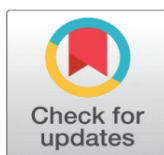
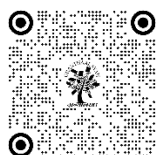


A STUDY ON CHALLENGES AND SUCCESSES OF PESA ACT IMPLEMENTATION IN RAJASTHAN

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ABSTRACT

Enacted in 1996, the Provision of the Panchayat (Extension to the Scheduled Areas) Act, more commonly known as PESA, brought the Scheduled Areas in ten states of the nation into the national framework of Panchayat. Gramme Sabha is granted exceptional authority under this Act, which is in line with traditional tribal self-rule, even though this power is not established in the national structure of Panchayati Raj Institutions (PRIs). Many things have come out of the Ministry of Panchayati Raj (MoPR), including studies that have been commissioned, proposals for changes to subject laws that are at odds with the Act, circulars and guidelines for the creation of model rules, and so on. The most significant Act of our century has been in effect for over twenty-eight years. Efforts by the relevant state governments to fully execute this landmark statute have been glacial. Inadequate awareness, bureaucratic opposition, and conflicts with current forest and revenue rules are some of the significant challenges identified via fieldwork consisting of interviews with local stakeholders, tribal leaders, and government officials, in addition to secondary data analysis. At the same time, it praises achievements like more robust tribal identification, better management of resources, and more participation in gram sabhas. In order to fully use the Act, the results highlight the need to implement capacity-building programs, reform policies, and foster practical cooperation between tribes and government entities. Insights for a more inclusive and successful implementation of PESA in Rajasthan and other states with substantial tribal populations are offered in this study, which adds to the conversation on tribal governance.

Keywords: Local Governance, Panchayat, PESA, PRIs, Scheduled Areas, Tribal Self-Rule.

1. INTRODUCTION

There has been significant progress in the fight for the empowerment of tribal tribes and the alteration of power relations since the passage of the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. The primary goal of indigenous peoples is to achieve self-governance while protecting their core cultural practices. This Law gives state governors the authority to control the lending practices inside Scheduled Tribes and to limit or outright ban the selling of tribal lands to non-tribals. Within the scope of this power, governors may also amend or repeal any federal or State laws pertaining to these subjects. Although the federal government started PESA, the states are primarily responsible for making sure it is implemented well [1].

The majority of states have established the required legislative frameworks for PESA regions, according to the most recent statistics from the Ministry of Panchayati Raj [2]. Different Gramme Panchayats reacted differently when asked to evaluate the governance dynamics under this framework. Several Gramme Panchayats have shown rapid adaptation and efficient use of increased powers and duties. Some have embraced the changes more quickly, while others have been more hesitant, opting instead to stick with tried-and-true methods of government. In spite of all the obstacles and restrictions, PESA is still an essential piece of legislation for the indigenous people in India. It can enact major political and social shifts by creating channels for self-governance and empowerment.

A nationwide framework for local self-governance was established by the 73rd Constitutional Amendment Act 1992 via the introduction of Panchayati Raj Institutions (PRIs). Every State in India followed this national structure, with the exception of the Scheduled Areas mentioned in the Indian Constitution. As a nod to long-established tribal norms for decentralization of power, Parliament passed PESA: The Provision of the Panchayat (Extension to the Scheduled Areas) Act, 1996, to address these areas [3]. The indigenous peoples of India have their rights to their land and resources, which are acknowledged by this landmark law and rank high among India's legislative achievements. Gramme Sabha has been granted unique authority under this Act, which no other state's legislation has done before. The Act's provisions have far-reaching ramifications, yet there are several challenges to implementing them. "The laws of the ten state that include Scheduled Areas—Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Telangana and Rajasthan—are largely based on this federal law." There have been attempts by the federal government to revise laws, regulations, and policies that are at odds with this one. The federal government has asked the states to change several topic laws that don't follow the letter of the Law. However, much work remains before the Act can be fully and faithfully implemented, even if some states have made progress in this area.

