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Q2(b)

How is PESA Act empowering local self-governance and impacting women's political participation?

UPSC Civil Services Mains 2024 · 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

- State what PESA is and where it applies
- Show how it empowers Gram Sabha in Scheduled Areas
- **Examine impact on women's political participation:** reservation, custom and practice
- **Be critical:** law on paper versus capture and non-notification

Revision summary

PESA 1996 extends panchayats to **Fifth Schedule** areas with Gram Sabha control over land consultation, MFP, markets and intoxicants.

Bhuria supplied the idea; Xaxa recorded incomplete state rules.

Women enter through 73rd Amendment reservation, including 50 percent in several states.

Proxy mukhiyas and male customary councils limit the gain.

Niyamgiri and Samata show how a real Sabha can affect mining; many Sabhas still do not sit.

Introduction

The Panchayats (Extension to Scheduled Areas) Act, 1996 extends Part IX of the Constitution to **Fifth Schedule** areas, with the **Gram Sabha** as the primary body. It is the statutory form of tribal self-rule recommended by the **Bhuria Committee**. Women's political participation is both opened by reservation and constrained by custom and by weak implementation.

Body

What PESA empowers

PESA applies in **Fifth Schedule** areas of ten states (Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan). It is **not** the **Sixth Schedule**. The Gram Sabha is to approve plans, control minor water bodies, minor forest produce, village markets, money-lending, and intoxicants, and to be consulted on land acquisition and rehabilitation. Customary mode of dispute resolution is recognised so far as it is consistent with the Constitution and with women's dignity - a clause that matters for this question.

Samata (1997) and later **Niyamgiri** (2013) used Scheduled Area and Gram Sabha logic against mining. **Forest Rights Act, 2006** needs a Gram Sabha that PESA already tried to

centre. **Xaxa Committee** (2014) found that several states had not fully aligned panchayat laws with PESA, and that departments still bypassed the Sabha.

Local self-governance in practice

Where a functioning Sabha exists, it can stop a liquor shop, set MFP rates, and question a mining hearing. **L. P. Vidyarthi's** village as a cultural system and **M. N. Srinivas's** dominant-caste panchayat are both altered: the statutory Sabha is territorial and adult-based, not only lineage-based. In practice, manjhi, munda, pahan or patel often capture the new office. Non-notification of villages, poorly translated rules, and parallel van samitis weaken the Act.

Women

The **73rd Amendment** reserves not less than one-third of seats and chairpersons for women (many states now use 50 percent). PESA inherits that reservation in Scheduled Areas. This has produced **mukhiya / sarpanch** women among Oraon, Gond, Bhil and Santhal panchayats. Proxy rule by husbands (sarpanch-pati) is widely reported. Customary councils that exclude women sit beside the statutory Sabha.

PESA's own text asks that custom be consistent with women's dignity. That is a lever for claiming speaking rights in the Sabha on MFP (often women's labour: tendu, sal seeds, mahua) and on land. **Elwin** had noted women's forest work; **Irawati Karve** and later gender ethnography showed that public office does not automatically follow economic role.

- **Impact is therefore** uneven but real: reserved chairs increase presence; control of MFP and prohibition decisions can increase voice; mining and party machines still mute many women. Literacy, travel to the block, and safety at night meetings remain material conditions of participation.

Critical close

PESA is empowering where the Sabha is convened, informed, and backed by courts. It is a paper tiger where states delay rules, where men speak as custom, and where a woman chair signs files written at home. Anthropology should count both the new women office-holders and the silent Sabhas.

Flow diagram

Bhuria 1996 PESA -> Gram Sabha
 Gram Sabha -> Land MFP intoxicants
 73rd reservation -> Women chairs
 Custom and proxy -> Women chairs

Conclusion

PESA places the Gram Sabha at the centre of **Fifth Schedule** local government and links land, forest produce and acquisition to that body. Reservation has brought women into chairs; custom, proxies and weak notification still limit voice. The Act is a necessary condition of tribal self-rule, not a completed one.

Facts & figures

Bhuria Committee

Recommended tribal self-rule that became PESA, 1996, centred on the Gram Sabha rather than a copied plains panchayat.

Fifth Schedule states

PESA applies in ten states with Scheduled Areas; **Sixth Schedule** councils are a different device.

Niyamgiri 2013

Supreme Court required Gram Sabha consent for bauxite mining affecting Dongria Kondh religious and land rights.

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