



An Analytical Study On The Empowerment Of Tribal Majority Gram Panchayats And The Pesa Act In Maharashtra

¹Dr. Sunil Gawande, ²Prof. Nagarjun Wadekar

¹Assistant Professor, ² Director,

^{1,2} School of Humanities and Social Sciences,

^{1,2} Yashwantrao Chavan Maharashtra Open University, Nashik - 422222 (Maharashtra)

Abstract

In India, the Panchayati Raj system is considered the cornerstone of democracy. After the 73rd Constitutional Amendment, Gram Panchayats received constitutional recognition. However, recognizing the need for local self-governance in Scheduled Areas in accordance with the traditional systems of tribal communities, the PESA Act, 1996 came into existence. In Maharashtra, Gram Panchayats in 13 districts with a predominant tribal population come under the ambit of the PESA Act.

Through this Act, the Gram Sabha has emerged as the supreme decision-making body, while Gram Panchayats have been granted autonomy in matters of local development, resource management, and traditional justice systems. Yet, the crucial question remains: has the implementation of this Act been truly effective across all regions? This requires careful analysis.

Tribal areas continue to face several challenges, such as the impact of COVID-19, migration, difficulties in health and education, as well as external interventions over mineral resources. Hence, it becomes important to conduct a realistic study of the implementation of the PESA Act to identify the barriers in empowering Gram Panchayats and to suggest appropriate measures to overcome them.

For this research, descriptive and analytical methods have been adopted, and secondary sources have been used for data collection.

Keywords: Panchayati Raj, PESA Act, Tribals, COVID-19, Gram Sabha.

I. Introduction

The Panchayati Raj system in India is an effective mechanism of democracy at the grassroots level. The Indian Constitution, through the 73rd Constitutional Amendment, granted constitutional status to Gram Panchayats to strengthen local self-government institutions. However, considering the traditional social structures, culture, and administrative systems of tribal communities in Scheduled Areas, there was a need for a special law to design local self-governance for them. Against this backdrop, the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) came into existence. This Act provided special provisions for the development of tribal-majority areas. At present, ten states in India come under the ambit of this Act, one of which is Maharashtra, where 13 districts are covered under the PESA Act (Kusugal, 2013)

In Maharashtra, several tribal-majority Gram Panchayats are functioning within Scheduled Areas. The primary objective of the PESA Act is to ensure autonomy to these Gram Panchayats in matters of local development, resource management, and traditional justice systems. With the implementation of the Act, the *Gram Sabha* has emerged as the supreme decision-making body at the village level. However, questions arise: Has the implementation of this law been effective everywhere? Have Gram Panchayats become truly empowered? These issues necessitate a systematic study.

The COVID-19 pandemic, migration, challenges related to education and healthcare, and external interventions in mineral resources have posed multiple challenges for tribal communities. In such circumstances, it becomes crucial to examine whether the PESA Act is proving effective for the empowerment of Gram Panchayats.

The objective of this research paper is to review the empowerment of tribal-majority Gram Panchayats in Maharashtra, to study the real impact of the implementation of the PESA Act, and to highlight the challenges, opportunities, and suggest reforms within this framework.

II. Objectives of the Research

1. To study the empowerment of tribal-majority Gram Panchayats in Maharashtra.
2. To study the implementation of the PESA Act in Maharashtra.
3. To analyse the obstacles in the implementation of the PESA Act and suggest solutions.

III. Research Methodology

The present research paper adopts a descriptive and analytical approach. Through this, the current status of empowerment of tribal-majority Gram Panchayats in Maharashtra, the implementation of the PESA Act, as well as the analysis of obstacles therein, has been studied.

IV. The Need for the PESA Act, 1996

The PESA Act, 1996, is considered a revolutionary step in India's democratic system, particularly for the empowerment of tribal communities in Scheduled Areas. This law grants Gram Sabhas and Gram Panchayats in these regions the authority to make decisions, secure rights over resources, and recognize their traditional systems of justice.

The most significant aspect of the PESA Act is that it gives constitutional recognition to the tradition of tribal self-governance. Under this Act, the Gram Sabha is recognized as the supreme decision-making body, with the power to take final decisions regarding village development, the use of forest resources, water resources, land transfer, and mineral extraction.