2. BACKGROUND OF THE ACT

A total of 8.6% of the population identifies as belonging to a tribe, as reported in the 2011 Census. The areas included in the Fifth and Sixth Schedules have a disproportionately large number of tribal people [4]. These are called Scheduled Areas and Tribal Areas, respectively, under the Indian Constitution. The customs and history of these indigenous groups are quite distinct. They rely heavily on the natural environment since they are primarily found in mountainous and woodland areas. They have long assumed the position of guardian of the natural world's flora and animals because of the need for it for their survival. The ownership and control of the natural resources should rightfully belong to them. The democratic character of their traditional communal decision-making process is well-established. Looking at their culture through a gender perspective reveals a long-standing legacy of women's empowerment. If we want to incorporate the mainstream Panchayat system into their society, we must ensure that it aligns with their cultural norms and long-standing practices of leadership. That need was acknowledged by the Government of India prior to the nationwide implementation of the Panchayat system.

After the 73rd Constitutional Amendment Act of 1992, the Indian federal government was obligated to make provisions in the country's constitution. In order to extend the provision of Part IX to the Fifth Scheduled Areas, Parliament must approve legislation in accordance with Article 243M of the Indian Constitution. In response, the Indian government appointed Dileep Singh Bhuria to head a commission tasked with soliciting recommendations. A number of the Committee's suggestions were generally approved by the government when they were presented. In response to the Committee's report, Parliament enacted the PESA Act. For the regions included in the Fifth Schedule of the Indian Constitution, it took effect on December 24, 1996. By elevating the decision-making power of the Gramme Sabha and acknowledging the tribal people's rights over their natural resources, PESA's introduction ushered in a new era of forest administration. PESA did more than only acknowledge indigenous peoples' rights to land, water, and forests; it also paved the way for legislation pertaining to Scheduled Area tribes in the future.

3. LITERATURE REVIEW

Except for the four northeastern states of Assam, Mizoram, Tripura, and Meghalaya, which have the Sixth Schedule, the Fifth Schedule of the Constitution applies in ten states where the bulk of the population is of tribal heritage. There are a total of 640 administrative districts; 104 of them include scheduled regions, 36 have received full notification, and 68 have received partial notification. A little over 11.3% of the nation's landmass is designated as a scheduled area. In addition, 5.7% of India's total population lives here, including tribal and non-tribal peoples; nevertheless, only 35.2% of STs actually live in scheduled regions. In order to expedite the process of making special laws that benefit the tribes, the Governor is granted some legislative-executive powers under the Fifth Schedule. It is unclear if the term "separate"

means additional, alternative, or remedial, but the Supreme Court has referred to the Fifth Schedule as a "separate administrative plan." "This is because the general plan of administration, in which the Council of Ministers has all the executive powers, is also applicable in the scheduled areas."

"Constitution within the Constitution, or miniature Constitutions, for certain scheduled areas of India," was the critical description given by the late Mohammad Hidayatullah, India's former chief justice. Lecture on the Law Delivered by A. Barooah in 1978" [5] There are a total of seven paragraphs in the five-part Schedule of the constitution. The extent to which it applies in Indian territory is specified in the first paragraph. In order for the Provincial Government to exercise executive responsibility over the Scheduled areas, the requirements of this Schedule are set forth in the second paragraph. "Paragraph three specifies that, notwithstanding the general division of functions, the Centre may nevertheless give directions to the State concerning the administration of the Scheduled Areas, and that the Governor must also update the Centre on the administration of the Scheduled Areas annually or as required through a special report. In order to advocate for tribal concerns inside the state government, a Tribal Advisory Council is established in Paragraph 4." An absolute minimum of three-quarters of the council members must be duly elected tribal authorities from that particular State. Per paragraph 5, the Governor has the power to request Scheduled Areas, as well as to an Act passed by the State Legislature, Parliament, or any law. This can be done through public notification or by establishing new regulations to ensure good governance and peace in these areas. However, before these regulations are finalized, they must be discussed with the TAC and approved by the President. With the consent of the appropriate Governor, the President may, according to Paragraph 6, announce, reduce, augment, or reinterpret Scheduled Areas in the second and third cases. A simple majority in Parliament is all that is needed to change the Fifth Schedule, as stated in Paragraph 7 [6].

