



## Role of PESA in Forest Conservation

**For Prelims:** [Provisions of PESA Act](#), [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006 \(FRA\)](#), [Article 244\(1\)](#)

**For Mains:** PESA Act Related Issues, Benefits of implementing PESA Act, PESA Act comparison, Tribal Policy in India

[Source: TH](#)

### Why in News?

A recent study has examined the connection between representation and forest conservation in India's Scheduled Areas.

- It has been found that **providing political representation** and decision-making power **through acts such as PESA to tribal** populations has **helped in the conservation of forests**.

### What are the Key Findings of the Study?

- **About:**
  - The authors arrived at their conclusion by conducting a data-driven study on the [Panchayat \(Extension to Scheduled Areas\) Act \(PESA\)](#), which provides political representation to [Scheduled Tribes \(STs\)](#).
  - The study compared villages with **mandated ST representation** in local self-government to those **without it** and **villages that adopted PESA earlier to those that did later**, tracking deforestation and afforestation rates.
  - This allowed them to isolate the impact of PESA on forest cover using a **"difference-in-differences" framework**.
  - This study used **satellite data** to analyze forestation changes on a global scale from 2001 to 2017, diverging from the traditional method of fieldwork in small communities.
- **Key Findings:**
  - PESA has granted **STs greater political representation**, allowing them a say in how forests are managed.
    - PESA **strengthens STs' ability to resist large-scale commercial activities** like mining that can cause deforestation leading to a **greater reduction in deforestation in PESA villages near mines**.
    - The introduction of PESA also **increased the incidence of conflict around mining**.
  - The PESA Act led to an **average increase in tree canopy by 3% per year** and a **reduction in the rate of deforestation**.
  - **PESA increased economic incentives to** ST communities, **in protecting the forest**, for non-timber forest products (medicinal plants, fruits, etc.) and food security.
  - The study found that the [Forest Rights Act, 2006](#) had **no additional impacts** on conservation beyond those caused by PESA.

- The study advocated for a **single institution that can balance conservation and development objectives**.
  - Such an institution would better navigate the complexities of balancing local economic interests with sustainable conservation practices.

## What is the PESA Act?

### ▪ About:

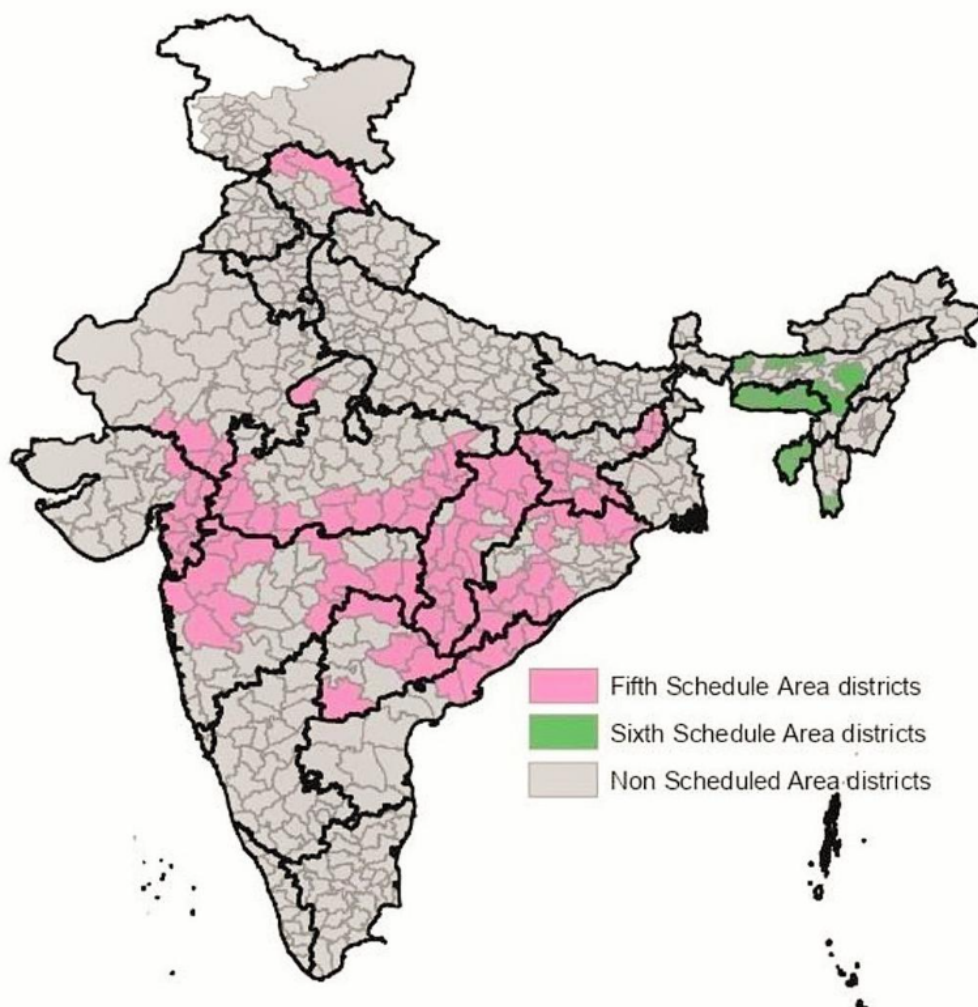
- The **PESA Act** was enacted on **24<sup>th</sup> December 1996** to ensure **self-governance** for people living in **tribal areas**, called **Scheduled Areas**, through **traditional village assemblies** known as **Gram Sabhas**.
- The Act extended the provisions of Panchayats by providing **self-tribal rule** to the tribal areas of **Fifth Schedule** states.