Through PESA, Gram Panchayats have been empowered to prepare and implement development plans according to the needs of their villages. This has increased people's direct participation in governance, made decision-making more transparent, and ensured more effective resolution of local-level problems. It has also enhanced the representation of women and marginalized groups, thereby fostering inclusive democracy. Moreover, PESA

places special emphasis on traditional knowledge, eco-friendly lifestyles, and social structures, playing a vital role in the preservation of tribal culture.

One of the most successful experiments in Maharashtra is the village of Mendha-Lekha in Gadchiroli district, which stands as a model of effective implementation of the PESA Act. The village follows the principle of “In our village, we ourselves are the government.” No decision is taken without the consent of the Gram Sabha. The community has established its collective rights over forest resources through the Gram Sabha. By using resources such as bamboo and timber sustainably, the villagers have achieved economic self-reliance. In matters of development works, fund utilization, and even justice delivery, the Gram Sabha’s decision is regarded as final.

This example clearly demonstrates that, when implemented effectively, the PESA Act can achieve tribal self-governance, control over resources, and holistic social empowerment.

In conclusion, the PESA Act is more than just a legal document; it is an instrument of justice, equality, and empowerment. It serves as a cornerstone of the self-respect and autonomy of tribal communities. Therefore, the effective implementation of the PESA Act and raising awareness about it are essential for the overall development of the tribal society.

V. PESA Act, 1996 and Empowerment of Gram Panchayats

A majority of the tribal population in India lives in remote and forested regions. Their lifestyle, culture, and traditions are distinct from those of mainstream society. After the 73rd Constitutional Amendment, Gram Panchayats were given several powers regarding developmental works. However, in Scheduled Areas (tribal regions), while making decisions, the traditions and customs of the local tribal communities were not being considered.

For example, in a tribal village, the Gram Panchayat passed a resolution to cut down forest trees for road construction. However, the land had traditional rights belonging to the tribal people, who used it for festivals, rituals, collecting firewood, and medicinal plants. Legally, the Panchayat’s decision was valid, but it encroached upon the community’s customary rights. To address such conflicts, the PESA Act, 1996 was enacted. This law has played a crucial role in the empowerment of Gram Panchayats, as seen in the following aspects:

1. Empowerment of the Gram Sabha

Under PESA, the Gram Sabha is recognized as the supreme authority, with the fundamental aim of empowering it. The Gram Sabha, comprising all adult villagers, has the final say in matters of development, resource use, and social decisions. It has been given ownership rights over minor forest produce. Villagers can collect and trade products like honey, mahua, tendu leaves, etc., leading to economic empowerment of tribal families. (PESA Act, 2025)

2. Management of Water, Forests, Land, and Community Resources

The Gram Sabha becomes the central institution for protecting and managing natural and community resources. It has the authority to decide on the use of forests, grazing lands, streams, and ponds. This ensures eco-friendly development and planning of resources in line with local needs.

3. Approval of Development Plans

No development plan can be approved without the consent of the Gram Sabha. Infrastructure projects, employment guarantee schemes, health and education initiatives must be presented before and approved by the Gram Sabha. This ensures transparency, people’s participation, and fulfilment of local needs, with development proceeding from the grassroots level upwards.

4. Protection of Tribal Culture, Traditions, and Customs

The Gram Sabha has the power to safeguard tribal customs and cultural practices. It preserves tribal identity, which is threatened by modern systems. Festivals, marriage rituals, worship of forests and deities, and other cultural traditions receive institutional recognition and protection.

5. Prevention of Land Alienation

According to PESA, no land transfer can occur without the consent of the Gram Sabha. This provision protects tribal lands from being transferred to non-tribals, thereby preventing displacement, livelihood loss, and cultural erosion. It is a vital safeguard for tribal rights.

6. Control Over Resources

The Gram Sabha has the authority to regulate all types of natural resources in the village, including forests, minerals, water bodies, agricultural land, and common property resources. This prevents external companies, middlemen, or government agencies from taking unilateral decisions. The Gram Sabha thus becomes the foundation for resource conservation and equitable distribution.

