
30 YEARS SINCE IMPLEMENTATION OF PESA (THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996)

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INTRODUCTION:

Since it was enacted thirty years ago, the Panchayats (Extension to the Scheduled Areas) Act, 1996's provisions have continued to reflect India's determined effort to strengthen grassroots democracy in tribal areas. It was created after the 73rd Constitutional Amendment and aimed to integrate the traditional self-governance practices of the Adivasi groups in the Fifth Schedule territories with the formal Panchayati Raj institutions. It acknowledges the Gram Sabha as the primary decision-making body and moves government toward a participatory framework based on local customs, collective consent and community stewardship of natural resources.

PESA was enacted following the recommendations of the Bhuriya Committee (1995), which examined how Panchayati Raj institutions could be adapted to the socio-cultural context of Scheduled Areas. The Act derives its constitutional basis from Article 243M(4)(b) of the Constitution, which authorised Parliament to extend Panchayati Raj provisions to Scheduled Areas with suitable modifications.

Thirty years after it was put into effect, the legislation gives tribal groups the power to manage their local resources, protect their culture, control village markets, and take part in development plans that impact their lands and means of subsistence. Instead of only being passive recipients of governmental policy, it has made it possible for these communities to actively participate in their lives. PESA serves as a reminder that significant decentralization necessitates ongoing institutional commitment. At thirty, PESA stands not as a completed project but as an ever-evolving experiment in democratic self-governance for India's tribal communities.

REVIEW OF LITERATURE:

Grassroots Governance in Scheduled Areas in India: The Way Forwards of PESA Act by

P. Ananth and S. Kalaivanan.¹ examine the functioning of Panchayati Raj institutions in Scheduled Areas and their role in enabling participatory governance for tribal communities. Their study analyses the extent to which the PESA Act has empowered tribal populations in local decision-making and control over natural resources. While acknowledging the transformative potential of the Act, the authors also identify several challenges affecting its implementation, including lack of legal clarity, bureaucratic resistance, limited political will and institutional inertia.

Implementation of PESA: Issues, Challenges and way Forward by Biswas Sudipta.² This paper analyses the historical background of the Act and evaluates the progress made by different state governments in implementing its provisions. Drawing primarily on secondary data, the study highlights that despite being a powerful legislative instrument for protecting tribal rights and promoting decentralised governance, the implementation of PESA has remained inconsistent across states. The author argues that stronger policy direction and corrective legislative measures are necessary to address existing gaps.

PESA Act and Tribal Life by Dr. Usha Makwana.³ focuses on the relationship between the Act and the socio-political life of tribal communities. Through field surveys and secondary data analysis, the study assesses awareness of PESA among tribal populations and the functioning of Gram Sabhas. The findings suggest that where awareness exists, communities actively participate in Gram Sabha processes and recognise the importance of the Act for safeguarding their rights and welfare, thereby contributing to greater inclusion of tribal communities within local governance structures.

OBJECTIVES OF STUDY:

This paper examines the extent to which PESA has achieved its objective of enabling tribal self-governance over the past three decades. It evaluates the legal framework, implementation challenges, and the role of Gram Sabhas in protecting tribal autonomy and natural resources.

¹ Ananth, P., & Kalaivanan, S. (2017). Grassroots governance in scheduled areas in India: The Way Forward of PESA Act. In *International Journal of Innovative Research and Advanced Studies (IJIRAS)* (Vol. 4, Issue 1, pp. 18–19) [Journal-article]. https://www.ijiras.com/2017/Vol_4-Issue_1/paper_5.pdf

² Implementation of PESA: Issues, Challenges and way Forwards. (2015). <https://www.isca.in/IJSS/Archive/v4/i12/9.ISCA-IRJSS-2015-238.php>

³ Dr. U Makwana (2016). PESA Act and Tribal Life. In *Research Hub- International Multidisciplinary Research Journal (RHIMRJ)* (Volume-3, Issue- 03) ISSN: 2349- 7637

The key objective are as listed.

1. Study the salient features of the Act.
2. Assess the importance of PESA Act to tribal life.
3. Understand the Concerns and Challenges that came with the implementation of this Act 30 years ago.

RESEARCH METHODOLOGY:

The study is based on the analysis of secondary sources in the form of published literature on the subject. The sources include reports on PESA, Panchayati Raj, research papers, publications, books, articles, press releases, journals have been referred to.

