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Decentralized Democracy: A Study of Self-Governance in India's Tribal Regions

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ABSTRACT :

India's adherence to democratic rule discovers one of its deepest manifestations in tribal self-governance. In spite of constitutional protection through the Fifth and Sixth Schedules and progressive acts like the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA), the phenomenon of tribal self-governance has been beset by numerous challenges. This article critically explores the crossroads of customary tribal governance structures and contemporary legal systems, the point of convergence, divergence, and conflict. It discusses the constitutional and statute bases for tribal self-determination, assesses the ongoing pertinence of traditional institutions, and underscores systemic barriers like the exploitation of resources, bureaucratic overlaps, and political exclusion. Based on case studies and policy assessments, the paper contends that although India has a strong legal structure for decentralized tribal administration, effective implementation is lacking. It stresses that incorporating indigenous tradition with formal systems, strengthening Gram Sabhas, and investing in culturally attuned governance paradigms are crucial to actualizing the constitutional guarantee of self-rule. Finally, the paper contends that building tribal self-governance is not only critical to social justice and sustainable development but to enhancing the depth of India's democratic fabric.

Keywords: *Tribal Self-Governance, Decentralized Democracy, PESA and FRA Implementation, Customary Institutions, Legal Pluralism in India*

Introduction

India's democratic structure is renowned for its richness, diversity, and adherence to representation. While parliamentary and electoral democracy shape national life, the true spirit of democracy citizens' involvement in the governance finds its most authentic expression at the grass root level. Here, decentralized democracy assumes a crucial position, especially in the administration of tribal areas, inhabited by about 8.6% of the nation's population according to the Census 2011. These groups, who inhabit the inaccessible forests, hilly areas, and mineral-rich regions of central, eastern, and northeast India, have over time preserved their own forms of governance, based on collective decision-making, ecological conservation, and communitarianism.

The Indian Constitution recognizes the special status and vulnerabilities of tribal groups through safeguarding and facilitative provisions like the Fifth and Sixth Schedules for protecting their rights and self-governance arrangements. The Fifth Schedule, which applies to various central and eastern Indian states, gives Governors powers to control and modify laws in Scheduled Areas for the preservation of tribal interests (Article 244(1), Constitution of India). The Sixth Schedule, however, has a more independent framework in the northeast states in the form of Autonomous District Councils (ADCs) with legislative and administrative jurisdiction over important matters such as land, forest, and cultural conservation (Article 244(2), Constitution of India; Baruah, 2003).

In addition, post-constitutional legislative moments such as the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA) sought to tribal democratize governance by providing statutory support to Gram Sabhas and acknowledging customary rights over resources and land. PESA, specifically, was a revolutionary law as it made mandatory the consultation and agreement of tribal communities in developmental activity, land acquisition, and resource management (PESA Act, 1996, Sections 4(d)–(k)). FRA, on the other hand, redressed historic injustices by granting rights to forest-residing Scheduled Tribes and other traditional forest dwellers over forest land and community resources (Forest Rights Act, 2006, Sections 3 & 4).

Although this strong legal framework exists, the lived experience of tribal self-governance is complicated. Legal loopholes, bureaucratic apathy, and political opposition undermine the implementation of such rights. Studies indicate that Gram Sabhas are either bypassed or manipulated in many states, especially in decisions involving mining, infrastructure, and industrial projects (CSE, 2012). In several instances, forest rights claims under FRA are rejected without due process, and traditional India's democratic structure is renowned for its richness, diversity, and adherence to representation. While parliamentary and electoral democracy shape national life, the true spirit of democracy, citizens' involvement in governance, finds its most authentic expression at the grassroots level. Here, decentralized democracy assumes a crucial position, especially in the administration of tribal areas, inhabited by about 8.6% of the nation's population according to the Census 2011. These groups, who inhabit the inaccessible forests, hilly areas, and mineral-rich regions of central, eastern, and northeast India, have over time preserved their own forms of governance, based on collective decision-making, ecological conservation, and communitarianism.

