



PESA AND FOREST CONSERVATION - ENVIRONMENT AND GS III MAINS

Q. Examine how the Panchayat Extension to Scheduled Areas (PESA) Act has influenced forest conservation efforts in India. (15 marks, 250 words)

News: *How the PESA has boosted forest conservation in India*

What's in the news?

- The Panchayat (Extension to Scheduled Areas) Act empowered the Scheduled Tribes as political actors; and as they needed to protect trees for their livelihoods, it made them hostile to commercial timber and mining.

Significance of the Panchayat (Extension to Scheduled Areas) Act (PESA) in Forest Conservation:

1. Mandated Representation:

- PESA mandates that all chairperson positions and at least half of the seats on local government councils in Scheduled Areas be reserved for Scheduled Tribes (STs).
- This political empowerment has directly influenced forest conservation efforts.

2. Increase in Tree Canopy:

- According to the study, areas with ST representation under PESA saw an average increase in tree canopy by 3% per year. This demonstrates a direct positive impact on forest cover.

3. Reduction in Deforestation:

- The same study found a significant reduction in the rate of deforestation in areas with ST representation. This indicates that when STs are involved in governance, there is a more pronounced commitment to preserving forests.

4. Resistance to Mining:

- With increased ST representation, communities were better able to resist mining and other large-scale commercial operations that lead to deforestation.
- Areas close to mines saw greater reductions in deforestation rates after PESA elections.

5. Comparison with FRA:

- The study shows that the Forest Rights Act (FRA) did not have additional impacts on conservation beyond those achieved by PESA, highlighting the effectiveness of PESA's approach to mandated political representation for conservation.

Conflict in Forest Conservation Efforts:

The conflict in conservation efforts in India primarily revolves around **two issues** such as

- conservation versus local resource extraction
- conservation versus economic development



The central government often **prioritizes large-scale economic projects** like mining and dam construction over forest conservation, influenced by the political elite's interests.

Measures to Make PESA More Effective in Forest Conservation:

1. Implement PESA Effectively:

- Ensure full application of PESA rules to empower Scheduled Tribes (STs) through local governance, especially in regions like Gujarat where implementation has lagged.

2. Empower Scheduled Tribes through PESA:

- Enhance the representation of STs in local governance by fully implementing PESA, which mandates significant electoral quotas for STs.
- This empowerment leads to better forest stewardship, demonstrated by increased tree canopy and reduced deforestation rates, and equips ST communities to effectively resist destructive industrial activities such as mining.

3. Focus on Democratic Decentralization:

- Enhancing representative and accountable local governance involves giving local actors discretionary power over resource management, proving more effective than merely administrative approaches.

4. Establish a Single Umbrella Institution:

- Create a centralized institution that empowers marginalized voices, balancing development and conservation efforts.
- This would consolidate power into a meaningful democratic authority, ensuring more effective management of forest resources and better representation of vulnerable communities' interests.

PESA serves as a critical example of how legislative mandates for political representation can drive positive environmental outcomes while addressing socio-economic disparities among forest-dwelling communities in India.

Go back to basics:

Panchayat Extension to Scheduled Areas (PESA) Act, 1996:

- The act intends to provide tribal self-rule for people living in scheduled and tribal areas.
- To promote local self-governance in rural India, the 73rd constitutional amendment was made in 1992, due to which a three-tier Panchayati Raj Institution was made into a law.
- However, its application to the scheduled and tribal areas under **Article 243(M)** was restricted.

Backdrop:

- After the **Bhuria Committee recommendations in 1995**, PESA Act 1996 came into existence for
- The PESA Act conferred the **absolute powers to Gram Sabha**, whereas state legislature has given an advisory role to ensure the proper functioning of Panchayats and Gram Sabhas.



Features of the Act:

Gram Sabha:

- **Constitution** - Every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level.

Role of Gram Sabha:

Gram Sabha to **safeguard and preserve** the

- traditions and customs of the people, and their cultural identity
- community resources
- customary mode of dispute resolution.

Mandatory Functions of Gram Sabha:

Gram Sabha has mandatory executive functions to

- approve plans, programmes and projects for social and economic development.
- identify persons as beneficiaries under the poverty alleviation and other programmes.
- issue a certificate of utilisation of funds by the Panchayat for the plans; programmes and projects.

Powers of Gram Sabha:

a. Powers exclusive to Gram Sabha/Panchayat at appropriate level such as

- Right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons.
- Panchayat at an appropriate level is entrusted with planning and management of minor water bodies.
- Mandatory recommendations by Gram Sabha or Panchayat at appropriate level prior to grant of prospecting licenses, mining leases, concessions for minor minerals.

b. Powers endowed to Gram Sabha and Panchayat at appropriate level to

- regulate sale/consumption of intoxicants.
- ownership of minor forest produce.
- prevent land alienation and restore alienated land.
- manage village markets.
- control over money lending to STs.
- control over institutions and functionaries in social sector, local plans including Tribal sub plans and resources