

GAPS IN ENFORCEMENT OF PESA IN ODISHA

Posted On: 25 MAR 2026 2:23PM by PIB Delhi

The Union Minister of State for Tribal Affairs Shri Durgadas Uikey today informed Rajya Sabha that the subject matter of the question pertains to the Ministry of Panchayati Raj. The Ministry of Panchayati Raj has informed that: The Parliament enacted "The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996" (PESA), for extending the provisions of Part-IX of the Constitution, with certain exceptions and modifications, to the Fifth Schedule Areas, as per article 243M(4)(b) of the Constitution. At present, Fifth Schedule Areas exist in 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. Nine PESA states, except Rajasthan, have incorporated the provisions of PESA Act, 1996 in their respective State Panchayati Raj Acts. The tenth State, Rajasthan, has notified "The Rajasthan Panchayat Raj (Modification of Provisions in their Application to the Scheduled Areas) Act 1999." At present, nine PESA States namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, Jharkhand and Telangana have framed their PESA Rules and one state namely Odisha framed their draft PESA Rules.

To implement 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996' to the Fifth Schedule Areas of Odisha, the Government of Odisha has incorporated the provisions of PESA Act in their State Panchayati Raj Act i.e. The Orissa Grama Panchayats Act, 1964. The Government of Odisha informed that challenges like delay in notifying of PESA Rules, limited awareness, inadequate capacity building, reduced participation in Gram Sabha meetings, etc. persist in ensuring effective implementation of PESA Act.

Further, the Government of Odisha informed that they had published draft notification for Odisha Grama Panchayats (Extension to Scheduled Areas) Rules, 2023 in the Odisha Gazette on 10.11.2023 and has taken steps for early finalization of the PESA rules. It was also reported that, following the notification of State PESA Rules, the need for capacity building, enhanced awareness generation and strengthening of implementation mechanism has been recognized. To ensure the effective implementation of the PESA Act in the PESA States, including Odisha, Ministry of Panchayati Raj has recently developed 10 PESA indicators to facilitate State Governments in assessing performance, identifying gaps and taking appropriate measures to strengthen the implementation of PESA in the State. These 10 PESA Indicators are- Alignment of State Panchayat Raj Acts with PESA Provisions; State PESA Rules Notified; Provisions in State PESA Rules in conformity with PESA Act; Amendments in State Acts Rules / Regulations / Policies /Executive Directions of other line departments to comply with PESA Act; GPDP plan upload of PESA Gram Sabhas; Mapping of PESA Villages/Panchayats in LG directory; Deployment of PESA Staff at State Level; PESA Trainings; Orientation of PESA Gram Sabha under RGSA; and Uploading of photos/videos and minutes of Gram Sabha on 'Panchayat NIRNAY' portal.

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