



REVIEWER'S REPORT

Manuscript No.: IJAR-56204

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

Recommendation:

- Accept as it is
- Accept after minor revision.....
- Accept after major revision**
- Do not accept (*Reasons below*)

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

Reviewer Name: Abdul Hameed Shah

Reviewer's Comment for Publication.

This manuscript presents a detailed and critical examination of the implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) in Chhattisgarh, with particular focus on the 2022 state rules and their implications for decentralized governance in Fifth Schedule areas. The topic is highly significant in the context of tribal self-governance, extractive federalism, and constitutional decentralization in India.

The paper's strengths include:

1. Strong Contextual Grounding:

The manuscript effectively situates PESA within the Fifth Schedule constitutional framework and links it to post-colonial governance patterns.

2. Critical Legal Analysis:

The textual analysis of the Chhattisgarh PESA Rules, 2022 is detailed and demonstrates close reading of statutory provisions, especially regarding land acquisition and the role of the District Collector.

3. Use of Empirical Case Studies:

The discussion of conflicts in Hasdeo Arand, the Silger protest in Bastar, the Rowghat

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mining project, and the Pathalgadi movement adds empirical depth and strengthens the normative argument.

4. Normative Argument:

The concept of "controlled decentralization" and the characterization of PESA as a potential "paper tiger" offer a strong analytical framing.

However, substantial revisions are required before publication:

Major Issues Requiring Revision

1. Language and Formatting Problems

There are numerous typographical errors, spacing issues (merged words, missing spaces), punctuation inconsistencies, and citation formatting problems. Professional proofreading is necessary.

2. Overly Advocacy-Oriented Tone

While the critique is compelling, certain sections adopt activist language rather than academic neutrality (e.g., phrases implying deliberate bad faith without balanced counter-analysis). The argument should be reframed in more analytically neutral language.

3. Methodological Clarification Needed

The manuscript refers to "empirical case studies," but:

- It does not clarify whether primary fieldwork was conducted.
- It is unclear whether the analysis is purely secondary-source based.
- The research design, data sources, and limitations must be clearly specified in a separate methodology section.

4. Need for Engagement with Counter-Arguments

The paper should:

- Address the state's perspective more systematically.
- Engage with arguments supporting security imperatives in insurgency-affected areas.
- Discuss judicial reasoning in the cited High Court decision more analytically rather than descriptively.

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5. Theoretical Framework Expansion

The manuscript would benefit from deeper engagement with:

- Theories of decentralization
- Extractive federalism
- Legal pluralism
- Constitutional morality and participatory democracy

6. Stronger Analytical Conclusion

The conclusion should:

- Explicitly connect findings back to constitutional theory.
- Offer structured reform proposals.
- Clarify whether the problem is legislative design, administrative capture, judicial interpretation, or political economy.

7. Citation and Referencing Consistency

The referencing style is inconsistent. Web-based sources should follow a uniform citation format. Academic sources should be expanded, especially peer-reviewed journal literature.

Overall Assessment

The manuscript addresses a critical constitutional governance issue in India and makes a significant contribution to scholarship on tribal self-rule and decentralization. Its integration of statutory analysis with conflict-based case studies is commendable. However, the current version requires substantial editorial refinement, methodological clarification, and theoretical strengthening.

With careful revision—particularly in tone, structure, and methodological transparency—the paper has strong potential for publication in a journal focusing on constitutional law, governance, tribal rights, or decentralization studies.