

**Status of Tribal Participation in Indian Democracy and PESA Act**

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**Introduction:-**

The role of Panchayat Raj system after the 73rd constitutional amendment for the establishment of egalitarian society and decentralization is important, mainly due to the structure of Gram Panchayat and geographical expansion in the Scheduled Areas, Gram Sabhas were not given due importance and as a result development work was not done. As a result, there was a strong demand for the special powers of the local Gramsabhas in the fifth scheduled area. The Provision of The Panchayats Extension to Scheduled Areas Act, 1996 (PESA) was passed on 24 December 1996 when Deve Gowda was the Prime Minister. Preservation and conservation of the culture, customs and traditions of the Scheduled Areas and strengthening the self-governance system through Gram Sabha is main aim of PESA Act 1996. Special powers of Gram Sabhas in Scheduled Areas was secured under the PESA Act. Those special powers i.e. the gram sabha was accorded subordinate forest subtenant rights, subordinate mineral rights, management of markets, control of money lenders, control of land exchange, rights to plan local development. The gram sabha got the power to recognize and protect the local culture, tradition and system. With the help of the said Act, Gram Sabha ownership was established over the management of resources. Ownership of gram sabha means ownership of all the people/community living in that village. The Pesa Act does not differentiate between tribal and non-tribal.

**Objectives of the Study:-**

1. To study the status of tribal participation in Indian democracy.
2. To review the PESA Act and the status of tribals.

**Research Methodology:-**

In present research article, a descriptive method has been used to outline the topic based on available information. Also, secondary factual material has been taken for the writing of research paper. In the changing situation after the adoption of globalization, we need to take a review of the status of tribal participation in India and review the PESA Act. The data has been used to reach to the most generalized conclusion.

**Analysis of tribal participation in Indian Democracy and PESA:**

The Panchayat Extension (Scheduled Areas) Act (PESA) is a law that has a positive impact on the lives of the tribal people for the overall development of the citizens of the tribal areas, social, natural and geographical prosperity of the area. However, the citizens of the tribal areas are still not fully aware of this law, which was created twenty seven years ago. They are not aware of the rights given to them by this law. Therefore, it has become equally necessary to promote and propagate this law. If this law is implemented, this law will definitely be a boon. The attempt to make these people self-evident is behind the creation of this law and the people here have been given unlimited authority as compared to urban areas. However, the Act is applicable to the following sections.

Total 10 states and districts of Maharashtra covered under PESA Act

Description	Included sections
The Panchayat Extension (Scheduled Areas) Act, 1996 (PESA) came into force on 24th December, 1996. Total 10 states of the	1) Maharashtra 2) Gujarat 3) Andhra Pradesh 4) Madhya Pradesh 5) Jharkhand 6) Orissa 7) Chhattisgarh 8) Himachal Pradesh 9) Rajasthan 10) Telangana

country are covered under this Act	The PESA Act is applicable to these states only.
A total of 13 districts in the state of Maharashtra are included in this Act	1) Ahmednagar 2) Pune 3) Thane 4) Palghar 5) Dhule 6) Nandurbar 7) Nashik 8) Jalgaon 9) Amravati 10) Yavatmal 11) Nanded 12) Chandrapur 13) Gadchiroli PESA Act is applicable

Reference: Vikaspedia

The Panchayat Extension Act 1996 came into being with the aim of strengthening the self-governance system of the tribals through Gram Sabha by preserving and promoting the culture, customs and traditions of tribals. The most important right given to tribal people under this Act is the freedom to make decisions regarding their various natural assets as well as land. Most of the citizens, who have to be displaced, whether there are some development projects or dams, are against it. However, despite their opposition, those projects are carried out. Under this Act, it has been made mandatory to get the approval of all Gram Sabhas for plans and projects for the village. The management of water resources, irrigation, mines and secondary forest produce is also prescribed to the gram sabha. The Gram Sabha will ensure that no land belonging to Scheduled Tribes is illegally transferred to non-tribals.