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Today, tribal governance in India exists at a critical intersection where customary institutions such as village councils, clan heads, and tribal sabhas operate alongside, or in competition with, the state's formal democratic structures. This coexistence raises crucial questions: Can traditional and statutory systems collaborate without conflict? Can decentralization translate into meaningful tribal self-rule? What role does legal pluralism play in fostering democratic inclusion and respecting indigenous institutions?

Emerging scholarship in legal anthropology and political ecology emphasizes that tribal self-governance is not merely a matter of administrative efficiency, but one of cultural survival, identity, and epistemic justice (Baviskar, 2005; Roy, 2020). Tribal institutions, often dismissed as informal or pre-modern, embody principles of participatory democracy, restorative justice, and ecological balance values that resonate deeply with contemporary discourses on sustainability and inclusive governance.

This study seeks to explore the evolving terrain of tribal self-governance in India by examining both the constitutional-legal scaffolding and the indigenous practices of governance that continue to shape tribal life. It posits that, in order for decentralized democracy to be efficient and equitable, it should be able to make room for cultural pluralism, customary law, and community-based decision-making. The research takes its evidence from a reading of legal documents, case law, field research, and policy documents, seeking to add to an educated discussion on how best to make democratic self-governance in tribal areas stronger.

Constitutional and Legal Framework for Tribal Self-Governance

India's Constitution recognizes the special status of tribal people and enunciates means for their protection and self-government. Conscious of the historical marginalization of Adivasi (indigenous) peoples and their distinct cultural and political systems, the Constitution framers incorporated protective provisions to guarantee both political representation and socio-economic justice. Two very important constitutional provisions the Fifth and Sixth Schedules are the cornerstone pillars for tribal self-government.

The Fifth Schedule of the Constitution is implemented in tribal areas of ten states, such as Jharkhand, Chhattisgarh, Odisha, Madhya Pradesh, and Rajasthan. It allows for the establishment of Tribal Advisory Councils (TACs) in every state to counsel Governors on tribal welfare issues. Moreover, under Article 244(1), the Governor is empowered to modify or exclude the application of laws passed by Parliament or state legislatures in Scheduled Areas, thereby offering a mechanism to tailor governance frameworks to local tribal realities. However, the discretionary power vested in the Governor is often subject to political pressures and has been criticized for lacking transparency and accountability (Saxena, 2011).

In contrast, the Sixth Schedule is more autonomous and applies specifically to the northeastern India's Constitution recognizes the special status of tribal people and enunciates means for their protection and self-government. Conscious of the historical marginalization of Adivasi (indigenous) peoples and their distinct cultural and political systems, the Constitution framers incorporated protective provisions to guarantee both political representation and socio-economic justice. Two very important constitutional provisions the Fifth and Sixth Schedules are the cornerstone pillars for tribal self-government. Fifth Schedule of the Constitution is implemented in tribal areas of ten states, such as Jharkhand, Chhattisgarh, Odisha, Madhya Pradesh, and Rajasthan. It allows for the establishment of Tribal Advisory Councils (TACs) in every state to counsel Governors on tribal welfare issues. states of Assam, Meghalaya, Tripura, and Mizoram, where tribal communities make up a significant portion of the population. Under Article 244(2) and Articles 275 and 371, this schedule provides for the creation of Autonomous District Councils (ADCs) with legislative, judicial, and India's Constitution recognizes the special status of tribal people and enunciates means for their protection and self-government. Conscious of the historical marginalization of Adivasi (indigenous) peoples and their distinct cultural and political systems, the Constitution framers incorporated protective provisions to guarantee both political representation and socio-economic justice. Two very important constitutional provisions the Fifth and Sixth Schedules are the cornerstone pillars for tribal self-government.