ABOUT THE PESA ACT, 1996:

The Government of India passed the Provisions of the Panchayats (extension to Scheduled Areas) Act, 1996 to guarantee self-governance through the customary Gram Sabha methods for residents of India's Scheduled areas, which are defined by Schedule V of the Indian Constitution. The PESA Act was passed in 24th December, 1996 to expand the scope of Part IX of the Constitution to include the Scheduled Areas, with some modifications and limitations, as the Scheduled Areas were not included by the 73rd Constitutional Amendment. This exclusion was deliberate, recognising that tribal communities possess distinct social institutions, customary governance structures and cultural practices that could not be accommodated within a uniform model of local governance.

The Bhuria Committee, headed by Dileep Singh Bhuria, played a significant role in the development and recommendation of the PESA Act of 1996 by suggesting that traditional tribal self-rule be given legal legitimacy, allowing Panchayati Raj to be extended to designated regions. It encouraged decentralization, giving the Gram Sabha the authority to oversee local development, safeguard customs, and manage natural resources. The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA), which closed the gap left by Article 243M and permitted Part IX of the Constitution to apply to Fifth Schedule areas, was passed as a result of the Committee's recommendations. This made it possible to apply

Panchayati Raj institutions to Scheduled Areas with the suitable adjustments.⁴

The Act therefore represents an attempt to reconcile constitutional decentralisation with the protection of tribal autonomy. By recognising the Gram Sabha as the central decision-making body and by mandating respect for customary laws and traditional institutions, PESA seeks to adapt democratic governance to the socio-cultural realities of tribal societies rather than imposing an externally designed administrative structure.⁵

With approximately 77,500 villages and 22,000 Panchayats spread across the ten 5th Schedule states: Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana, the Ministry of Panchayati Raj (MoPR) serves as the nodal ministry for implementing the PESA ACT. In order to achieve effective grassroots government and the protection of tribal rights, it has lately trained over 1 lakh officials on how to empower Gram Sabhas with relation to land, minor minerals, and forest products. It publishes Model PESA Rules, hosts national and regional conferences, and provides staff with training on its requirements. It strengthens the Gram Sabha regarding natural resource management, land protection and community empowerment.

SIGNIFICANCE OF THE PESA ACT:

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 represents a crucial legislative attempt to bring democratic decentralization to India's Scheduled Areas, which are mostly home to tribes. These areas, which make up around 8.6% of India's total population, have long suffered from administrative neglect and socioeconomic marginalization. PESA aims to protect community rights over land, resources, and traditional institutions while bolstering local self-governance by tailoring the Panchayati Raj framework to the unique socio-cultural realities of tribal populations.

A central feature of the Act is the recognition of the Gram Sabha as the foundational unit of governance in Scheduled Areas. Unlike conventional local government structures, the Gram Sabha under PESA is vested with substantive authority in matters affecting the social, economic and cultural life of the community. This framework is intended to ensure that

⁴ Ministry of Panchayat Raj, GoI (2010) DO Lr No N-J IOI2/3/2010-PESA, March 31

⁵ Palla Trinadha Rao. (2026, February 24). Three decades on, PESA struggles to deliver tribal self-governance. Down to Earth. <https://www.downtoearth.org.in/governance/three-decades-on-pesa-struggles-to-deliver-tribal-self-governance>

development decisions are taken with the participation and consent of the local population.

This Act also provides significant safeguards to protect tribal lands and livelihoods. It mandates consultation with the Gram Sabha prior to land acquisition, resettlement or rehabilitation in Scheduled Areas, thereby attempting to prevent arbitrary land alienation. Additionally, PESA recognises the rights of Gram Sabhas over minor forest produce, which constitutes a key source of livelihood for many tribal households. The Act further requires Gram Sabha recommendations before the grant of leases for minor minerals, thereby providing communities with a voice in decisions relating to resource extraction.

PESA recognizes the validity of customary tribal laws, traditional conflict settlement procedures, and cultural traditions in addition to resource governance. Additionally, it gives Gram Sabhas the authority to control social issues including drug misuse and exploitative lending practices. When taken as a whole, these clauses present PESA as a framework intended to combine indigenous methods of community self-regulation with constitutional governance.