Even though they only make up 8.6% of the population, 5.5% of the people forced to leave their homes as a result of development projects like dams, mining, industrial development, animal sanctuaries, parks, etc. since independence are members of tribal tribes. As a result of this relocation, 65% of Indigenous people are landless, according to the 2011 census [7]. As a result of non-tribal individuals taking out loans to indigenous people at exorbitant interest rates, the issue of tribal territory became contentious [8]. While it is true that no state's land revenue statute allows non-tribals to buy tribal property, non-tribals have still used loopholes in the Law to infringe on millions of acres of tribal territory [9]. In 2006, the Forest Rights Act was enacted by Parliament to provide indigenous communities some rights inside the forest. The indigenous people still do not have access to their forest rights, even after this legislation was passed, because of other acts such as the Forest Act and the Wildlife Protection Act. The forest authorities continue to dismiss the traditional rights of tribal people by referring to other statutes since other acts should have been changed to align with the Forest Rights Act. However, this has not happened yet. The country's highest court first ordered the removal of indigenous people from their forest homes due to these contradictory regulations, but the decision was subsequently overturned. [10] That's why the indigenous people's customary forest rights constitute a significant concern. Each of India's indigenous communities has its own set of norms for daily life, including its own set of personal laws and social institutions. A significant source of distress for these communities was the lack of recognition of their tribal social structures after independence. Because they were unable to embrace the new non-tribal social structures fully, these communities' traditional social fabric crumbled. His Excellency Draupadi Murmu, President of India, commented on one of her addresses on how the breakdown of tribal social structures has led to the incarceration of thousands of individuals for minor offenses.[11] As a result, the subject of tribal self-governance is equally significant. Tribes may safeguard their cultural traditions and social systems while also developing economically when they are granted self-governance.

Both domestic and international pressures have put contemporary democracies with sizable Indigenous populations under increasing pressure to recognize and uphold Indigenous peoples' right to self-determination. In order to safeguard tribal communities, culture, and customary Law, the Panchayat Extension in Scheduled Area (PESA) Act, 1996 was put into effect. This Act allows for self-governance while also making the development plans of a democratic state accessible. It gives tribal Panchayats a chance to run their government "in accordance with the customary law, social and religious practices and traditional management practices of community resources." So, the measure strengthens the informal governance system. "Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa, Telangana and Rajasthan are the ten states that have been granted an extension of the Act; only Andhra Pradesh, Himachal Pradesh, Maharashtra, Orissa, and Rajasthan have established regulations for the execution of PESA [12]."

By encouraging women to take part in the Gramme Sabhas, most Panchayati Raj Institutions have been spreading democratic ideals and equality. When elected women's representatives are selected based on their husband's standing, the bigger picture still needs improvement. Male family members with political clout or a history of political involvement

are more likely to decide to run for office. Men in positions of power and influence often prefer women because they are more pliable and, hence, easier to manage. Also worth noting is that the women's participation in the Gramme Sabha was a result of the reservation policy rather than of their free will to run for office or participate in other political activities [13].

4. RAJASTHAN PANCHAYATI RAJ EXTENSION TO SCHEDULED AREAS (PESA) ACT, 1999

In an effort to provide more authority to tribal tribes, the Rajasthan Panchayati Raj Extension to Scheduled Areas (PESA) Act, 1999 was passed with the purpose of bringing the 73rd Constitutional Amendment's provisions to the reserved areas of the state. Many indigenous peoples have lived in Scheduled Areas for generations, and they have been exploited and marginalized for their resources, culture, and traditional ways of government. The purpose of the PESA Act is to promote self-governance and provide decision-making authority to the Gram Sabhas (village assemblies) in order to resolve these discrepancies. As a result, tribal groups are able to express their rights and actively engage in local government, since it acknowledges the value of community involvement in resource management, conflict settlement, and cultural preservation.

