

Challenges and Opportunities in Implementing the PESA Act in Madhya Pradesh: A Policy Evaluation

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Abstract - The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), was enacted to empower the tribal communities through local self-governance and decentralized decision making in Scheduled Areas (tribal regions) in India. This study is to evaluate the implementation of PESA Act in Madhya Pradesh and to identify the key challenges and opportunities.

Despite the significant tribal population in Madhya Pradesh, the execution for PESA Act faces numerous hurdles including administrative inertia, lack of awareness along with resource constraints. Conversely, opportunities exist in leveraging traditional governance structures and enhancing community participation. Comparative insights from other states provide a broader perspective on effective strategies and common obstacles.

Keywords: PESA Act, Madhya Pradesh, tribal governance, policy implementation, Scheduled Areas.

Introduction - The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), was introduced with the prime objective to extend the provisions of the 73rd Constitutional Amendment Act to the Scheduled Areas (tribal regions) in India, mainly to empower the Gram Panchayats and the Gram Sabhas.

PESA Act was a historical milestone in India's governance. The main aim of PESA Act is to ensure local self-governance for tribal communities along with democratic decentralization to the grass-root levels. This also ensures to protect the traditional rights and cultural beliefs of tribal communities by providing them true independence. It also ensures them local autonomy by providing them the rights over their land, forest and natural resources which are the main source of their livelihood.

Madhya Pradesh, with a substantial tribal population, is a critical case for examining the effective implementation of the PESA Act. This paper explores the challenges and opportunities come across in this process, offering insights for policymakers and respective stakeholders.

Background

Overview of PESA Act: Enacted in 1996, the PESA Act seeks to empower the Gram Sabhas in the Scheduled tribal areas, granting them the autonomy and authority over the natural resources, customary laws including conflict resolution, and local development programmes. The Act provides effective government support and recognition to the unique cultural and social practices of tribal communities, aiming to integrate traditional governance with formal administrative structures.

Tribal Demographics in Madhya Pradesh: Madhya Pradesh is home to approximately 21% tribal population in India, with major tribes including the Gond, the Bhil, and the Baiga community. The Scheduled Areas in the state encompass several districts such as Betul, Umaria, Seoni and Jhabua where PESA's provisions are applicable, making effective implementation crucial for tribal empowerment.

Challenges in Implementing PESA in Madhya Pradesh
Administrative and Bureaucratic Hurdles: The integration of PESA's provisions into existing administrative frameworks has been sluggish. Bureaucratic resistance and a lack of clarity in roles between traditional and formal governance structures have impeded progress.

A study by the National Institute of Rural Development and Panchayati Raj (NIRDPR) highlights these administrative challenges, noting that there are gaps in policy alignment between self-governance laws and inter-departmental regulations.

Limited Awareness and Capacity: Many tribal communities are unaware of their statutory rights under PESA. Additionally, limited capacity-building initiatives have resulted in inadequate local leadership to effectively serve the objectives of the Act. Posts from social media profiles further emphasize the need for grassroots awareness campaigns and leadership training to bridge this gap.

Resource Constraints: Financial and human resource limitations have hindered the establishment of necessary support systems for PESA's execution. The lack of dedicated funds and trained personnel has affected the

sustainability of initiatives aimed at empowering Gram Sabhas.

Opportunities for Effective Implementation

Leveraging Traditional Governance Structures: Madhya Pradesh's rich heritage of tribal self-governance can be harnessed to align PESA's objectives with existing practices. Strengthening these traditional institutions can facilitate smoother integration and acceptance of the Act's provisions.

Enhancing Community Participation: Encouraging active involvement of tribal communities in decision-making processes can lead to more effective governance. Capacity-building programs and awareness campaigns are essential to empower communities to utilize their rights under PESA fully.

Inter-State Learning and Collaboration: Analyzing the experiences of other states can provide valuable insights. For instance, Andhra Pradesh's PESA Rules emphasize tribal land rights, while Maharashtra has implemented conflict resolution mechanisms through Gram Sabhas. Madhya Pradesh can adapt these frameworks to its unique socio-cultural context.

Comparative Analysis with Other States: The implementation of the PESA Act varies significantly state to state. There are numerous lessons that Madhya Pradesh can learn from other states. Andhra Pradesh and Maharashtra are often cited as pioneers in implementing PESA Act.

Andhra Pradesh enacted comprehensive PESA Rules in 2011, focusing on preserving tribal lands and natural resources. This has enabled Gram Sabhas to play a proactive role in safeguarding community assets. Maharashtra has emphasized the resolution of local disputes through Gram Sabha mediation, promoting harmony in tribal areas.

Conversely, states like Jharkhand and Odisha lag behind in fully notifying their PESA laws, limiting the potential benefits of the Act. In Odisha, bureaucratic hurdles and political resistance have delayed the implementation process, while Jharkhand faces challenges in capacity-building and awareness.

For Madhya Pradesh, studying these contrasting experiences can be instrumental. The state has recently made strides with the notification of PESA Rules, but challenges remain in terms of integrating traditional governance systems with modern frameworks.

Drawing from Andhra Pradesh's focus on land rights and Maharashtra's success in community dispute resolution, Madhya Pradesh can develop a hybrid model that addresses its unique socio-political dynamics.

Insights from Betul and Umaria Districts: An analysis of posts from Betul and Umaria highlights several key aspects

of PESA implementation at the grassroots level:

1. Empowerment of Gram Sabhas: Gram Sabhas in these districts have been entrusted with managing local resources and resolving disputes, promoting self-governance.

2. Awareness Campaigns: Workshops and training sessions have been conducted to educate tribal communities about their rights and responsibilities under PESA.

3. Integration with Traditional Governance: Efforts are being made to align PESA's provisions with existing tribal governance structures, ensuring cultural sensitivity.

4. Success Stories: Villages in Betul have reported improved resource management and conflict resolution under the Act. In Umaria, women-led Gram Sabhas have emerged as key decision-makers.

5. Government Support: Local administrations are collaborating with tribal communities to ensure smooth implementation, offering financial and technical support.

Conclusion: The implementation of the PESA Act in Madhya Pradesh presents both challenges and opportunities. Addressing administrative hurdles, enhancing awareness, and leveraging traditional governance structures are pivotal for realizing the Act's objectives. Effective learnings from other states and their experiences can guide Madhya Pradesh in fostering effective tribal self-governance, ensuring that the rights and aspirations of its tribal communities are upheld.

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