

# Structural & Functional Contradictions of Panchayat Raj System in Tribal Areas of India

## Abstract

Panchayat Raj- a self governing system in India which was built for the empowerment of rural people.'Gram Panchayat' is the unit of this government system which governs at village level administration in India. Most of the population of India lives in villages so the development of these Gram Panchayat is nothing but the development of the India. Panchayatss are India's ancient autonomous democratic institutions.Whose description is found in he ancient Indian text 'Rigveda' In the form of 'Sabhas' and 'Samitles'. At various points of time these autonomous bodies of governance have proven their importance Inspite of the political disturbances within the country.

The reason for the creation of local government institutions in India is that government in a welfare state has the primary responsibility of providing all the public goods and services to people. The ever-exoandine role of government in a welfare state has made it impossible to meet the aspirations and needs of people by national or state governments. This need has made the institutions of local-self-government indispensable insofar as meeting the local needs is concerned. Ever since the government's developmental role extended to social sector, it required a wider network of institutional mechanism to deliver the goods and services to the people. Findings of a field survey reveal that about 70 percent of the respondents feel that collective development is achievable, when Panchayats take up the works. The integration of development with Panchayats through a symbiotic relationship has made Panchayati Raj Institutions (PRIs) sustainable. So long as development remains the centre-stage of governance, Panchayats have an important role to play.

**Keywords:** Panchayati Raj, Schedule Tribe, PESA Act, Tribal Development, Culture, Forest, River, Rights, Contradiction, Government Policy.

## Introduction

Panchayatss have been the backbone of the Indian villages since the beginning of recorded history. Gandhiji, the father of the nation, in 1946 had aptly remarked that the Indian Independence must begin at the bottom and every village ought to be a Republic or Panchayat having powers. Gandhiji's dream has been translated into reality with the introduction of the three tier Panchayati Raj system to ensure people's participation in rural reconstruction.

"Panchayat" literally means assembly (yat) of five (panch.) wise and respected elders chosen and accepted by the village community.

Panchayat Or Panchayati Raj is a system of governance in which gram panchayats are the basic units of administration. It has 3 levels: village, block and district. The term 'panchayat raj' is relatively new, having originated during the British administration. 'Raj' literally means governance or government. 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. In the history of Panchayati Raj in India, on 24 April 1993. the Constitutional (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions. This Act was extended to Panchayats in the tribal areas of eight States, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan from 24 December

## Sunil Choudhary

Assistant Professor,  
Udaipur School of Social Work,  
JRN Rajasthan Vidyapeeth  
University,  
Udaipur, Rajasthan

1996. Now Panchayati Raj System exists In all the states except Nagaland, Meghalaya and Mizoram. Also all the UTs except Delhi.

The legal status of local government institutions in the world indicates that they have been created by different legislative methods such as national constitutions (Brazil, Denmark, France, India, Italy, Japan and Sweden), by state constitutions (Australia and the US), by ordinary legislation of a higher level of central government (New Zealand, Britain and most countries), by provincial or state legislations (Canada and Pakistan), or by executive orders (China).<sup>3</sup> The local government structures i.e., the PRIs in India have been established with the authority of the highest legal entity (the constitution) of the country. The Panchayats Extension to Scheduled Areas (PESA) Act, 1996, has made it mandatory for the nine states having the 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.

The Act aims to provide 3-tier system of Panchayati Raj for all States having population of over 2 million, to hold Panchayat elections regularly every 5 years, to provide reservation of seats for Scheduled Castes, Scheduled Tribes and Women, to appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district.

#### **Aim of the Study**

To explore the Structural and Functional contradictions of Panchayat Raj System in Tribal Areas of India.

#### **PESA Act: Origin and Development**

Technically, 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 prohibits the state governments from making any law which is inconsistent with these. Accepting a clearcut role for the community, it gives wide-ranging powers to Gram Sabhas,<sup>4</sup> which had hitherto been denied to them.

The PESA is a bold statement addressing issues such as the tribals' customary rights, cultural rights, language and identity, in addition to rights to all resources within the domain such as land, water, forests and minerals, among others. The Act emphasizes the right of tribal people to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in accordance with their aspirations and need As Union Minister for Panchayati Raj Mani Shankar Aiyar stated in Parliament that the making of Panchayati Raj has become ineluctable, irremovable, irreversible, which constitutes in itself a major institutional success.