The Act greatly expands the authority of Gram Sabhas, the governing bodies in tribal regions that have long served as the backbone of local administration. The role of approving and monitoring development plans, making sure they are in line with community needs and objectives, has been handed down to Gram Sabhas. With this decentralized system, tribe members' opinions are taken into consideration while making policy decisions. To further ensure openness and responsibility, the government assistance programs may be monitored by the Gram Sabha. The Act enhances grassroots democracy in Scheduled Areas by giving locals more say in important matters.

Because of their importance to tribal peoples' way of life and cultural identity, the Act also gives Gram Sabhas authority over land, water, and forests. In order to prevent non-tribal groups, such as businesses or government agencies, from taking use of tribal lands' natural resources without their approval, this clause is in place. The authority to control the transfer of land from indigenous communities to non-indigenous people has been bestowed to Gram Sabhas. Minor forest products, bodies of water, and local markets are also given jurisdiction to the Gram Sabha under the Act. The Act's goal in delegating these powers to the Gram Sabha is to protect the independence of indigenous peoples in long-term resource management.

Disputes may also be resolved via more conventional means, which is another noteworthy aspect of the Act. Customary rules and practices have long been the go-to methods for dispute resolution among tribal societies. As a result of the PESA Act, Gram Sabhas are now legally able to resolve conflicts that fall within their purview. For indigenous communities located in distant areas, official court systems may be a barrier to justice; this provision helps alleviate that problem. Furthermore, the Act empowers Gram Sabhas to control local marketplaces and curb predatory lending practices, safeguarding the economic rights of indigenous communities. In order to protect indigenous communities from being taken advantage of financially and to maintain their autonomy economically, certain steps have been taken.

There are several obstacles to implementing the progressive provisions of the Rajasthan PESA Act. Native Indian communities' general ignorance of their legal protections under the Act is a major problem. It is difficult for many indigenous communities to stand up for their rights since they do not understand the Gram Sabha's role and authority. Also, bureaucrats usually fight against giving Gram Sabhas actual authority. A major obstacle to the Act's implementation is the reluctance of government officials and administrative entities to give up authority over money and decisions. Furthermore, Gram Sabhas are unable to operate effectively due to institutional deficiencies, such as insufficient infrastructure, financial backing, and capacity-building programs.

External groups, such as companies or illegal operators, exploiting tribal resources is another major issue that has not been resolved. In order to intrude on tribal territory and harvest resources without community approval, these companies often violate legal loopholes and circumvent the authority of the Gram Sabha. The independence of Gram Sabhas is further eroded by political meddling, since decision-making procedures are often manipulated by nearby political interests. The Act's impact is diminished and native populations are left exposed to marginalization as a result of these reasons.

In order to overcome these obstacles, a comprehensive plan is necessary. To begin, the PESA Act grants the Gram Sabha certain capabilities, and it is imperative that tribal people be made aware of these rights via public awareness efforts. Culturally relevant channels, such as traditional ceremonies and folk media, should be used to carry out these efforts in the native languages of the tribe. The second recommendation is to enhance Gram Sabha capacities via the

implementation of capacity-building initiatives. Part of this is making sure that members of the Gram Sabha have the tools they need to do their jobs well, such as money, buildings, and education.

To make sure the Act is being followed and that infractions are dealt with quickly, systems for monitoring and holding people accountable should be put in place. Establishing separate committees or entities to monitor the Act's execution and resolve complaints is possible. Communities may be more engaged and tribal rights can be better advocated for by forming partnerships with NGOs and other civil society groups. Non-governmental organizations (NGOs) have the potential to facilitate conversation and provide technical support to help close the gap between government agencies and indigenous populations.