Empowerment of women has also been given priority attention in this Act. A rule has been made to give 50 percent representation to women on various committees formed by the gram sabha to run their affairs. Therefore, the women of tribal society who have been left behind for years will get a platform to come forward. India has a very ancient and diverse tribal culture. Each tribal tribe has its own customs, traditions and way of life. Tribal Gram Sabhas have been given special powers by Acts such as Panchayat (Extension of Scheduled Areas) Act 1996 and Forest Rights Act 2006 to enable tribals to preserve their culture, tradition and natural environment around them, forests, wildlife, secondary minerals, medicinal plants. For the development of tribals, Special funds are provided for the development of tribal areas through this Act. The appropriation of which is mandatory only for the development of tribal's. It is necessary to decide the development activities

through the gram sabha keeping in mind the specific development needs of the tribal tribes in such a way that the culture, customs, traditions and ways of living can be preserved.

Gram Panchayats have to unanimously decide the works to be taken up from the funds received in the Gram Sabha. Therefore, decisions can be taken quickly through Gram Sabha and its implementation can be done with equal speed. The "Gram Sabha Kosh Samiti" of your village will spend the funds with the approval of the Gram Sabha. The selection of the work done by the Gram Sabha means that the selected work will be deemed to have been given administrative approval. Development works within Rs 3 lakh will also not require separate technical approval. The approval of the authorized officer is required only if there is a development work costing more than three lakhs. The Gram Sabha has got the freedom to use the funds received by the village. But at the same time, it cannot be forgotten that the gram sabha has a great responsibility to use the funds properly. For this, it is mandatory for the Gram Sabha to prepare the annual planning plan of the restricted fund and approve the annual plan in the Gram Sabha held on 1st May every year. While preparing the plan, it is necessary to consider the villagers of village.

The village will be able to become self-sufficient by the comprehensive and balanced development of the village. While choosing the development works you need to consider the following points carefully.

- Small ponds, secondary minerals, forest produce etc. can be managed.
- Additional facilities or necessary personnel may be provided in remote areas.
- Publicly available resources can be conserved and managed.
- It is possible to repair and revive existing but unrepaired amenities in the village.
- In order to increase employment in the village, it is necessary to pay attention to how skill development, employment development and income growth will take place.
- Measures can be taken to empower Gram Panchayat and Gram Sabha.
- Communication and telecommunication services can be strengthened.

**Conclusion:**

The PESA Act is related to the tribal people in the Scheduled Areas and the main formula of the PESA Act is to preserve and promote the culture, customs and traditions of the tribal's and to strengthen the self-governance system of the tribals through the Gram Sabha. Under this Act, Gram Sabhas in Scheduled Areas have been given special powers over Gram Sabhas outside Scheduled Areas by Section 54 of the Bombay Gram Panchayat Act, 1958. The PESA Act is a law that gives real rights to freedom to Indian tribals. Dr. Babasaheb Ambedkar made provision of "Modern Democracy" in the Indian constitution. But at present, the tribal society has not been aware about democratic system due to lack of education. If we think about the Indian tribal movement, it will be seen that in Bihar, Jharkhand, Chhattisgarh, at least a little political, but because of our identity, the PESA Act has been implemented there. The PESA Act is based on tribal cultural values, tradition, traditional laws, tribal relationship with ancestral lands and forests. Some amendments have been made to the Bombay Gram Panchayat Act, 1959 in pursuance of the 'PESA' Act. Accordingly, it has been made mandatory to take the approval of the Gram Sabha for implementing a scheme, undertaking a project or program, appropriating government funds, selecting beneficiaries for various schemes, prohibiting the sale or consumption of narcotic drugs in the concerned village.

**Reference:**

1. Bharagava B. S., Panchayati Raj System and Political Parties, Ashish Publishing House, New Delhi. (1979).
2. PESA [Panchayats (Extension to Scheduled Areas) Act 1996]
3. Arjune D. S., Panchayat Raj System and Changing Equations, Yojana Monthly, April 2007.
4. Choudhary Dattatraya Hari, Maharashtra Grampanchayat Act, Choudhary Law Publishers, Pune, 34th Edition 2015.
5. Nandedkar V. G, Panchayati Raj, K Sagar Publications, Third Edition, Pune, 2008.
6. Rajendra Hora and Suhas Palashikar, Rajyashastra Kosh, Dastane Ramachandra and Company, Pune, 1987.
7. Sudhir Bodhankar and Aloni, Social Amendment, Shri Sainath Publications, Nagpur, 2007.