Political representation is another topic covered by PESA ACT. Members of Scheduled Tribes are guaranteed at least 50% of the seats, ensuring that reservations are made according to the population. Additionally, it guarantees that all level chairpersons are members of the Scheduled Tribes. Furthermore, the Act guarantees financial responsibility by requiring all village panchayats to get a Gram Sabha use certificate prior to receiving funding.

SALIENT FEATURES OF THE PESA ACT:

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 introduces a unique structure of local government that is adapted to the sociocultural conditions of tribals in India's Scheduled Areas. At the centre of this framework is the Gram Sabha, which consists of all adult members of a village registered in the electoral rolls of the Panchayat. The Gram Sabha under PESA serves as the main decision-making body, in contrast to the traditional Panchayati Raj structure. This reflects the idea that community will should be the source of government in tribal regions. PESA acknowledges the Gram Sabha's ability to protect tribal customs, communal resources, and local governance institutions and positions it at the center of decision-making. This principle is reflected in Section 4(d), which empowers the Gram Sabha to preserve the cultural identity and traditions of tribal communities. Additionally,

Section 4(i) recognises the ownership of minor forest produce by the Gram Sabha, while Section 4(k) entrusts local institutions with the management of minor water bodies.

The Act also incorporates safeguards to ensure meaningful political representation for tribal populations. Seats in Panchayats are required to reflect the demographic composition of the population, with Scheduled Tribes receiving not less than half of the total seats even in areas where their population share is below that threshold. Furthermore, the position of Chairperson at every level of the Panchayati Raj system in Scheduled Areas is reserved for members of the Scheduled Tribes, thereby ensuring that local leadership remains rooted within the tribal community.

The acknowledgment of customary tribal laws and traditional governing systems is another significant aspect of PESA. State laws regulating Panchayats in Scheduled Areas must continue to be in line with the customary norms, social practices and dispute resolution systems historically followed by tribal societies. This clause aims to harmonize indigenous community regulatory methods with official administrative organizations. Village Panchayats must also have certification from the Gram Sabha attesting to the appropriate use of funds allotted for regional initiatives.

The Act gives the Gram Sabha more power to make decisions on welfare and development. The significance of participatory decision-making in Scheduled Areas is reflected in Section 4(m), which mandates consultation with the Gram Sabha in areas of land acquisition and development initiatives. The Laghu Vanopaj (Minor Forest Produce) directives conform to section 4, clause (m) (ii) (PESA). The Chhattisgarh State Government has issued a number of directives allowing the ownership of minor forest produce to be passed on to the Panchayats in the Scheduled Areas.⁶ The directives allow for ownership to pass to the local self-government institution, however, it also requires that trade in such produce must be under the aegis of the cooperative societies and the Chhattisgarh Minor Forest Produce Trading and Development Federation.

PESA further adopts a community-oriented understanding of the term “village”. Rather than relying solely on administrative demarcations, a village is defined as a habitation or a group of

⁶ Orders are similar to those listed in: Important Amendments in Statutes and Bye-laws for Scheduled Areas – Based on the Bhuria Committee Recommendations on the Panchayat (Extension to Scheduled Areas) Act, 1996, Tribal Welfare Department, Government of Madhya Pradesh, at p. 8.

habitations that share common traditions, customs and social practices. Section 4(j) enables the Gram Sabha to regulate village markets, thereby strengthening local economic governance. subsequently, the Act allows state governments to propose Scheduled Tribes members to Panchayats at the intermediate and district levels, where specific tribal communities might not have obtained elected representation, in order to address the potential for underrepresentation. Together, these clauses aim to establish a system of government that respects traditional institutions and tribal autonomy while incorporating democratic decentralization.

GOVERNMENT INITIATIVES FOR PESA ACT IMPLEMENTATION:

The effective implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 has required coordinated institutional support from the Union government as well as state authorities. In this regard, the Ministry of Panchayati Raj (MoPR) functions as the nodal ministry responsible for guiding, coordinating and monitoring the implementation of PESA across Scheduled Areas. The Ministry plays a central role in facilitating policy support, developing operational guidelines and promoting capacity-building measures aimed at strengthening local self-governance institutions under the Act.

