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**IMPLICATION OF PESA ON LOCAL SELF
GOVERNANCE: A STUDY ON GRAM
PANCHAYATS IN KORAPUT DISTRICT, ODISHA**

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Implication of Pesa on Local Self Governance: A Study on Gram Panchayats in Koraput District, Odisha

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Abstract – PESA is inventive because it legally recognizes the ability of tribal communities to reinforce their own systems of self-governance or create new legal spaces that can not only reverse centuries of external cultural and political offensive but can also create the prospects to control their own destiny. The Gram Panchayats in Koraput district becomes the important, endowed with significant powers.

Keywords: Panchayats, Governance, Rural, PESA

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INTRODUCTION

It is universally renowned that act has much to attain on its promise of securing people's involvement, as the foundation of a important democratic system. The Ministry of Panchayati Raj mandated the Institute of Rural Management to make an independent appraisal of 'the association between assure and the reality of self-governance in preferred states, especially those which have witnessed difficulties due to alternate mobilizations.

REVIEW OF LITERATURE:

PESA: Recasting the Balance of Power Post-independence India's policymakers, starting most particularly with the then Prime Minister Jawaharlal Nehru, have been frequently seized by the issue of crafting public policies sensitive towards the vulnerable tribal society. Through the decades though, there has also been a invariable awareness of the wide gulf between the stated intention of fortification in the Constitution, and the ground reality of routine exploitation [1]. This is evidenced in the series of reports the government commissioned from time to time, which pointed to the deepening marginalization of these society. Having lived since generations in a close and dependent association with nature in mostly resource-rich areas, they were paying an inordinate and often overwhelming price, for India's chosen development model. Violation of their land and forest rights, even leading to complete displacement or dispossession; unequal economic relations with the world at large; and the erosion of their cultural practices were some of the harsh, yet ordinary realities in the life of the tribal community [1]. As a senior

politician has argued, the Act has been passed pursuant to a constitutional imperative, the failure to put into practice the (PESA) Act in Fifth agenda areas amounts to noncompliance with legitimate supplies. The amalgamation government must take all necessary steps, as well as resort, if essential, to litigation, to ensure compliance [5]. A tribal rights advocate defiantly argued that the delays by the state that keep PESA ineffectual are only to be expected: 'PESA will always entail a struggle for communities because it is a procedure that shifts power from the state and the elite to them. The development has its own momentum, setbacks, and will take time. But it is a process that is possible [6].

CHALLENGES TO IMPOSITION OF EXTERNAL OF AUTHORITY DURING THE BRITISH RAJ:

The colonization of India was not a smooth process. There was no universal acceptance of British hegemony at any point of history in British India [3]. There were areas and there were people who challenged the imposition of foreign rule over their territories. India was divided into two broad territories, such as the "Imperial Territories" where the population was treated as "Subject People" and the "Independent Territories of Tribal people" where the population was treated as "autonomous communities". A majority of Indians lived as subject people in the imperial territories. It was the people from this class, who later on replaced the British and is presently ruling India [3]. Though the Indian rulers prior to the British had good and dignified relationship with these autonomous communities, there were

weak linkages between the subject people and these communities during the British rule [3].

PESA IN ODISHA: LEGAL PROSPECTS & LIMITATIONS:

The Provisions of Panchayat (Extension to Scheduled Areas) Act 1996, otherwise known as PESA Act or simply PESA', is a concise and relatively unconventional legal framework, and is one of the few political legislations of India that have potential for the development of specific areas and uplift of specific categories of people. It applies to a geo-political regime specified for tribal-dominated areas, but excluding the north-eastern tribal districts of the country. Such areas are known as Scheduled V Areas'or simply Scheduled Areas, and PESAA recognizes various socio-cultural and political rights of the tribal communities living in these areas [2].

Unlike the traditional panchayat regime of the country, a standard and statutory 3-tier Panchayati Raj system was sought to be institutionalized through the 73rd Constitution Amendment Act, 1992 along with its incorporation as Part-IX (Panchayats) into the Constitution. This Amendment, no doubt, held forth path-breaking provisions for an effective system of local self-government for mainstream, non-scheduled areas of the country; but keeping in view the unique characteristics and special needs of the Scheduled Tribes, the 73rd Amendment was not automatically extended to the Scheduled Areas or Tribal Areas. The Article 243(M), expressly titled Part not to apply to certain area's preemptively stipulated under Clause (1) that the said Amendment will not apply either to the Fifth Schedule Areas otherwise called Scheduled Areas or to the Sixth Schedule Areas otherwise called the Tribal Areas. However, Section 243 (M) did also provide for the route through which the 73rd Amendment could be applied to Scheduled Areas and Tribal Areas. Its Clause 4(a) empowered the Legislature of the concerned State, if it wished so, to extend the Amendment to its Tribal Areas by way of adopting a Resolution to that effect. Its Clause 4(b) vested the power with the Parliament to extend the Amendment to Scheduled Areas or Tribal Areas by way of enacting a law incorporating the requisite modifications and exceptions as may be specified in such law [2].

CONCLUSION:

In this paper we found that PESA is a cross cutting issue for several ministries(Rural Development, Forest & Environment, Panchayati Raj, etc.) in the Government of India, and the Ministry of Tribal Affairs is supposed to have a great role in the matter, the Ministry of Panchayati Raj has considered it as an issue deserving special attention. Unlike the traditional panchayat regime of the country, a standard and statutory 3-tier Panchayati Raj system was sought to be institutionalized through the 73rd Constitution Amendment Act,

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