Finally, the PESA Act's regulations and procedures require reforming so that they are easier to understand and implement, so that bureaucratic impediments may be removed and Gram Sabhas' powers can be expanded. Government officials should also make it a priority to punish anyone who disobey laws meant to safeguard tribal lands and resources. Tackling these systemic problems and achieving the desired goals of the Act need strong political determination.

Finally, by preserving the rights of tribal groups and giving them more agency, the Rajasthan PESA Act, 1999 might revolutionize government in Scheduled Areas. It all depends on how well it's put into action, how much backing it gets from institutions, and how involved the community is. A strong tool for inclusive development and social justice in Rajasthan's tribal areas may be made of the Act by filling up the gaps in its implementation and enhancing the function of Gram Sabhas. It is a moral and ethical obligation to empower indigenous people via PESA to achieve justice and sustainability in governance, as mandated by the constitution.

5. TRIBAL AREAS AND LOCAL GOVERNANCE: PANCHAYAT EXTENSION SCHEDULED AREA (PESA)

Tribal self-governance is deeply ingrained in Indian culture. The development and maintenance of traditional and customary practices over many generations has resulted in the institution of self-governance, which in turn has generated tribal autonomy in tribal cultures. It helps establish and maintain the tribe's identity while protecting the historic power of tribal groups over resources like land and forests. At its core, it ensures the independence of a tribe. Colonial policies concerning the acquisition of land and forests, on the other hand, reduced the autonomy of indigenous peoples by reducing their chances of survival and interfering with their cultural practices of self-governance [14]. In Central India, the Parha system of self-governance is practiced by the Oraon and Munda tribes, as pointed out by Ekka [15]. In this context, "para" means a group of settlements in one area. For each Parha, the exact number of settlements is determined in advance. For the benefit of the local Adivasi population, he says, it is a socio-cultural-political institution of indigenous self-governance. The several Parhas operate independently; however, they are all subject to the same customary rights. The head of each Parha is known as a "Parha Raja," "Munda Raja," "Parganait," "Manki Pir," or "Doklo Sohor" in various tribal organizations. Each tribe's Parha system is unique in how it operates. The king, Parha Raja, and other position holders have well-defined responsibilities and roles [16].

Scattered over about 15% of the nation's total landmass are indigenous peoples. Despite being a part of many kingdoms, the areas inhabited by the Adivasi were able to exercise self-governance prior to the British invasion: tribal chiefs or no rulers at all exercised authority over the territories occupied by indigenous peoples. When the British defeated the monarchs of non-tribal countries, they were able to bring those territories under British administration. However, the Adivasis fought back against any attempts to invade tribal areas. Constant uprisings sprang out as a result of British incursions into Adivasi territory, especially in the wooded area. Special laws were enacted owing to the harsh terrain, restricted economic interests, and inability to dominate and govern the people. This led to the designation of the tribal lands as "non-regulated areas" [17]. Around the turn of the twentieth century, the British implemented the co-option program, which included keeping records on tribal territories, expanding services to these areas, and attempting to establish ties with tribal chief men in order to subjugate them. These ungoverned territories are defined in the Indian Constitution's Fifth and Sixth Schedules, which were draughted upon India's independence. "The VIth Schedule caters specifically to the states in India's northeast, nine state—Jharkhand, Orissa, Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Maharashtra, Gujarat, Rajasthan, and Himachal Pradesh—had their non-regulated territories transformed into Scheduled areas (SA)." The governors of these states have been granted exceptional powers, similar to the British system, in order to ensure effective governance and calm in the tribal regions. Unless the Governor gives his consent, Scheduled Areas are not subject to common Law. The 73rd Constitutional Amendment Act and the succeeding statewide Panchayat Raj Acts in India have highlighted the relevance of grassroots democratic procedures. Yet, history suggests that the Governor seldom exercises these authorities [18]. The Union Government established a committee headed by