In exercise of the powers conferred by paragraph 6 of the Fifth Schedule, the President after consultation with the state governments concerned

had by Orders called 'the Scheduled Areas (Part A States) Order, 1950' and 'the Scheduled Areas (Part B States) Order 1950' set out the Scheduled Areas in the states.

According to the 2001 census, the tribal people number around 84.3 million, accounting for 8.2 percent of India's total population. There are nearly 700 state-specific Scheduled Tribes scattered all over the country, except Punjab, Haryana, Delhi and the UTs of Pondicherry and Chandigarh. Each tribe is quite distinct from the other with, usually separate languages and dialects, customs, cultural practices and lifestyles. Despite this diversity, tribal communities do have similarities, though broad generic ones. They are known to dwell in compact areas, follow a community way of living, in harmony with nature, and have a uniqueness of culture, distinctive customs, traditions and beliefs which are simple, direct and non-acquisitive by nature. Some of these broadly similar characteristics have been used as the criteria for the last few decades to identify and declare a particular community as a Scheduled Tribe. The criteria used are: primitive traits, distinctive culture, geographical isolation, shyness of contact and backwardness.

One tribal concentration lives in a belt along the Himalayas stretching through Jammu and Kashmir, Himachal Pradesh, and Uttarakhand in the west, to Assam, Meghalaya, Tripura, Arunachal Pradesh, Mizoram, Manipur, and Nagaland in the northeast. In the northeastern states of Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland, upward of 90 percent of the population are tribal. However, in the remaining northeast states of Assam, Manipur, Sikkim, and Tripura, tribal peoples form between 20 and 30 percent of the population. Another concentration lives in the hilly areas of central India (Chhattisgarh, Madhya Pradesh, Orissa, and, to a lesser extent, Andhra Pradesh); in this belt, which is bounded by the Narmada River to the north and the Godavari River to the southeast, tribals occupy the slopes of the region's mountains. Other tribals, including the Santals, live in Jharkhand and West Bengal. Central Indian states have the country's largest tribes, and, taken as a whole, roughly 75 percent of the total tribal population live there, although the tribal population there accounts for only around 10% of the region's total population.

The term 'Scheduled Areas' has been defined in the Constitution as "such areas as the President may by order declare to be Scheduled Areas." Paragraph 6 of the Fifth Schedule to the Constitution prescribes following procedure for scheduling, rescheduling and alteration of Scheduled Areas: preponderance of tribal population; compactness and reasonable size of the area; underdeveloped nature of the area; and marked disparity in economic standard of the people. These criteria are not spelt out the Constitution of India but have become well established. They embody principle followed in declaring 'Excluded' and 'Partially-Excluded Areas' under the Government of India Act, 1935, Schedule 'B' of recommendations of the Excluded and Partially Excluded Areas Sub

Committee of Constituent Assembly and the Scheduled Areas and Scheduled Tribes Commission 1961.

After independence, the Constituent Assembly appointed a Sub-committee with A.V. Thakkar as its Chairman<sup>5</sup> to formulate provisions to safeguard the interests of the tribal population. The Sub-Committee examined the overall situation of the tribals and recommended that on the basis of past experience, it was necessary to provide statutory safeguards to protect the economic life of the tribals and their traditional customs and institutions. The general position according to the Sub-Committee was that the areas predominantly inhabited by tribal people should be known as the 'Scheduled Areas.' These areas were accorded constitutional identity and formally recognized under Article 342 of the Constitution and referred to the tribals as the 'Scheduled Tribes,' and the areas where substantial Scheduled Tribe population resided were declared the 'Scheduled Areas' under the Article 244(1) and the Fifth Schedule.

As for applying laws to the Scheduled Areas, the Thakkar Committee criticized the then prevalent system under which the Governor was required to apply legislation a discretion. The Committee was of the view that in respect of certain subjects, the passed by provincial legislature should not be applied to the Scheduled Areas unless the Tribal Advisory Council considers them suitable.