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Complementing these constitutional safeguards is the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA). Enacted in response to the 73rd Constitutional Amendment, which introduced the Panchayati Raj system across India, PESA extended self-governance to tribal Gram Sabhas in Scheduled Areas. It requires no land acquisition or development project to be undertaken in the absence of the previous informed consent of the Gram Sabha. It also vests them with control over natural resources, minor forest produce, dispute resolution, and traditional practices of justice (PESA Act,

Sections 4(d)-(k)). Most states, however, have either not operationalized PESA through required rules or brought into effect watered-down versions that curtail the powers of Gram Sabhas (CSE, 2012).

The Forest Rights Act, 2006 (FRA), officially The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, acknowledges the historic injustice done to forest-dwelling communities. It makes provision for individual and community rights over forest land, the right to protect and manage forest resources, and community forest resource (CFR) titles. FRA is innovative in its design, as it transitions forest management from the central forest departments to the local communities, thus marking conformity with the philosophy of self-governance and sustainability (Ministry of Tribal Affairs, 2020).

Even with this grand legal and constitutional structure, gaps in implementation are ubiquitous. For example, a report by the Ministry of Tribal Affairs in 2021 determined that just 17% of the total possible Community Forest Resource (CFR) land was titled under the FRA. Additionally, state forest departments regularly still retain control over forests at the expense of community rights. Similarly, though PESA requires centrality to Gram Sabhas, state governments regularly bypass them, particularly where mining leases and industrial development are concerned. This has resulted in widespread protests by indigenous communities, for example, in Niyamgiri Hills (Odisha), where Gram Sabhas utilized their constitutional rights to turn down a proposal for mining by Vedanta Ltd., in a historic 2013 ruling upheld by the Supreme Court (*Orissa Mining Corporation v. Ministry of Environment and Forest*, 2013).

Further, ignorance among tribal populations regarding their rights, poor capacity-building, and the predominance of bureaucracy also hinder effective decentralization. The interplay between elected Panchayati Raj Institutions (PRIs) and conventional tribal institutions often generates jurisdictional ambiguity, especially where the state governments fail to acknowledge the jurisdiction of customary bodies.

Essentially, though the Indian state has evolved a robust constitutional and legal framework for empowering the tribal populace, the realization depends greatly upon political will, administrative clarity, and grass roots mobilization to convert these rights into practice. In the quest of India towards inclusive and participatory governance, it is necessary to bridge the gap between statutory frameworks and realities on ground to facilitate true tribal self-governance.

Traditional Governance Structures and Their Contemporary Relevance

Well before the advent of democratic institutions in modern times through constitutional means, India's tribal societies had developed indigenous systems of governance based on customary laws, oral culture, and consent-based decision-making. Such systems, headed by village elders, tribal chiefs, or clan councils, were not just casual practices but well-established institutions that regulated social, economic, and ecological life. They were motivated by normative ideals of harmony, fairness, and common good, and remain the basis for community life in much of the tribal areas throughout India.

In Central India, for example, the Manjhi Pargana system of the Santhals continues to be among the best organized indigenous governance systems. Manjhi (village headman), with the help of Godet (assistant) and Naika (ritual head), resolves local conflicts, mediates issues related to land use, enforces compliance with social norms, and even regulates resource-sharing arrangements (Upadhyay, 2004). These are normally decided after consulting the whole village, showing participatory and consensus-seeking values.

Analogously, the Ghotul system of the Gonds a special youth dormitory institution does more than socialization and is a parallel civic organization. It imparts the virtues of discipline, cooperation, and communal living. Although not a governing body per se, the Ghotul performs a critical function in promoting social order and cultural instruction basic elements of community governance.

In the Northeastern states, Meghalaya's Dorbar Shnong (village council) is a strong indigenous institution. Especially among the Khasi and Jaintia groups, these Dorbars are extensively engaged in land distribution, settlement of disputes, upkeep of traditional laws, and local developmental activities. What makes these institutions unique is their flexible but efficient organization based on clan-based authority but sensitive to the changing needs of the community.

The village councils among the Nagas also serve as de facto local administrations. They have legislative, executive, and judicial powers, and they do so often in accordance with customary law enshrined in practice instead of written legislation. Constitutionally, such institutions are recognized under Article 371(A) of the Indian Constitution, and they are shielded from the overriding power of Parliament through the protection of Naga customary law and traditional practices.

