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Q6(b)

Compare the functioning of traditional Tribal Council with that of Gram Sabha under PESA

UPSC Civil Services Mains 2022 · Anthropology GS 2 · 15 marks · Evolution of the Indian Culture and Civilization

1.1 Evolution of the Indian Culture and Civilization-Prehistoric (Palaeolithic, Mesolithic, Neolithic and Neolithic-Chalcolithic), Protohistoric (Indus Civilization). Pre-Harappan, Harappan and post-Harappan cultures. Contributions of the tribal cultures to Indian civilization.

Core demand of the question

- Compare the functioning of traditional Tribal Council with that of Gram Sabha under PESA
- Keep the answer to a 15-mark length of about 200 words

Revision summary

Traditional councils are customary lineage bodies for land, marriage, and offence.

PESA Gram Sabha is a statutory assembly in **Fifth Schedule** areas.

PESA lists powers over MFP, intoxicants, and consultation on land.

Niyamgiri showed a sabha using statute against a mine.

Both can be captured; they often run in parallel.

Introduction

A traditional tribal council is a customary body of elders or clan heads that settles land, marriage, and offence. The PESA Gram Sabha is a statutory village assembly with listed resource powers in **Fifth Schedule** areas.

Body

Traditional council

- Bodies such as the Santal **manjhi-parganait**, Munda **panch**, Gond **panch**, and Naga village council rest on lineage and custom, not on a 1996 Act.
- They hear witch accusations, marriage, and forest share in local idiom. **Verrier Elwin** valued that living law against a clerk's court.
- **G. S. Ghurye** was cooler, seeing custom as often stacked toward local strong men.

PESA Gram Sabha

- **PESA, 1996**, after the **Bhuria Committee**, names the Gram Sabha as competent over land acquisition consultation, minor forest produce, intoxicants, and village plans in Scheduled Areas.
- Membership is the electoral village, including women and non-lineage residents who custom might have kept out.
- Minutes, quorum, and state PESA rules make it a fileable body for **FRA** claims and mining hearings, as at **Niyamgiri**.

Comparison

- Custom is fast and thick in kinship. PESA is slower and thicker in statute.
- **Parallel power is the usual field fact:** council sits at night, sabha sits for the scheme. Elite capture can infect both.
- **Where the Act** was not notified in full, the traditional council still does the work and the sabha is a signature meeting.

Flow diagram

Traditional council -> Custom lineage
PESA Gram Sabha -> Statute MFP land
Traditional council -> Village order
PESA Gram Sabha -> Village order

Conclusion

Traditional councils run living customary law. PESA Gram Sabhas run listed statutory powers for the same villages. Function overlaps; legitimacy and paperwork do not.

Facts & figures

PESA 1996

Panchayats (Extension to Scheduled Areas) Act that centres the Gram Sabha in **Fifth Schedule** villages.

Bhuria Committee

Recommended tribal self-rule that shaped PESA.

Manjhi

Santal village head in a traditional council chain still used beside panchayat offices.

Niyamgiri

Case where Gram Sabha process under forest and PESA logic blocked a mining project.