The time was ripe by the 1980s to strengthen the PRIs in the sense that the nation acquired enough experience with their functioning. The two issues needing attention to acquired enough experience with their functioning. The two issues needing attention to any reform of the local governance were devolution of powers and according constitutional status to these bodies. Prime Minister Rajiv Gandhi realized that decentralization of power could, to a great extent, solve rural problems. He felt that the greatest challenge for Indian democracy was to make the fruits of development reach the villages.

It was only in December 1992 that the Constitution Seventy-Third (Amendment) Bill had been passed by Parliament and became operative in May 1993, when a half of the state legislatures ratified the same. The salient features of the Act are:

1. Provision for a 3-tier system of Panchayati Raj for all states having population of over 20 lakh.
2. Mandatory holding of Panchayat elections every 5 years.
3. Provision for reservation of seats for the Scheduled Castes, Scheduled Tribes and women (not less than 33 percent).
4. Appointment of State Finance Commission in each state to make recommendations regarding the financial powers of the Panchayats.
5. Constitution of District Planning Committee to prepare draft development plan for the district as a whole. According to the Constitution, Panchayats 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 :

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6. Preparation of plans for economic development and social justice.
7. Imolementation of schemes for economic development and social justice in relation to 29 subjects given in the Eleventh Schedule to the Constitution,
8. To levy, collect and appropriate taxes, duties, tolls and fees.

Following the 73rd constitution amendment, a high level Committee under the Chairmanship of Dileep Singh Bhuria, MP, was constituted in June 1994, to examine the issues relating to the extension of the provisions of Part IX of the Constitution to the Scheduled Areas and to make recommendations on the salient features of the laws for extending provisions of this part of the constitution to the Schedule Areas. The Committee discussed various issues related to Part IX and examined certain unique characteristics of tribal societies and tribal areas as many tribal societies have their own customary laws, traditional practices, community ethos, political and administrative systems, among others. The Committee submitted its report in January 1995. The Committee's Report proposed a legal framework suited to participatory democracy particularly at the grassroots level. It was contemplated that the institutions proposed to be constituted at the district level and the lower levels should have a living relationship with the self-management practices, which have been in vogue in the tribal areas.

Based on the Bhuria Committee Report, the Panchayats Extension to Schedule Area Act (PESA), 1996, was passed by Parliament and came into effect on 24<sup>th</sup> December 1996. The Act extends to the tribal areas of nine states, namely Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa, Rajasthan and Chhattisgarh. Under the Act, Gram Sabhas are endowed specifically with such powers and authority as to enable them to function as institutions of self-government. These powers are:

1. Ownership of Minor Forest Produce
2. Power to enforce prohibition
3. Power to prevent alienation of land
4. Power to control local plans and resources including the Tribal Sub-Plan
5. Power to manage village markets
6. Power to control money lending to STs
7. Power to control institutions and functionaries in all social sectors

### **Contradictory Issues in PESA Act**

The PESA is one of the progressive legislations for tribal welfare, providing for self-governance and recognizing the traditional rights of tribal communities over natural resources around them. Recognizing the importance of the Fifth Schedule Areas in nine states, the Act provides the Gram Sabha with powers of social audit and prevention of land alienation. The provisions of the Act are far-reaching in their implications, but there are several problems with regard to their implementation. While the tribal communities remain ignorant of its enabling provisions, the state governments have

become quite uncomfortable with the mere existence of the Act, and have been trying to dilute its spirit.

Some scholars feel that PESA is an integral part of the 73<sup>rd</sup> Amendment; hence its contents have the mandatory status of the provisions of the Constitution. But there is also a view that the PESA contents are ancillary to the Constitution and do not enjoy the mandatory status that the provisions of the Constitution enjoy. The debate is not mere academic. The holders of the first viewpoint want to force the states to adopt the provisions of PESA as they are while the other school want the specific provisions, not PESA per se, to be considered on their merits for adoption or rejection or modification.

#### **Definition of The Village**

Section 4(b) defines a village as a habitation or a group by Definition of the village: Section 4(b) defines a village as a habitation or a group habitations or a hamlet or a group of hamlets comprising a community and managing affairs in accordance with tradition and customs.