7. Control Over Local Markets, Water Sources, Minerals, and Services

The Gram Sabha has the power to regulate village markets, water use, mineral extraction, and even local schools and health centers. No NGO or private organization can operate without its approval. This fosters local leadership, self-reliance, and transparency in village socio-economic activities.

8. Dispute Resolution

PESA empowers the Gram Sabha to resolve disputes through traditional methods. Property disputes, social conflicts, labor sharing, and water distribution issues are addressed locally by the Gram Sabha or traditional councils. This saves time and money otherwise spent on courts, while also maintaining community harmony.

9. Recognition of Customary Laws

PESA acknowledges traditional tribal laws, customs, and social practices in local governance. Matters like marriage practices, inheritance rights, and customary penal procedures are recognized in the Gram Panchayat functioning. This aligns governance with tribal lifestyles and makes constitutional cultural rights practically applicable. (Ministry of PanchayatiRaj, 2025)

The PESA Act grants the Gram Sabha in Scheduled Areas not just an advisory but a decision-making role. Its provisions empower villagers politically, socially, and economically. Effective implementation of this Act can lead to genuine empowerment of Gram Panchayats in tribal regions.

VI. Scheduled Areas in Maharashtra

According to Article 6(1) of the Fifth Schedule of the Indian Constitution, the President of India declared certain parts of Maharashtra as *Scheduled Areas* in 1950. Subsequently, on December 2, 1985, the Government of India issued a revised list of these areas through Notification GSR-876, which included all previously notified Scheduled Areas along with the addition of several new ones on a large scale.

At present, these Scheduled Areas are spread across 59 talukas in 13 districts of Maharashtra, covering 8,226 villages in total. The total geographical area of these Scheduled Areas is about 35,109.73 square kilometers.

As per the 2011 Census, the total Scheduled Tribe (ST) population in Maharashtra is 10.51 million (105.10 lakh), which is the second highest in the country after Madhya Pradesh. Special laws and schemes are applicable to the tribal communities living in these Scheduled Areas, and the region is considered highly significant for their social, economic, and cultural development. ((Government of Maharashtra, 2024)

District-wise and Taluka-wise List of Fully and Partially Included Scheduled Areas in Maharashtra

Sr. No.	District (Current)	Fully Included Talukas (23)	Partially Included Talukas (36)
1.	Thane / Palghar	Shahapur, Talasari, Dahanu, Jawhar, Mokhada, Wada, Vikramgad (Palghar)	Palghar, Vasai, Bhiwandi, Murbad
2.	Nashik	Surgana, Kalwan, Peth	Baglan, Dindori, Nashik, Igatpuri, Deola, Trimbakeshwar
3.	Dhule / Nandurbar	Navapur, Taloda, Akkalkuwa, Akrani	Nandurbar, Shirpur, Sakri, Shahada
4.	Jalgaon	--	Chopda, Yawal, Raver
5.	Ahmednagar	--	Akole
6.	Pune	--	Junnar, Ambegaon
7.	Nanded	--	Kinwat, Mahur
8.	Amravati	Chikhaldara, Dharni	--
9.	Yavatmal	--	Ghatanji, Kelapur, Ralegaon, Maregaon, Arni, Zari Jamni
10.	Gadchiroli	Etapalli, Sironcha, Aheri, Dhanora, Kurkheda, Korchi, Bhamragad	Gadchiroli, Armori, Chamorshi, Desaignanj (Wadsa), Mulchera
11.	Chandrapur	--	Rajura, Korpana, Jiwati

Source: Tribal Development Department, Government of Maharashtra, 2025

VII. Status of Implementation of the PESA Act in Maharashtra

The implementation of the PESA Act in Maharashtra is concentrated mainly in tribal-majority districts. These include Gadchiroli, Chandrapur, Yavatmal, and Amravati in Vidarbha; Nandurbar, Dhule, and Nashik in North Maharashtra; Palghar and Thane in the Konkan region; and Pune and Ahmednagar in Western Maharashtra. The level of social and economic development in these districts is comparatively low, and therefore, the PESA Act becomes a vital instrument for autonomy and development.