To enhance institutional coordination, a dedicated PESA Cell has been established within the Ministry of Panchayati Raj. This unit serves as a specialised platform for monitoring implementation progress, supporting state governments in aligning their laws with PESA provisions, and encouraging inter-state exchange of administrative experiences. The PESA-Gram Panchayat Development Plan Portal was also launched during the National Conference on the PESA Act in September 2024. It facilitates planning and monitoring of development activities aligned with the rights and priorities of tribal communities under the PESA Act.⁷

Recent programs have also placed a strong emphasis on capacity-building. In order to give elected officials and municipal authorities a greater knowledge of PESA's institutional structure and operational requirements, the Ministry has organized many rounds of master-trainer programs. More than one lakh representatives from Scheduled Areas have gotten training via these programs with the goal of enhancing Gram Sabha operations and bolstering grassroots government.

In addition, the government has introduced digital governance tools to improve transparency

⁷ PESA Mahotsav. (n.d.). <https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=2207293@=6&lang=1>

and planning processes. The development of the PESA–Gram Panchayat Development Plan (GPDP) Portal enables local institutions to track financial allocations, monitor development schemes and integrate PESA provisions into village-level planning processes.

Linguistic inclusion has been a focus as well with the translation of manuals on PESA being translated into tribal languages like Santhali, Gondi, Bhili and Mundari to ensure grassroots awareness.⁸ Academic institutions have also been engaged through the establishment of Centres of Excellence, which document tribal customs, governance practices and successful models of community participation in Scheduled Areas.

Additionally, by collecting and distributing a compilation of PESA success stories from many states, the Ministry has encouraged knowledge-sharing activities. These documented experiences promote cross-state learning among policymakers and local government organizations and provide real-world examples of successful implementation. Together, these programs show a continuous effort to improve tribal people’s ability to exercise genuine self-governance and fortify PESA’s operating framework. Although these programs are significant administrative initiatives, their success ultimately hinges on whether state governments carry out PESA rules in a way that aligns with the constitutional objective of tribal self-governance.

JUDICIAL INTERPRETATION OF TRIBAL SELF- GOVERNANCE:

An important judicial affirmation of tribal self-governance emerged in *Orissa Mining Corporation v. Ministry of Environment & Forest*.⁹ The dispute concerned a proposed bauxite mining project in the Niyamgiri Hills of Odisha, inhabited by the Dongria Kondh tribe.¹⁰ The Supreme Court held that the determination of whether the project would affect the religious and cultural rights of the tribal community must be decided by the concerned Gram Sabhas. By directing that village assemblies deliberate on the issue, the Court reinforced the participatory governance model underlying the PESA framework. The decision recognised that tribal communities maintain a deep cultural and spiritual relationship with their forests and land, and therefore must have a decisive voice in development decisions affecting these spaces. The

⁸ VisionIAS. (2026, January 31). Panchayats (Extension to Scheduled Areas) Act, 1996 | Current Affairs | Vision IAS. Current Affairs | Vision IAS. <https://visionias.in/current-affairs/monthly-magazine/2026-01-28/polity-and-governance/panchayats-extension-to-scheduled-areas-act-1996>

⁹ ORISSA MINING CORPORATION LTD VS MINISTRY OF ENVIRONMENT & FOREST & ORS [2013] 6 S.C.R. 881: | Adhwaitha Associates. (n.d.). <https://adhwaithaassociates.com/judgmentals/orissa-mining-corporation-ltd-vs-ministry-of-environment-forest-ors-2013-6-s-c-r-881/>

¹⁰ *Orissa Mining Corporation v Ministry of Environment & Forest*, (2013) 6 SCC 476

judgment thus strengthened the principle that governance in Scheduled Areas must operate through meaningful consultation with Gram Sabhas, reflecting the broader constitutional commitment to protecting tribal autonomy and community participation in resource-related decisions.

KEY ISSUES IN IMPLEMENTATION OF THE PESA ACT:

Despite its transformative intent, the implementation of the PESA Act, 1996 has remained uneven across different states. One of the most significant concerns is the delayed or incomplete adoption of PESA Rules. While the Act requires states with Fifth Schedule areas to frame rules for its operationalisation, several states took decades to notify them, creating prolonged legal and administrative uncertainty in tribal regions.

