. As regards dairy animals maximum people keep indigenous cattle mainly for agricultural purposes. Collection of milk from the cows is secondary for them. Only a few rear high yielding crossbreed cattle for obtaining milk, which they sell in the market. Rearing of buffaloes is not wide spread. It is limited to a certain section of people as a traditional occupation. Only a few rear improved buffaloes on commercial basis. As per 1998-99 estimates the production of milk in this district is only 16,000 metric ton as against the state average 28,000 metric ton. Such low production is mainly

due to the prevalence of indigenous cows, which are less yielding with high mortality rate and longer dry-spell. However, the veterinary department with its 16 hospitals/ dispensaries, 85 livestock aid centers and 25 artificial insemination centers (as per 1998-99 position) is taking active steps to motivate the rural as well as urban people for fodder cultivation and rearing improved varieties of animals for better yield.

### **Poultry:**

Poultry rearing in this district is not so developed for want of adequate infrastructure and health care. Only 20 small broiler units are available in private sector. The rural people rear country fowl, which have more demand. But the number of broilers and country fowls are not sufficient to meet the increasing demand of meat and eggs in the district. In this regard government is taking steps to set up hatcheries and feed mixing plants so that a number of poultry farms can be set-up on commercial basis. Rearing of ducks is very much limited.

### **Sheep, goat and pig rearing:**

The rearing of goats and sheep is a good source of earning for the people of rural areas. Vast stretch of hills and forests provide wide scope for rearing such animals. With the increasing demand for meat, rearing of goat/sheep is quite profitable. Government is encouraging the people to set up stall-fed goat rearing farms for better yield. The rearing of pig is undertaken by a small section of population of the district.

### **Fishery:**

Keeping pace with the growth of population and change in food habit, the demand for fish is increasing rapidly. But the production of fish in this district is limited to fresh water fishery. The scope of riverine fishery and sea fishing is not available for this district.

There are nearly 1625 tanks in the district having total 809.54 hectares of water area. Only 799 tanks, i.e., nearly 50 per cent of tanks are being utilized for pisci-culture. Other tanks become dry in summer and need excavation for such utilization. Two reservoirs, namely, Badanala and Siltiguda with total area of 1,100 hectares are being utilized for fisheries. Two primary fishermen cooperative societies are taking care for fishing in these reservoirs. The rivers Vamsadhara and Nagavali are not so suitable for carrying on riverine fishery. Production of fish within the district is only 653 metric ton as in 1998-99, which is not sufficient to meet the demand for which fish is imported mainly from Andhra Pradesh.

**Transport and Communication:**

The network of communication, which is now available in the district, was a dream before a century. Practically this region was isolated from coastal plain due to inaccessible hill-tracts, dense forests, wild animals and malaria infection. A trade route between coastal region and Chhattisgarh was passing through Rayagada. It was the only link through which the traders carried their merchandise on pack-bullocks. Construction of roads and railway lines in this hilly region was too difficult and expensive. Sometimes the construction workers became the prey of wild animals and malaria. Under such adverse situation for the first time construction of ghat road from Jeypur to Anantagiri was undertaken in 1863, which was completed after a long effort of 22 years. Road link between Koraput and Rayagada was established in 1940. Later on, roads connecting to Gunupur, Bishamakatak, Ramanaguda, Mohana, Ganjam, Parlakhemundi and other places of the district and state were constructed.

In comparison to coastal plain the network of roads and railways in this district is not so developed due to hill-tracts and undulation of land. Railway line within the district is limited. Two railway lines from Vizianagaram to Raipur and Koraput to Rayagada having total length of 208 kms with 14 stations are available in this district.

**Places of religious, historical and archaeological importance****Bishamakatak:**

It is situated at the foot of Nimagiri hills at a distance of 48 kms from district headquarters Rayagada. The village presents beautiful natural scenery due to the presence of hills, forests and paddy fields around it. Local people call it Bissam Kota meaning 'poisonous fort' as many people became the prey of malaria in the past. This village was established as a feudatory state of Jeypur kingdom during the reign of Maharaja Raghunath Krishna Deo (1686-1708). It has commercial importance for production of tobacco. There is a Danish Mission Hospital for treatment of leprosy patients. It is the headquarters of Tahasil, Community Development Block and police station.