As the tribal areas are scattered, with many languages, different cultures, traditions and customs, it is not possible to define the village. There is no uniform pattern of tribal rule with this cultural diversity. Most of the tribal villages exist in their current habitats with their respective territorial jurisdictions. This does not mean that status quo must be maintained in all cases. But rather than creating new territorial entities through legal instruments, the best course would be to recognize the existing villages and village boundaries, and leave it to the people as a whole to formally pass a resolution indicating, with reasons, the changes they want in their spatial jurisdiction.

#### **Panchayats as Institutions of Self-Government**

Section 4(m) endows Panchayats in the Scheduled areas with powers and authority to function as institutions of self-government. Such powers are essential to enforce prohibition/ regulate the sale and consumption of any intoxicant, the ownership of Minor Forest Produce, prevention of land alienation, manage village markets, control over money lending and implementation of social sector schemes, local plans including tribal sub-plans.

However, the above two categories cannot be seen in isolation from each other. The Panchayats to be effective in discharging responsibilities like prohibition, curbing the evils of money-lending, etc, will require law-making powers, judicial power and control over the law enforcing machinery. In view of the famous judgement by Justice Mahajan in 1950, the state legislatures are unlikely to vest law-making powers in Panchayat bodies. The state legislature can, of course, delegate judicial and police powers up to a point to local bodies, but to expect more will require radical transformation of political climate in the country. In fact, conferment of all the powers mentioned not only in section 4(m) but also in 4(k) & (1) will require political mobilization on a massive scale. This is a far cry from the ideal of tribal self-rule.

#### **Land Acquisition**

Section 4(i) provides that the Gram Sabha or the Panchayats should be consulted' before making the acquisition of land for development projects and

before resettling or rehabilitating persons affected by such projects. This is a very weak framework of tribal self-governance. It does not require the 'approval' or 'consent' of the Gram Sabha or the Panchayat. Moreover, it makes a vague stipulation that the actual planning and implementation of the projects be coordinated at the state level. It does not make it clear, either, among whom and through what mechanism will the coordination at the state level be done. It is also not clear whether in-charge and coordination the PRIs at the appropriate level would be involved.

#### **Management of Water Bodies**

Section 4(j) provides that planning and management of minor water bodies in the Scheduled Areas be 'entrusted' to Panchayats at the appropriate level. Ethnographers know that water-body management among many tribes is a dimension of village moral economy and the entire community is involved in the decision-making process. But the PESA Act constricts this process. Who will entrust the planning and management of minor water bodies in the Scheduled Areas? Another question is whether section 4(j) is applicable only to state legislation or to central legislation as well. Given the normative nature of the section, the stipulation ought to be applicable to central legislation also. All these issues raise the question whether section 4(j) is in consonance with 'traditional management practices of community resources'? Moreover, the thrust of the section is an infringement on the moral economy of tribal peoples.<sup>8</sup>

#### **Mining Lease**

Sections 4(k) & (1) lay down that the recommendations of the Gram Sabha or the Panchayat at the appropriate level are made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas as well as for their auction. The language of these two sections is ambiguous. It may mean that the licence could still be granted even if the Gram Sabha sends a negative recommendation for the same so long as there is a recommendation, positive or negative. The word 'recommendation' in this section seems to be inappropriate. The appropriate word should have been 'consent.'

#### **Competence of Gram Sabha to preserve tradition**

Section 4(d) stipulates that "every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution." It may be noted that there is hardly any tribe, which lives in isolation from its compereers inhabiting in more than one habitat. Otherwise continuous inbreeding within a single habitat would lead to genetic aberrations and ultimate extinction. There are hierarchies of behavioural norms, which are regulated at different levels. There are behavioural norms, which are decided at the household level; yet others are decided at lineage level; norms enforced at territorial-community level, and norms amplified, reinterpreted, redefined and enforced at much larger community level. It is a continuous process.

**Role of Gram Sabha in Planned Development**

Section 4(e) (i) of PESA inter alia provides that every Gram Sabha (i) approves the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by Panchayats at village level; (ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.

