

# Challenges in LWE Areas

---

BY:

Syndicate group 05

# Contents

- Introduction
- PESA
- Developmental Challenges
- State' Response
- Approaches/Strategies to tackle LWE
- Important Schemes for LWE Affected States

# Introduction

- 1967 – Naxalbari Movement led by Charu Majumdar and Kanu Sanyal in West Bengal.
- 10 States considered as LWE affected States; namely, Chhattisgarh, Jharkhand, Odisha, Bihar, West Bengal, Andhra Pradesh, Telangana, Maharashtra, Madhya Pradesh and Uttar Pradesh.
- 2004, CPI (Maoist) Party, formed by merging People's War and Maoist Communist Centre of India(MCCI)
- The CPI(Maoist) has been included in the Schedule of Terrorist Organisations along with all its formations and front organisations under the unlawful Activities (Prevention) Act, 1967.

# Introduction

- The CPI(Maoist) philosophy of armed insurgency to overthrow the government is unacceptable under the Indian Constitution and the founding principles of the Indian State.
- They believe in violence as the means to capture State Power.
- Many well-meaning liberal intellectuals fall prey to the Maoist propaganda without understanding the true nature of Maoist insurgency doctrine which glorifies violence and believes in adopting the military line to capture power.
- Between 2010 to 2015 (upto 15.09.2015) around 2111 civilians and 793 security force personnel have been killed by the Maoists in different parts of India.

# Panchayat Extension to Schedule Areas Act (or PESA), 1996

- The PESA Act was enacted on 24 December, 1996 to enable Tribal Self rule in these Schedule Areas.
- North eastern states under Sixth Schedule Areas (under article 244) are not covered by PESA, as these states have their own Autonomous Councils for governance.
- It also directs the state government to endow powers and authority to make Gram Sabha and Panchayats function as Institutions of Local Self Governance.

# Panchayat Extension to Schedule Areas Act (or PESA), 1996

- PESA is meant to recognize, empower and promote the social, economic, cultural and political way of life of the Scheduled Tribes.
- The Panchayats Extension to Scheduled Areas (PESA) Act, 1996, gives special powers to the Gram Sabhas in Scheduled Areas especially for the management of natural resources.

# Limiting Issues

- Although there is a scheme of Panchayat Development and Training (PD&T) sponsored by the Central government, it needs further augmentation both in terms of funds and the training quality.
- A limitation of the PESA law is that it is applicable only to those areas which are legally regarded as Scheduled Areas. A significant number of tribals living outside the scheduled areas are not covered by this legislation.

# Limiting Issues

- Panchayats have not been given adequate responsibilities to levy and collect taxes, fees, duties or tolls. This severely limits their autonomy. Besides, recommendations of State Finance Commissions have been either accepted partially or implemented half-heartedly, leaving the Panchayats toothless.
- In reality, state legislatures and extraneous forces, such as forest department, subordinate them. It defeats the very purpose of PESA.



# PESA- The Myth and Reality

- Technically, it gives radical governance powers to the tribal community and recognizes its traditional community rights over local natural resources.
- State governments have discovered a clever way to bypass PESA provisions to exploit the natural resources of the tribal areas.
- The parliament passed PESA Act for rural areas, but a similar legislation for urban scheduled areas was never debated.
- State governments are taking advantage of Parliament's lapse to give speedy clearances to mining and industries in tribal areas.

# PESA- The Myth and Reality

- they upgrade rural panchayats in scheduled areas to urban panchayats to bypass PESA which mandates village council's approval for such projects.
- In the past few years, more than 600 village panchayats, many of them in scheduled areas, have been converted into urban local bodies, and these areas have major industrial investment proposals.