### ▪ Legislation:

- The Act defines **Scheduled Areas** as those mentioned in **Article 244(1)**, which states that the **Fifth Schedule** applies to **Scheduled Areas** and **Scheduled Tribes** in states **other than Assam, Meghalaya, Tripura, and Mizoram**.
- Scheduled Areas of India, which are areas notified by **the President** as predominantly inhabited by tribal communities.
- 10 states have notified **Fifth Schedule areas** that cover (partially or fully) several districts in each of these states.
  - These include **Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan,** and **Telangana**.

### ▪ Significant Provisions:

- **Gram Sabha:** The PESA Act establishes the Gram Sabha as a **forum for community participation** in the development process. It is responsible for identifying development projects, preparing development plans, and implementing these plans.
- **Village-level Institutions:** The Act mandates the establishment of village-level institutions, including the **Gram Panchayat, the Gram Sabha,** and the **Panchayat Samiti**, to carry out development activities and provide basic services to the community.
- **Powers and Functions: Gram Sabha** and the **Gram Panchayat** are granted significant powers and functions related to **managing natural resources and regulating economic activities**.
- **Consultation:** The Act **requires consultation with the Gram Sabha** before any development projects or activities are undertaken in the Scheduled Areas.
- **Funds:** It provides for the **transfer of funds to the Gram Panchayat** to enable them to perform their functions effectively.
- **Land Rights:** The Act provides for the **protection of land rights of tribal communities** in the Scheduled Areas, requiring their consent before any land is acquired or transferred.
- **Cultural and Social Practices:** The Act **safeguards the cultural and social practices** of tribal communities in the Scheduled Areas, prohibiting any interference in these practices.



## What are the Provisions Related to Scheduled Tribes in India?

### ▪ Definition:

- The Constitution of India **does not** define the criteria for recognition of STs. As per [Census-1931](#), STs are termed as "**backward tribes**" living in the "**Excluded**" and "**Partially Excluded**" areas.
- The [Government of India Act of 1935](#) called for the first time for representatives of "backward tribes" in provincial assemblies.

### ▪ Constitutional Provisions:

- **Article 243D:** Mandates reservation of seats for STs in Panchayats
- **Article 330:** It provides Reservation of seats for SC and STs in the House of the People (Lok Sabha).
- **Article 332:** Reservation of seats for SC and STs in the Legislative Assemblies of the States.
- **Articles 341 & 342:** Define STs and empower the [President](#) to identify them through a public notification for each State/Union Territory.

### ▪ Statutory Provisions:

- **Protection of Civil Rights Act, 1955 against Untouchability.**
- [Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989.](#)
- [Provisions of the Panchayats \(Extension to the Scheduled Areas\) Act, 1996.](#)
- [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006.](#)
- The [Tribal Panchsheel Policy](#)

**Drishiti Mains Question:**

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### Prelims

**Q1. At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?**

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

**Ans: (d)**

**Q2. Which Schedule of the Constitution of India contains special provisions for the administration and control of Scheduled Areas in several States? (2008)**

- (a) Third
- (b) Fifth
- (c) Seventh
- (d) Ninth

**Ans: (b)**

**Q3. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)**

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

**Ans: (b)**

**Q4. The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective? (2013)**

- (a) To provide self-governance
- (b) To recognize traditional rights
- (c) To create autonomous regions in tribal areas
- (d) To free tribal people from exploitation

**Ans: C**

**Q5. Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both? (2013)**

- (a) State Forest Department
- (b) District Collector/Deputy Commissioner
- (c) Tahsildar/Block Development Officer/Mandal Revenue Officer
- (d) Gram Sabha

**Ans: (d)**

**Q6.** The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to **(2015)**

- (a)** protect the interests of Scheduled Tribes
- (b)** determine the boundaries between States
- (c)** determine the powers, authority and responsibilities of Panchayats
- (d)** protect the interests of all the border States

**Ans: (a)**

**Mains:**

**Q.** Article 244 of the Indian Constitution relates to the administration of scheduled areas and tribal areas. Analyse the impact of non-implementation of the provisions of the Fifth schedule on the growth of Left wing extremism. **(2013)**

**Q.** What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

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