The administrative division among government agencies is another structural obstacle to PESA adoption. Although the Act gives Gram Sabhas the power to make decisions about land, forests, and natural resources, these areas are still within the jurisdiction of other ministries like the forest, mining, and revenue authorities. As a result, sector-specific regulations are frequently used to conduct resource-related licenses and development projects without significant interaction with Gram Sabha organizations. The efficient use of the authority that PESA aims to provide to local communities is weakened by this institutional gap.

Administrative and institutional difficulties have also limited implementation. Due to ongoing gaps in knowledge and capacity-building, many elected officials and community members in Scheduled Areas are still ignorant of the authority granted by PESA. Administrative authorities sometimes prioritize project-specific legislation above the safeguards envisioned by PESA due to legal uncertainty produced by overlapping requirements between PESA and other sectoral laws controlling forests, mining, and land management.

The lack of a governance structure similar to that of the Sixth Schedule territories of the Constitution is another drawback of the PESA system. Although autonomous district councils are granted significant legislative and administrative authority under the Sixth Schedule, PESA districts are still mostly governed by the traditional Panchayati Raj system. Although the Act aims to provide tribal people more autonomy through empowered Gram Sabhas, the effective use of these powers has sometimes been hampered by the absence of more robust intermediary institutions. As a result, many Scheduled Areas have only partially fulfilled the promise of

genuine self-governance.

WAY FORWARD FOR STRENGTHENING THE IMPLEMENTATION OF PESA:

Legal clarity, institutional coordination, and ongoing capacity building for grassroots institutions are all necessary to increase the efficacy of the PESA Act of 1996. Harmonizing associated laws pertaining to land, forests, and natural resources is a top concern. This authorization of the Gram Sabha would be established as a single, legally enforceable condition in matters pertaining to land use, resource extraction, and community relocation if the provisions of legislation like the Forest Rights Act of 2006 and the Land Acquisition Act of 2013 were aligned with the framework of PESA.¹¹ Such convergence would reduce the current overlap and conflicts between multiple legal regimes.

Equally important is the need for clear institutional coordination between central ministries involved in tribal governance. While the Ministry of Panchayati Raj plays a central role in strengthening local governance structures, the Ministry of Tribal Affairs remains responsible for safeguarding tribal land, forest and livelihood rights. A clearer demarcation of responsibilities between these institutions would improve policy coherence and implementation oversight.

Another area requiring attention is the standardisation of PESA rules across states. Although the Act allows states flexibility in designing their rules, the absence of uniform standards has sometimes resulted in diluted provisions. Developing model rules at the national level could provide a guiding framework while still allowing states limited scope for contextual adaptation.

Additionally, ongoing capacity-building for Gram Sabha institutions has to be given more attention. Tribal communities can better understand and use their statutory authorities with the aid of ongoing support mechanisms like community paralegals or local government facilitators, as opposed to one-time training programs. To further guarantee that Gram Sabha choices are accurately represented in development planning, monitoring and accountability procedures, including as social audits and better use of digital platforms like the PESA-Gram Panchayat Development Plan portal, should be strengthened.

¹¹ Piyush. (2025, December 27). 30th Anniversary of PESA Act: Significance, features, challenges and the road ahead. StudyIQ. <https://www.studyiq.com/articles/30th-anniversary-of-pesa-act/>

Lastly, increased financial empowerment of local institutions is necessary for the effective implementation of PESA. Community-led governance may be encouraged by directly transferring funds and unrestricted grants to Panchayats that exhibit high participation in the Gram Sabha. In the larger policy debate, it is also critical to acknowledge tribal self-governance as a crucial element of sustainable and inclusive growth in Scheduled Areas rather than as a barrier to development.

CONCLUSION:

Three decades after its enactment, PESA remains one of the most progressive legal frameworks for indigenous self-governance in the Global South. However, its transformative potential has been constrained by inconsistent state implementation, administrative resistance, and competing economic interests. Strengthening Gram Sabha authority and ensuring genuine legal harmonisation remain essential for realising the constitutional promise of tribal self-rule.

But as the last thirty years have shown, the Act's transformational promise has not yet been completely realized. The efficient operation of Gram Sabhas has frequently been hampered by institutional overlaps, rule-making delays, and a lack of administrative assistance. Realizing the goals outlined in the Act will require bolstering legal cooperation, raising awareness at the local level, and guaranteeing sincere involvement from native people. Therefore, PESA's continuous commitment to translating its ideas into real local self-governance will be just as important in the future as its legislative provisions.