Yet, with the constitutional establishment of the Panchayati Raj system through the 73rd Amendment Act, traditional institutions in Scheduled Areas have come into adversarial coexistence with governance entities statutorily imposed. The Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) was created to fill this void by constitutionally enforcing the authority of traditional Gram Sabhas. However, implementation has been patchy, and in most states, traditional institutions continue to be outside the formal decision-making system for lack of enabling state-level rules, political opposition, or bureaucratic hesitation.

The conflict is mostly about the jurisdiction of natural resources, land issues, and the dispensation of justice. For instance, in some states, the Forest Department still maintains control over forest land, even though legal provisions under PESA and the Forest Rights Act endow Gram Sabhas with the authority. This leads to confusion and even clashes between government officials and community leaders and erodes both traditional authority and statutory rights.

However, increasingly in academia and policy-making circles, there is an awareness that the customary tribal systems of governance reflect democratic principles such as transparency, accountability, and participatory governance at the grassroots level more profoundly than externally implanted bureaucracies. These institutions are context-specific and culturally meaningful, hence more palatable and efficient among the tribal people. For example, actions taken by the Dorbar Shnong or Manjhi Pargana are regarded as legitimate, not necessarily because they are legal, but simply because they are socially accepted and founded upon tradition dating back many years.

Scholars have recommended the concept of legal pluralism the coexistence of several legal system as a workable framework for reconciling traditional and contemporary governance systems (Roy, 2020). The framework gives room for formal acknowledgment of customary law as long as it is in conformity with constitutional values like gender equality and non-discrimination. Partial models by countries like Nagaland and Meghalaya exist where customary and statutory institutions operate with reciprocity of respect although these pose challenges.

In order to progress, investment must be made in the capacity development of the conventional institutions, codification of the traditions, and policy frameworks that encourage institutional synergy instead of conflict. Additionally, tribal women and youth need to be integrated into these institutions so that they transform with changing social dynamics without sacrificing their cultural identity.

In conclusion, traditional governance structures remain *deeply relevant*, not just as cultural artifacts, but as *living, functional, and adaptive systems*. If adequately recognized and integrated with formal democratic mechanisms, they can become powerful instruments for *inclusive development, cultural preservation, and sustainable self-rule* in tribal regions.

Challenges and Opportunities in Strengthening Tribal Autonomy

Despite a forward-looking constitutional and legislative framework, the vision of tribal self-rule in India remains only partially fulfilled. The persistent gap between legal promise and actual implementation can be attributed to a confluence of structural, political, economic, and socio-cultural barriers. At the same time, there are significant opportunities to reimagine tribal autonomy as a transformative tool for inclusive, participatory, and sustainable governance.

Resource Exploitation and Displacement

One of the most pressing threats to tribal autonomy is the incessant exploitation of natural resources in tribal territories. These lands are often mineral-rich and ecologically sensitive, drawing intense interest from mining corporations, hydroelectric developers, and infrastructure builders. As a result, tribal communities face large-scale displacement, environmental degradation, and the loss of traditional livelihoods (Fernandes, 2007).

Although the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) mandates prior informed consent of Gram Sabhas before land acquisition and development projects, in practice this is frequently ignored or bypassed. In many cases, Gram Sabha meetings are either manipulated or falsely recorded, violating both the letter and spirit of the law. For example, in Niyamgiri Hills (Odisha), the Supreme Court's 2013 ruling upheld the right of tribal Gram Sabhas to reject bauxite mining proposals. This marked a historic assertion of community rights, but remains an exception rather than the norm.

Administrative Overlap and Weak Enforcement

The coexistence of multiple layers of governance traditional tribal institutions, Panchayati Raj Institutions (PRIs), forest departments, and district administration often leads to jurisdictional confusion. Though PESA and the Forest Rights Act, 2006 (FRA) bestow substantial authority upon tribal communities, these are constantly watered down by state legislation and administrative culture. For example, the Forest Department, de facto, continues to manage forest lands, disregarding Community Forest Resource (CFR) titles issued under FRA.