Section 4(f) empowers the Gram Sabha to issue certification of utilization of funds for the plans, programmes and projects implemented by the Panchayat in its area. The act presupposes that there are no other agencies organizations of the government, who work in the Panchayats or if there are, they are not accountable. This lacuna coupled with the unwillingness of states to devolve funds to Panchayats has limited the role of Gram Sabha in its development. As such, most developmental departments continue to carry out their projects programmes without even consultation with the Gram Sabha. For instance, in some states there are Joint Forest Management Committees, functioning autonomously of the Panchayats. These and similar other institutions operating within the jurisdiction of a village should submit themselves to the planning, monitoring and scanning functions of the Gram Sabha and the central act itself should be clear on this matter.

While the Bhuria Committee report gives credence to the role of traditional Panchayats of the tribal peoples, the Act supposed to be based on the report does not make any provision to recognise the role of traditional Panchayats. It is time head of the traditional Panchayat had been given a formal role in the working of the Gram Sabha.

**Issues to be focused**

1. The law affirms that tribal peoples' customs, traditions and their religious practices be restored and preserved. It also affirms further for their cultural identity and right over natural resources. Any legislation on the Panchayats for the tribal areas is to be in consonance with the customary laws, social and religious practices and traditional practices.
2. The PESA Act provides that every Gram Sabha is competent to safeguard and preserve traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. All the States included this provision in their respective acts except Orissa. Himachal Pradesh has clipped the wings of Gram Sabha by putting a condition that disputes could be settled according to customary mode of dispute resolution "without detriment to any law for the time being in force." Rajasthan has also imposed this provision in accordance with the state act. A similar situation prevails in Orissa and Jharkhand also. Provisions contained in the Andhra Pradesh and Orissa acts imply that for dispute resolutions provisions of IPC and CrPC would be applied instead of applying tribal customs and traditions. The Forest Act, not according to the customary mode of dispute

resolution, would settle disputes on community resources, particularly forest. In Orissa section 5(6) of the state act "the provision has been made subject to relevant laws in force and in harmony with basic tenets of the Constitution and human rights."

3. The PESA Act has provided that the state legislation may endow Panchayats with powers and authority to enable them to function as institutions of self-government and shall contain safeguards to ensure that Panchayats at higher level do not assume the powers and authority of any Panchayat at the lower level or of Gram Sabha. All the states included this provision except Maharashtra, Orissa, and Chattisgarh. Jharkhand has partially met this requirement.
4. PESA does not define minor forest produce, which has led to a lot of confusion in the states with Scheduled Areas, The Ministry of Environment and Forest defines MFP as forest produce other than timber, harvestable on a non-destructive basis and the Ministry of Rural Development and Employment defines MFP as gatherable biomass collected from living trees and forest areas on a sustained and non-destructive basis. As there is no clear-cut definition, different states have come up with their own definition of MFP. Nationalised and remunerative MFPs have been earmarked for state or private agencies, while the rest have been handed over to Gram Sabha/Gram Panchayat.
5. As GPs are now empowered to register the traders in their territorial jurisdiction for trading in the 69 items, the GPs naturally assume that they are the owners of these MFPs. However, they have not been legally empowered to take any penal action against traders who do not pay fair price to primary collectors who are forced to approach divisional forest officers for taking further action. The Gram Panchayats cannot collect royalty from the traders, either industries.
6. Tribal people live under constant threat of harassment, especially when they try to claim their rights over land and forests which customarily belong to them. The current spate of industrialization in tribal areas based on extraction of natural resources is leading to more and more conflict. All these have compelled the tribals to take control over their natural resources by force, leading to conflict between the government on the one side and the tribals on the other.

In the 21 years since the passage of the 73 Constitution Amendment, Panchayats have established themselves as a vital constituent of the democratic polity in India. It has transformed the rural political and social set-up much more than ever before. In the process it also transformed India from the least representative democracy to most represented democracy with more than 30 lakh people's representatives. It also made India the most gender balanced and feminized democratic set-up in the world. However, presently the system is in its

teens: it is too old to be termed being in its infancy but too young to shoulder true governmental responsibilities as the third-tier of governance.

