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REVIEWER'S REPORT

Manuscript No.: IJAR-56204

Title: Implementation of PESA Act in Chhattisgarh: Challenges in Decentralized Governance in Scheduled Areas,

Recommendation:

Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓,		
Techn. Quality		✓,		
Clarity	✓,			
Significance	✓,			

Reviewer Name: Dr Abdul Haseeb Mir

Detailed Reviewer's Report

The article "Implementation of PESA Act in Chhattisgarh: Challenges in Decentralized Governance in Scheduled Areas" provides a critical and exhaustive examination of the structural and administrative hurdles facing tribal self-governance in one of India's most resource-rich states. The researcher effectively highlights the "profound paradox" of Chhattisgarh's governance, where a revolutionary constitutional mandate for participatory democracy often clashes with the state's extractive economic imperatives. By analyzing the 26-year delay in framing state rules and the subsequent 2022 notification, the paper establishes a strong argument that legislative "flexibility" has historically been used to prioritize industrial interests over the rights of Adivasi communities.

The strength of this work lies in its integration of empirical case studies—such as the Hasdeo Arand forest conflicts, the Silger protests, and the Pathalgadi movement—which ground theoretical legal concepts in the lived realities of tribal resistance. The author correctly identifies that the 2022 Chhattisgarh PESA Rules often dilute the Central Act by empowering bureaucrats, such as the District Collector or Sub-Divisional Officer, to override Gram Sabha decisions, thereby reducing "Prior Informed Consent" to a mere procedural formality. Furthermore, the discussion on how specialized legislation like the Coal Bearing Areas Act is used to bypass PESA reveals a systemic pattern of "controlled decentralization".

To ensure the manuscript is fully prepared for publication, several minor revisions should be addressed to maximize its academic and policy impact.

REVIEWER'S REPORT

Recommendations

While the article concludes that "legal harmonization" is urgently needed, it would benefit from a more specific subsection detailing which exact state laws currently contradict PESA. Specifically, the author should elaborate on the conflict between the Chhattisgarh Panchayat Raj Adhiniyam, 1993, and the new 2022 Rules to provide a clearer roadmap for legislative reform.

The mention of Chainpur village utilizing PESA for social reforms like banning liquor is a vital counter-narrative to the "paper tiger" thesis. Expanding this section to include more examples of successful Gram Sabha assertions—perhaps in the management of non-timber forest products (NTFP)—would provide a more balanced view of the Act's potential for social agency.

The article notes a significant 2025 High Court judgment regarding the cancellation of forest rights in Ghatbarra. A deeper analysis of this judicial trend would be beneficial, as it suggests an emerging legal precedent where executive resource allocation can retrospectively annul statutory tribal rights, a point that is crucial for legal scholars.

In the discussion of the Bastar region and the Silger protests, the author mentions the "securitization" of PESA. The paper would be strengthened by a brief analysis of how the "anti-national" label is used as a specific administrative tool to delegitimize the sovereign assertions of the Gram Sabha during land acquisition processes.

The bibliography is generally well-documented, but some entries (e.g., NewsClick, 2022; The Quint, 2022) should be checked for consistent formatting and full URL accessibility to meet high academic standards. Ensuring that all cited institutional reports, such as the Teer Foundation (2024) report, are fully detailed will also assist future researchers.

Recommendation for the Editor

This manuscript is a significant contribution to the field of tribal studies and Indian constitutional law. It successfully demonstrates that without political will and a departure from colonial-era administrative mindsets, PESA risks remaining an unfulfilled promise. **I recommend this article for publication with minor revision.**