Adding to the problem is the non-enforcement. Notifications of the required PESA Rules have not been made by many states, and when they have, the provisions are poorly enforced because of bureaucratic reluctance and a lack of political will. Consequently, tribal governance institutions find themselves without either the capacity or the authority to assert their rights.

Marginalization and Lack of Representation

Tribal groups are perennially underrepresented within state political structures, such as state legislatures and local councils. Even where Gram Sabhas or Autonomous District Councils are found, their effectiveness is frequently undermined by restricted legal literacy, poor levels of literacy, and outside political interference. Women and the youth, especially, are subject to structural exclusion from the space of decision-making, despite their critical position in community life.

In addition, government schemes and welfare programs tend to be top-down in nature, ignoring local needs and traditional systems of governance. This disrespects the legitimacy and effectiveness of customary institutions.

Opportunities for Reimagining Tribal Self-Governance

Even with these constraints, there is huge potential to restore tribal autonomy through focusing reforms, strengthening institutions, and culture-based innovation.

1. Legal literacy, mobilization of people, and capacity-building programs can strengthen the Gram Sabhas and hugely help participatory democracy. NGOs such as PRADAN and Samarthan have effectively implemented training programs for empowering Gram Sabha leaders, especially in Chhattisgarh and Jharkhand.
2. Digitization and e-Governance technologies, when made specific to tribal environments (e.g., employing local languages and culturally localized interfaces), have the potential to enhance transparency, grievance redressal, and access to entitlements. Initiatives like e-Panchayat or mobile apps for tribal land mapping under FRA are pioneering examples.
3. Women and Youth Inclusion in both traditional and statutory governance institutions is essential. Programs such as Mahila Gram Sabhas and youth fellowships in tribal regions have indicated the potential for enhancing equity and innovation in local decision-making.
4. Sustainable Livelihood Initiatives, specifically aligned to customary ecological wisdom like community forest management, processing of non-timber forest produce (NTFP), and agro-ecology, can decrease dependence on extractive sectors and reinstate self-sufficiency. Van Dhan Vikas Kendra (Ministry of Tribal Affairs) programs are a start in this direction.

Case Studies and Success Stories

A number of states provide positive examples of tribal communities exercising self-government successfully:

- More than 1,400 Gram Sabhas in Gadchiroli (Maharashtra) have exercised and held CFR titles under FRA. Today, these communities control bamboo extraction, enforce forest use, and generate good amount of revenue for village development (CFR-LA, 2020).
- In Rayagada and Koraput districts of Odisha, tribal Gram Sabhas have opposed illegal mining, conserved sacred groves, and enforced local development plans, demonstrating the strength of community-based governance.

Conclusion

Decentralized democracy in India's tribal areas is more than just administrative planning—it is the country's pluralistic culture, its constitutional promise of justice, and its accommodation of indigenous identities. The Indian Constitution, in addition to innovative legislations like the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996 and the Forest Rights Act (FRA), 2006, is a visionary force behind tribal self-rule. These statutes acknowledge the sovereignty of tribal communities over their lands, resources, and institutions through their customary ways and socio-cultural environments. However, this vision is still only partially achieved.

At the grassroots level, there is implementation plagued by political interference, bureaucratic inertia, and extractive models of development that exclude tribal voices. Participatory values and ecological knowledge based in customary institutions are usually bypassed by formal systems of governance that are insensitive to culture or lack local legitimacy.

In spite of these hurdles, the prospects for transformative governance are huge. Empowered Gram Sabhas have been able to defend community rights, manage natural resources, and promote inclusive development. Consolidating tribal self-governance thus necessitates more than policy acknowledgment; it calls for long-term investment in legal empowerment, institutional reforms, capacity-building, and cultural integration.

Finally, true tribal autonomy is not merely a question of devolution of power; it is a question of restoring dignity, protection of identity, and allowing communities to be the authors of their own destiny within India's democratic fabric.

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