#### Recommendations

PESA is unprecedented in that it gives radical self-governance powers to the tribal community and recognizes its traditional community rights over natural resources. Prior to the passage of the Act, laws passed by central and state governments were applied mechanically to tribal areas, even when these contravened traditional tribal practices and institutions. For instance, the Gram Sabha, which is locus of political power under the PESA, may be in other states no more than a convenient administrative label for the relevant assembly. However, under PESA the law focuses on settlements, which the tribal people themselves perceive to be traditional and organic entities. In fact, the PESA Act is the first law that empowers people to redefine their administrative boundaries. It provides that the tribal Gram Sabha so defined would be empowered to approve all development plans, control all functionaries and institutions of all social sectors, as well as control all minor water bodies, minor minerals and non-timber forest resources. It would also have the authority to control land alienation, impose prohibition manage village markets and resolve internal conflicts by traditional modes.

In a way, the Act creates a space for people's empowerment, genuine popular participation, convergent community action, sustainable people-oriented development and auto-generated emancipation. In reality, however, since its passage it has almost been forgotten and has not become part of mainstream political or policy discourse. Many state governments have passed laws not fully in conformity with the central law.

The reluctance of most state governments to make laws and rules that conform to the spirit of the PESA has hampered its successful implementation. The lack of political will, coupled with bureaucratic creativity, has resulted in minimalist interpretations of the law, to the detriment of the tribal people.

#### Conclusion

In the tribal regions, however, there is a glimmer of hope for participatory democracy, as tribal communities have a tradition of equality and democratic decision-making. Studies have shown that given the opportunity, participatory democracy can be well on the way to becoming a reality in the Fifth Schedule Panchayats. Where village committees have organized, where tribal women have joined the process, the participatory democracy has taken shape in the form of people demanding accountability of the elected representatives and government functionaries, in terms of villages challenging decisions that have gone against Gram Sabha and Palli Sabha resolutions, as also asserting their right to

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determine the course of development in their village, as per the provisions in the PESA. With an effective devolution of financial powers, the Gram Sabhas have benefited and also experienced the effective exercises of these powers. The Eleventh Finance Commission's terms of reference included the responsibility to suggest measures to make Panchayats financially viable institutions.<sup>12</sup>

#### Referenes

1. Sujata Ratho, *Women in Panchayati Raj Structure - A Micro Study in Four Districts of Orissa (Unpublished Ph.D. Thesis, Sambalpur University, 2004)*
2. Sujata Ratho, *Women in Panchayati Raj Structure - A Micro Study in Four Districts of Orissa (Unpublished Ph.D. Thesis, Sambalpur University, 2004)*
3. Sujata Ratho, *Women in Panchayati Raj Structure - A Micro Study in Four Districts of Orissa (Unpublished Ph.D. Thesis, Sambalpur University, 2004)*, p. 1.
4. Section 4(c) of the PESA Act, 1996, provides that every village shall have a 'Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level.
5. S.K. Singh, ed. *Empowerment of Gram Sabha and Social Audit, Vol. IV (Hyderabad: NIRD), p.*
6. B.K. Roy Burman, "Analytical Appraisal of the Panchayat (Extension to the Scheduled Areas) Act 1996." *Mninsream (New Delhi) Annual Issue December, 5, 9004.*
7. B.K. Roy Burman, "Analytical Appraisal of the Panchayat (Extension to the Scheduled Areas) Act 1996." *Mninsream (New Delhi) Annual Issue December, 5, 9004.*
8. *Ibid.*, *Moral economy implies non-implementation of fixed rules, but a process of continuous adjustment in resource allocation and utilization, harmonizing with culturally embedded ethical principles.*
9. *The Joint Forest Management Committee (JFMC) is responsible for protection and regeneration of their adjutant forest and are entitled for usufruct sharing from the forest protected by them.*
10. B.D. Sharma, URL: [http://www.doccentre.net/docsweb/advaisis\\_&\\_fo rest/](http://www.doccentre.net/docsweb/advaisis_&_fo rest/) *Fight for Tribals' Rights, Liberation (A CPIML journal), August 1996.* URL <http://www.cpiml.org/liberation/year1996/august/feature.htm>
11. N.C. Saxena, "Issues in Panchayats," <http://www.panchayats.org/downloadsPanchayat s%20NC%20Sax.PDF>
12. Mahi Pal, *Economic and Political Weekly, December 9, 2000. p. 4379.*