

Thirty Years of PESA: The promise and the path ahead for tribal self-rule

In December 2025, India marked 30 years of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), a law that sought to correct a historic gap in governance for tribal communities



सत्यमेव जयते

Government of Assam

Sentinel Digital Desk

Published on:

31 Dec 2025, 11:04 am

The next phase of India's tribal governance must move from symbolic decentralisation to genuine empowerment. Only then will PESA fulfil its promise, not just as a law, but as a living expression of democracy in India's Scheduled Areas – Siddharth Roy

In December 2025, India marked 30 years of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), a law that sought to correct a historic gap in governance for tribal communities living in the country's Fifth Schedule Areas. Enacted under Article 244 of the Constitution, PESA was recognition of a simple but powerful truth: that governance systems designed for the plains and urban centres cannot be imposed unchanged on tribal regions with distinct social, cultural and economic traditions. Three decades on, PESA stands as both a bold constitutional promise and a reminder of unfinished work.

At its core, PESA was meant to extend the Panchayati Raj system to tribal-dominated areas while respecting traditional institutions and community decision-making practices. Unlike mainstream decentralisation laws, PESA recognised the Gram Sabha as the primary authority, not merely an advisory body. It placed people, not bureaucracy, at the centre of governance. For millions of tribal citizens across states like Madhya Pradesh, Odisha, Chhattisgarh, Jharkhand, Maharashtra, Rajasthan, Telangana and Andhra Pradesh, PESA was meant to translate democracy from paper into everyday life.

The importance of PESA lies in the historical context in which it was enacted. For decades after Independence, tribal areas were governed largely through top-down administrative systems. While these regions were constitutionally protected, development decisions were often taken without meaningful local consent. This resulted in alienation, displacement, resource loss and, in some areas, conflict. PESA was a response to this reality. It aimed to restore control over land, forests and resources to tribal communities while integrating them into India's democratic framework.

One of the most transformative aspects of PESA is its emphasis on community consent. The Act mandates that Gram Sabhas must be consulted before land acquisition, mining, development projects and rehabilitation plans. It empowers them to manage minor forest produce, control local markets, regulate moneylending and protect customary practices. In principle, this framework ensures that development does not come at the cost of identity, livelihood and dignity.

Over the past 30 years, PESA has delivered mixed outcomes. In some regions, it has strengthened local self-governance and given tribal communities a stronger voice. Gram Sabhas have asserted their authority over forest produce, resisted exploitative practices and participated actively in local planning. In areas where state rules were framed in the true spirit of the Act, PESA has improved accountability and reduced the distance between the state and citizens.

However, the broader picture remains uneven. A major challenge has been poor implementation by states. While PESA is a central law, its effectiveness depends on state governments framing detailed rules. Many states delayed this process for years, while others diluted key provisions. In some cases, Gram Sabhas exist only on paper, with real power continuing to rest with officials. This gap between law and practice has limited the transformative potential of PESA.

Another concern has been the tension between development projects and tribal consent. Despite legal safeguards, mining, infrastructure and industrial projects have often proceeded without genuine Gram Sabha approval. Consultations are sometimes rushed, poorly informed or symbolic. This undermines trust and defeats the purpose of PESA. Thirty years on, the challenge is not the absence of law, but the lack of political will to fully respect it.

PESA's journey also highlights a deeper governance issue: the discomfort with decentralised power. True self-rule means accepting that communities may say no to certain projects or demand alternatives. This requires governments to move beyond a one-size-fits-all development model. PESA calls for development that is negotiated, inclusive and locally rooted, not imposed.

Encouragingly, recent years have seen renewed attention to PESA. Several states have updated their rules, and there is greater awareness among tribal communities about their rights. The integration of PESA with forest rights, digital governance tools and livelihood schemes offers new opportunities. If implemented sincerely, PESA can complement national priorities such as sustainable development, environmental protection and social justice.

As PESA enters its fourth decade, its relevance has only grown. Climate change, resource pressure and rapid infrastructure expansion make community-based decision-making more important than ever. Tribal regions are often ecologically sensitive, and local knowledge is crucial for sustainable management. PESA provides a constitutional pathway to balance growth with conservation. The 30-year milestone should therefore be a moment of honest reflection. Celebrating PESA without addressing its shortcomings would be a disservice to the communities it was meant to empower. The way forward requires clear steps: strengthening Gram Sabhas through capacity building, ensuring transparency in consultations, aligning state laws fully with the Act, and holding institutions accountable for violations.

Equally important is a shift in mindset. Tribal self-rule should not be seen as an obstacle to development but as a foundation for better, more sustainable development. When communities have a stake in decisions, outcomes are more durable and conflicts fewer. PESA was born out of constitutional wisdom and social justice. Thirty years later, it remains a powerful idea waiting to be fully realised. The next phase of India's tribal governance must move from symbolic decentralisation to genuine empowerment. Only then will PESA fulfil its promise, not just as a law, but as a living expression of democracy in India's Scheduled Areas.

The writer can be reached at siddharth001.roy@gmail.com