**Chatikona:**

It is situated at a distance of 84 kms from Rayagada. A small but beautiful waterfall is the main source of attraction for the tourist. It is famous for Pataleswar Shiv temple.

**Devagiri:**

It is situated at a distance of 55 kms from Rayagada towards the south-west of Kalyanasingpur. It is

famous for Devagiri hills where goddess Maha Laxmi is worshipped. There are some perennial pools of water known as Ganga, Jamuna, Saraswati and Indradymna. There is a cave having images of Lord Shiva and other deities. The images display the artistic skill of medieval times. Shiva Ratri festival is observed with much devotion and congregation.

**Gunupur:**

It is the sub-divisional headquarters situated at a distance of 80 kms from Rayagada. It is famous for production of fine variety of rice. There is a Balaji Math containing an unfinished temple. There are remains of an old fort with mud walls. Inside the fort there is a sacred place known as Kunda 'Sati' where the wives of the then ruler Narayan Patro committed sati by jumping into fire-pit.

**Kalyanasingpur:**

It is situated on the bank of river Nagavali at a distance of 48 kms from Rayagada. Green valleys and hills of Nimagiri increase its natural beauty. This place has an interesting political history. During the reign of Maharaja Vikram Deo II (1825-1860) it was a feudatory state of Jeypur. But as regards installing a Zamindar for this village, the Khonds who were the main inhabitants in this region did not submit to the rule of the Maharaja. A lot of conflicts arose and lastly the revolutionary activities of the Khonds were subdued in 1933 after a lapse of more than 70 years.

**Mina-jhola:**

This village is situated at a distance of 134 kms from Rayagada. It is famous for Mina-jhola Shiva temple. The picturesque situation of the temple on the confluence of three rivers, namely, Pholopholia, Chauladhua and Vamsadhara attracts pilgrims from far and near.

**Padmapur:**

It is a small town having block headquarters situated at a distance of 72 kms from Rayagada. A number of Shiva temples namely—Manikeswar, Dhabaleswar, Mallikeswar, Nilakantheswar and Podukeswar constructed on the hill of Jayamanda are the main sources of attraction for the devotees. There is a shrine of archaeological importance. It contains the inscription of 7<sup>th</sup> century A.D. depicting the genealogy of three Buddhist Acharyas namely – Chandralekha, Bhaddakhon and Dharmakirtti.

**Rayagada:**

It is the headquarters of Rayagada district. This town is situated on the high bank of Kumbhikota river at a height of 206 m above mean sea level. The river bed is too deep below 45 m. It is not possible

to get ground water through wells. This place is associated with many historical events. Once upon a time, i.e., during the reign of Viswanath Deo it was the hqrs. of Nandapur kingdom, again the headquarters was shifted from Rayagada to Jeypur in the middle of 17<sup>th</sup> century. Maharaja Viswanath Deo built a mud-fort in this place, the remains of which are still available. There is a sacred place within the fort known as “Sati Kunda” where the queens of Maharaja Viswanath Deo numbering more than 100 jumped into a fire-pit performing Sati on his death in 1571. Inside the fort there is a black stone. It stands as a social stigma of olden days. Human beings were supposed to be sacrificed on it. Another pathetic story is associated with this fort. His own son imprisoned Raja Vikram Deo in this fort in 1849. Important places of worship like Majhigariani temple and Hanuman Temple are visited by hundreds of devotees throughout the year. An ashram named Thakkarbapa Ashram is located at Rayagada. Servants of India Society established it in the year 1939. The primary aim of this institution is to spread education and uplift the Scheduled Tribes.

There is a beautiful waterfall at a distance of 3 kms. from the town. It is known as ‘Hathipathar water fall’. There is a massive rock precariously standing on the bed of the river Nagavali. Water with high speed

### **Panchayati Raj System:**

The three-tier Panchayati Raj System was introduced in the state with the enforcement of the Orissa Panchayat Samiti and Zilla Parishad Act, 1959, w.e.f. 26<sup>th</sup> January, 1961 which was further strengthened with the implementation of Orissa Zilla Parishad Act, 1991 w.e.f. 1<sup>st</sup> November, 1993. The major objective of the Panchayati Raj System is to entrust the people with the management of local affairs and develop their capacity for self-governance. In the three tier system of Panchayati Raj, the Panchayat Samiti functions as the intermediary between Zilla Parishad at district level and the Gram Panchayat at village level and each of them functions within its own jurisdiction for the development of rural areas of the district for a normal tenure of five years.