Dilip Singh Bhuria to study tribal people's unique characteristics and propose a different type of local government for tribal areas. "The Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA) was enacted after the Union Government largely adopted the Bhuria Committee's principal recommendations [19]." The Act granted the Indian Tribal Areas the right to self-governance and autonomy (administration and control) under the Fifth Schedule. Drawing attention to the decades-long dispossession and exploitation of the tribal people due to their "simplicity and ignorance," the Bhuria Committee advocated for the creation of such a statute. Part IX of the Constitution, which prohibits the making of laws by state legislatures, is mentioned in paragraph (1) of Article 244 and is sought to be expanded by this legislation. None of the qualities listed in Section 4 of the bill are compatible with that. Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Telangana and Rajasthan are the ten states that currently have Fifth (V) Schedule Areas.

All legislation governing Panchayats in Schedule V lands must be in accordance with local traditions, religious beliefs, social mores, and traditional ways of managing resources, as stated in the PESA Act. In addition, it mandates that the state government should empower Gramme Sabhas and Panchayats to govern themselves at the local level. This includes a wide range of responsibilities, including the power to enforce sales, own small forest products, prevent and restore illegal land alienation, control village markets, and lend money. The goal of this Law was to help indigenous people feel valued and accepted by society [20]. The purpose of the Act is to affirm the legitimacy of traditional traditions and customs and to acknowledge the existence of tribal communities as an institution. The state legislatures are obligated to enact laws that are in harmony with social norms, religious beliefs, and traditional methods of managing communal resources. It continues by saying that the Gramme Sabha has the authority to protect the people's cultural identity, commercial resources, traditional conflict resolution methods, and traditions and customs. For the purposes of Clause 4 (a), a village is defined as "a community comprising a group of habitations or a hamlet or a cluster of hamlets that manages its affairs in conformity with traditions and customs" [21].

6. CENTRAL GOVERNMENT INITIATIVES FOR IMPLEMENTING PESA

Several steps have been made by the Indian government's Ministry of Panchayati Raj to put PESA into action. In order to achieve its goals, it has formed several committees, subgroups, working groups, etc., and collaborated with the Planning Commission and other ministries and departments on various projects. Following the 2006 suggestion of the Working Group on Democratic Decentralisation and PRIs, the central government undertook a few significant actions. [22]. In September 2004, the Third Round Table Conference of Panchayati Raj Ministers was held in Raipur by the Ministry of Panchayati Raj. At the meeting, the state ministers committed to consulting with other relevant ministries in order to meet the requirements of PESA. "For the purpose of making them conform to PESA, the Ministry of Public Resources (MoPR) commissioned a study in May 2008 from the Indian Law Institute (ILI) to examine three major laws: the Mines and Minerals (Development and Regulation) Act, 1957, the Indian Forest Act (IFA), 1927, and the Forest Conservation Act, 1980. In 2009, the relevant Central Ministries were sent the research report so that they may take the appropriate measures". Section 68 of the Indian Forest Act, 1927, will be amended to record the opinions of the relevant Gramme Sabha for compounding violations under the Act, according to the Ministry of Environment and Forest (MoEF) proposed changes to the Act. In order to ensure compliance with PESA, MoPR had already provided the Ministry of Environment and Forests with comments on the Wildlife (Protection) Act, 1972. In order to determine if state panchayati raj laws and other relevant statutes are in accordance with PESA, the MoPR commissioned an analysis from the Enviro-Legal Defence Firm (ELDF) on January 28, 2011. The States have been requested to make the required modifications and establish regulations based on the ELDF findings. A number of state statutes and regulations in that area have recently undergone revisions. In order to help state governments, in conjunction with their separate departments of Law, make the required adjustments to current laws, the Ministry of Panchayati also delegated a duty to the Indian Law Institute (ILI) to draft suitable revisions to the relevant state laws. B.D. Sharma's subcommittee on "Model Guideline to vest Gramme Sabhas with powers as envisaged in PESA" was one of three formed by MoPR. (ii) the subcommittee heading "Land Alienation, Displacement, Rehabilitation, and Resettlement" headed by Raghav Chandra, and (iii) the subcommittee heading "Minor Forest Produce" headed by A.K. Sharma. The findings and recommendations from each subcommittee were sent to the relevant states when they were finalized. The Gramme Sabha Niyam Samhita, a model guideline, was prepared and sent to the PESA States and Tribal Research Institutes in response to the B.D. Sharma subcommittee's findings. On August 23, 2010, the Ministry appointed Dr. T. Haque to head a committee charged with recommending changes to the ownership, pricing, value addition, and marketing of small forest products. May 2011 was the deadline for the Committee's report submission. The government has launched a nationally funded program called "Mechanism for Marketing of Minor

Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP" in response to the report's recommendations. The scheme's overarching goal is to set a minimum support price that will allow collectors to get reasonable financial returns from the MFP. Scientific MFP harvesting is also prioritized, and it offers supply chain infrastructure like cold storage and warehouses, which contribute to the MFP's core value-added process. "First, twelve MFPs—tendu, bamboo, manhua seeds, sal leaves, sal seeds, lac, chironjee, wild honey, myrobalan, tamarind, gums (gum karaya), and karanja—are being put into practice in eight states: Andhra Pradesh, Maharashtra, Odisha, Chhattisgarh, Madhya Pradesh, Jharkhand, Rajasthan, and Gujarat." To address issues identified in the Eleventh Schedule of the Constitution, the Planning Commission and Central Ministries/Departments took the lead in making the policy-level arrangements required to execute Central Sponsored Schemes. During the execution of Central Sponsored Schemes, policy should be directed so that the PESA requirements are accorded the essential priority. On December 14, 2011, a committee was established to oversee the harmonization of central laws with PESA. The Committee Secretary chairs the committee and includes representatives from MoPR. The Committee has turned in a report outlining proposed changes to Central Laws. The Committee of India is urging the relevant ministries to move quickly to implement the suggestions. In March 2013, the Ministry of Panchayati implemented the Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) to empower Gramme Sabhas in areas covered by the Punjab Education Service and to facilitate their effective operation in these regions. One mobilizer will be sent to each Gramme Sabha, and a coordinator will be sent to each block or district. States may include NGOs if needed during the whole process, and funds have been granted to instruct Gramme Sabha on PESA-related concerns. The States' capacity-building program, in conjunction with their State Institutes of Rural Development (SIRDs), incorporates all of these initiatives. Gramme Sabha capacity development in Scheduled V Areas is one of the Ministry's primary priority areas. For the purpose of enhancing the skills of state government personnel and elected representatives, each SIRD has developed a training package.

7. CONCLUSION

A complex interaction of success and persisting obstacles is shown in the implementation of the PESA Act in Rajasthan's Udaipur district. Despite the fact that the Act has given indigenous communities more agency by increasing their say in municipal affairs and giving them some say over their own natural resource management, significant challenges persist. Problems including insufficient institutional support, lack of knowledge among native inhabitants, and incompatibilities with current revenue and forest legislation impede the full implementation of the Act.

Still, the results show that PESA may be a game-changer when put into practice properly; for example, gram sabhas improved decision-making, tribal culture was preserved, and resource management was enhanced incrementally. Achieving the aims of the Act requires filling the gaps in governance frameworks, capacity-building efforts, and public awareness. Overcoming these obstacles will need joint endeavors from native groups, civic society, and government institutions.

While PESA is a major legislative achievement, this research stresses that the Law will have the greatest effect when implemented consistently, with localized methods, and with ongoing participation with tribal stakeholders. If we want to ensure that Indigenous populations are engaged in determining their own socioeconomic destinies, we may learn a lot from the mistakes made in the Udaipur district and apply them to other Scheduled Areas.

CONFLICT OF INTERESTS

None.

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None.

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