

UPA to empower tribals via rules and guidelines, not amendment

NIDHI SHARMA, ET Bureau Jan 7, 2013, 05.53AM IST

NEW DELHI As UPA-II enters the crucial last year of governance, the Centre is all set to make long-pending changes to strengthen the [Panchayat Extension to Scheduled Areas Act](#), or PESA, and empower tribals, considered the traditional vote-bank of Congress.

Working on suggestions by [Congress](#) president Sonia Gandhi-led National Advisory Council (NAC), the Centre will issue guidelines to strengthen PESA, the Act which empowers villagers to control community resources and allows them to get involved in consultations related to land acquisitions.

Earlier, the government had planned to amend the 1996 law. However, after Gandhi's intervention the Centre has decided to issue guidelines this month to bring about the necessary changes.

Sources said there were ambiguities in PESA, including non-definition of terms like minor forest produce or money lending, use of gram sabha and panchayat in the Act as coterminous and lack of powers of the Centre to issue directions to the states.

The ambiguities and non-uniformity were making implementation of the law difficult. After representations from social rights activists working at the grassroots, Gandhi directed an NAC work-group to look at the possible changes.

Now, the tribal affairs ministry has decided to implement the draft changes suggested by NAC. A source told ET, "Better implementation of PESA is a precursor to implementation of Forest Rights Act.

Now, we have decided to push through the changes through rules and guidelines and not amendment." Through the guidelines, the ministry would enlarge list under definition of terms, elaborate the term 'gram sabha' and its jurisdictional boundaries, define the role of gram sabha in planning for development and conduct of social audit, align central and state laws in conformity with PESA.

It would enable the Centre to give directions to states from time to time and enable all states to make rules for better implementation of PESA. The implementation of the law that is applicable to nine states – AP, [Chhattisgarh](#), Gujarat, [HP](#), [Jharkhand](#), Maharashtra, MP, Orissa and Rajasthan – has been criticised for not being uniform.

PESA empowers villagers, especially those in the tribal areas, to have representations in management of natural resources, granting license for mining lease and ownership of minor forest produce.

The Centre has linked better implementation of PESA and Forest Rights Act to the spread of Left Wing terror. The gram sabhas have a say in permitting mining of minor minerals.

The Centre feels the displacement of [tribals](#) due to major minerals is worse than that of minor minerals and that is why gram sabhas should be given a role in regulating mining of major minerals. PESA changes could take a step towards giving defined jurisdiction to gram sabha over major minerals also.