Zilla Parishad, the apex body in the district, is constituted of the following members. Each Panchayat Samiti in the district elects two members to the Zilla Parishad. Elected Members of Legislative Assembly and Members of Parliament from the district become the members of the Zilla Parishad. Chairmen of all Panchayat Samities of the district, Chairmen of the Municipalities/ NACs and

Co-operative banks of the district, the district officers of Health, Education, Public Health, Agriculture, Forest, Works and Co-operative development become the ex-officio members of Zilla Parishad. There is reservation of seats for SC and ST members on the basis of proportion of their population while 1/3<sup>rd</sup> of the seat is reserved for women members including SC and ST women. The members of the Zilla Parishad elect one amongst them as President and another as Vice President. The Collector of the district acts as the Chief Executive Officer. The Zilla Parishad, besides formulating policies for the key areas of rural development in the district, monitors and evaluates the various developmental programmes of the government, which are implemented by the Panchayat Samities in their respective areas of the district.

The Panchayat Samities, which act as the intermediary between Zilla Parishad and Gram Panchayats were established throughout the state in accordance with the provisions of the Orissa Panchayat Samiti Act, 1959 and their jurisdictions are coterminous with the area of the Community Development Blocks. The Block Development Officer is the Executive Head of the Samiti. Other Block level officers are the official members. Sarpanchs of all Gram Panchayats within the C.D. Block become non-official members of the Panchayat Samiti. The elected members of the Panchayat Samiti elect one amongst them as the Chairman and another as Vice Chairman, of whom one must be a woman. Panchayat Samities are not only responsible for the planning, execution and supervision of all types of governmental development programmes in their areas but also look after the spread of primary education, management of trust and endowments etc. and all other developmental matters in their respective localities.

The Gram Panchayat at the primary level is constituted of a group of villages which are divided into wards. Ward members are directly elected by the voters of each ward. The Sarpanch of the Panchayat is elected by the voters of all the wards under the Gram Panchayat and one Naib Sarpanch is elected from amongst the ward members to look after the work of the Panchayat.

The members of the Zilla Parishad. Chairmen of all Panchayat Samities of the district, Chairmen of the Municipalities/ NACs and Co-operative banks of the district, the district officers of Health, Education, Public Health, Agriculture, Forest, Works and Co-operative development become the

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### Summary

In this study there are two key concepts: tribe and development. In sociological literature there is a long and inconclusive discourse on concept of tribe. However, for the purpose of analysis, the present study confines itself to Scheduled Tribes only, as defined by the Government of India. Though the concept of development is very complex, the analysis in the study focuses on development only at two levels: household and village level. While household

level development is measured in terms of changes in income and assets ownership position, development at the village level is viewed in terms of changes in the infrastructure mainly the electricity, road and water, though other aspects are examined in a limited manner.

### Method and Construction of the Study

The analysis in the thesis is made both at the macro and micro levels. The macro level analysis covers the state as a whole with a special focus on the districts declared fully as Scheduled Areas. It is based on information collected from secondary sources like Statistical Abstracts of Odisha, Various Census reports, District Statistical Handbooks, Economic Survey of Odisha, etc. Besides, data were also collected from various Government offices like Ministry of Panchayati Raj, SC & ST Development Department and SC & ST Research and Training Institute, Government of Odisha.

### Major Findings

The summary of the major findings of both macro and micro level analysis are presented below:

#### Macro Level Analysis

The analysis at the macro level was constrained by paucity of information on many aspects of provisions of PESA Act and nature of people's participation and its impact on their development. The analysis of the available data indicates that after the introduction of PESA Act the number of tribal elected representatives increased noticeably in the scheduled areas, as compared to that of the on non-scheduled areas. Similarly, data on implementation of various development schemes reveal that the numbers of scheduled tribe beneficiaries of various development schemes have increased noticeably.

Though comparatively some kind of development is noticed in the scheduled areas in terms of electrification, construction of Panchayat roads, supply of drinking water, etc. it is difficult to conclude that these developments can be attributed to PESA Act, as adequate data are not available to establish this linkage. Hence, a detailed analysis is required at the micro level.