In the state, a total of 59 talukas have been brought under the purview of the PESA Act. Since the social, cultural, and geographical needs of each taluka are different, it becomes difficult to implement a uniform policy. Hence, flexible and locally need-based schemes are required at the taluka level. Under this framework, 2,928 Gram Panchayats have been granted autonomous powers, and a system of direct fund transfers (*Gram Sabha Kosh*) has been operationalized.

However, in many places, Gram Sabhas exist only on paper, with little active participation in the decision-making process. There is a pressing need to increase the training, guidance, and involvement of women, youth, and members in these institutions. The 8,226 PESA villages in the state are largely remote, tribal-majority, and distant from mainstream development. These areas face challenges such as traditional rights, forest-based livelihoods, malnutrition, and migration.

Although the law provides Gram Sabhas with authority, the lack of adequate funds, information, and training prevents effective exercise of these powers in many places. Therefore, strengthening Gram Sabhas, ensuring transparent fund management, and developing strong local leadership are crucial for the prosperity of PESA villages. ((Urmude, 2020)

VIII. Conclusion

Although significant progress has been observed in the implementation of the PESA Act, 1996 and the Forest Rights Act, 2006, most activities became somewhat restricted after the COVID-19 pandemic. At the same time, the administrative and supervisory mechanisms required for the effective implementation of the PESA Act have been further strengthened. Due to the change of government in the state, the Tribes Advisory Council could not be reconstituted, and therefore, no meetings were held for an entire year.

The Governor issued a notification under Paragraph 5(1) of the Fifth Schedule of the Indian Constitution, which provided the tribal communities an opportunity to reclaim their rights. As a result, the migration of tribals from their traditional habitats is expected to decline. The State Government has also amended several laws to align them with the provisions of the PESA Act. Efforts have been initiated to restructure the Scheduled Areas, and the related report is currently under process.

During the COVID-19 period, the State Government took several important steps in the Scheduled Areas. The Public Distribution System (PDS) was kept functional, and nutritional food was delivered to households.

In Maharashtra, many significant and positive changes have taken place in the Scheduled Areas, presenting a hopeful picture for tribal development. Even under the difficult circumstances of COVID-19, the Government of Maharashtra undertook proactive measures to protect the rights of tribal communities and ensure their development. The effective implementation of the PESA Act and the Forest Rights Act, along with the functional restructuring of schemes in the Scheduled Areas, will play a decisive role in guiding the future empowerment of tribal society.

IX. Recommendations

1. States should frame laws and rules consistent with the PESA Act and ensure their immediate implementation. Gram Sabhas must be empowered not just on paper, but in reality.
2. Local tribal people, especially women, youth, and Gram Panchayat members, should be given training on the PESA Act. The government should run special campaigns to create active and vibrant Gram Sabhas.
3. While preparing the Gram Panchayat Development Plan (GPDP), the direct participation of the Gram Sabha must be ensured. Allocation of funds should be based on the needs and priorities of the village.
4. The 5% funds allocated to Gram Sabhas should be subject to independent audit and reporting. Utilization of funds must strictly follow the resolutions of the Gram Sabha and village priorities.
5. The rights of Gram Sabhas over natural resources such as water, land, forest, and minerals must be protected. No mining or industrial project should be approved without the written consent of the Gram Sabha.
6. Gram Panchayats should be given legal guidance and training to preserve and strengthen the traditional justice systems in villages.
7. At least 50% representation and participation of women should be ensured in PESA Gram Sabhas. Women's self-help groups should be given active participation in developmental programmes.

8. The number of PESA coordinators and motivators at the district and block levels should be increased. They must receive regular training and adequate financial support.
9. For better transparency and accountability, a PESA–Public Financial Management System (PFMS) should be effectively developed. This should include direct fund transfers, expenditure tracking, and digital recording of Gram Sabha decisions.
10. Local NGOs, social workers, and researchers should be involved in the implementation process of the PESA Act to enhance community participation.

Conclusion: The PESA Act is not just a law for empowering Gram Panchayats but a democratic experiment in grassroots governance. For its successful implementation, the State, the administration, and the local community must take collective responsibility and proactive initiative.

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