#### Micro Level Analysis

The summary of the micro level findings are as follows:

#### Awareness

A majority of the households in the Panchayat are not well aware of or having low level of awareness about PESA Act and the aspects of local governance such as functioning of Gram-Panchayat and the operations of various Governmental development schemes. Nevertheless, relatively higher level of awareness is

found among significant number of households, particularly in the advanced Panchayat. Contrary to the popular perception, BPL households have better awareness than their APL counter parts.

### Participation

In the Panchayat signs of changes are visible among tribals like participating in election process, attending meetings, expressing view points, criticizing local representatives and their decisions, monitoring development schemes, providing information about various schemes, etc. following the introduction of PESA Act. The rate of participation is relatively more in advanced Panchayat both at the formal as well as informal level. While attending Palli Sabha, Gram Sabha and panchayat meetings and expressing viewpoints in these meeting are tread as formal participation, informal participation includes acts like providing information about schemes and programmes, mobilising people for or against some Panchayat decisions, giving oral complaints to local authorities, etc. Though the individuals in many cases participate without proper awareness at various levels, it is found that better awareness makes their participation more effective.

Two types of participation are noticed: (a) Collaborative (b) Adversarial. Collaborative participation takes place in terms of supporting the elected representatives in various meetings, extending cooperation in monitoring the development schemes, mobilizing people in favor of decision taken in Palli Sabha, Gram Sabha and Panchayat meetings, etc. Adversarial participation takes the form of criticizing the elected representatives, opposing their decisions in the meetings, mobilizing people against decisions taken in Palli Sabha, Gram Sabha, giving complaints to the local authorities, etc.

### Participation and Development

Participation leads to development both at the individual and local level. Comparatively speaking, though adversarial participation is less in the Panchayat, it leads to better development in advanced Panchayat at individual level (in terms of positive changes in household asset ownership position and income) and at the local level (in terms of infrastructural changes). On the contrary, the adversarial participation does not result in positive changes in backward Panchayat; rather it affects the concerned households and villages adversely.

### Background of the Elected Representatives

The profile of the Sarpanch and other elected representatives of the Panchayat reveal that they are mostly literates and relatively have higher educational attainment, land ownership position, better sources of

income, contact with bureaucracy, knowledge about provisions of PESA Act, etc. The same could be said about the tribals who actively participate both at the informal or formal level, either collaboratively or adversarial.

### Suggestions

1. Minimum educational qualification to be fixed up for the posts of Sarpanch, ZP members and chairman ; which will not only helps them to use the position in proper manner, but also will create a tempo to pursue higher education.
2. Orientation meeting should be help in regular interval, so that these representatives will find some urge to discharge their duties properly.
3. Bio metric attendance may be introduced for pursuing the attendance at Grama Sabha, Palli Sabha as in the current situation signature were taken after deciding the matters, without informing the common mass in most of the cases.

Training and awareness campaign must be done in the concerned tribal dialect, as a result the tribal stakeholder will have more command over their rights and responsibilities.

### Conclusions

Participation of the tribals in local governance and development which was unheard in tribal Odisha is gradually being experienced following the introduction of PESA act. A significant number of tribals have shown interest in participating election process, attending various meetings, expressing view points, criticizing public policies and mobilizing fellow tribals for or against of decisions at local levels concerning their development. It may not be entirely appropriate to argue that all these changes are due to the introduction of PESA act. It could be due to other supplementary factors like enhancement of literacy, improvement in infrastructure and communication facilities, etc. But whatever may be the reason, both the qualitative and quantitative information provide firm evidences establishing the fact that the provisions of PESA act has generated public participation of the tribals in local affairs.

To sum up, PESA Act has initiated a process of awareness about various aspects local governance and development programmes in the tribal areas and generated participation at various levels significantly. Dreze and Sen's thesis that public participation leads to better development holds true in the context of tribal Odisha. The level of participation largely corresponds to the level economic development both at the household and local level excepting minor variations here and there.

The poor participate relatively more than the better off households. The study also supports the pluralist's argument that power and capacity to participate in decision making associated with a variety of attributes like regular sources of income, better land ownership position, literacy and education, knowledge about the various schemes and programmes, contact with local bureaucracy, etc.

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