



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**  
राजस्थान जूदा

**D.B. Civil Writ Petition No. 3118/2025**

1. Ankit Kumar Meena S/o Narayan Lal Meena, Aged About 36 Years, R/o Near Mill, Village Thana, Tehsil Kherwara, District Udaipur.
2. Ravi Kumar Meena S/o Shri Harish Meena, Aged About 28 Years, R/o Makarjapa, Rishobdeo, Tehsil Kherwara, District Udaipur (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Govt. Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. Secretary, Rajbhawan, Government Of Rajasthan, Jaipur.
4. District Collector, Udaipur (Rajasthan).
5. Municipal Board, Rishabdeo, Through Its Executive Officer (Tehsildar Rishabdeo), District Udaipur.
6. Commissioner, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.

----Respondents

Connected With

**D.B. Civil Writ Petition No. 11117/2022**

1. Banshi Lal Meena S/o Shri Puja Ji Meena, Aged About 37 Years, Nichla Guda, Semari, Badawali, District Udaipur, Rajasthan.
2. Shanker Lal Meena S/o Shivram Meena, Aged About 29 Years, Sitadra, Jalampura, Kuradiya, Semari, Udaipur, Rajasthan.
3. Narayan Lal S/o Punja Ji, Aged About 29 Years, Darganpura, Post Semari, Tehsil Sarada, Darjanpura, Semari, Udaipur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.
2. The Local Self Department, Government Of Rajasthan,





Through Principal Secretary, Secretariat, Jaipur.

3. The Rural Development And Panchayati Raj Department, Government Of Rajasthan, Through Principal Secretary, Secretariat, Jaipur.
4. The District Collector, Udaipur.

----Respondents

### **D.B. Civil Writ Petition No. 874/2025**

Gram Panchayat Balicha, Panchayat Samiti Girwa District Udaipur Through Its Sarpanch Smt. Laxmi Bai Gameti, Laxmi Bai Gameti W/o Shri Megha Ji Gameti Aged About 65 Years R/o Balicha Tehsil Girwa District Udaipur Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Director And Special Secretary, Department Of Local Self , Govt. Of Rajasthan, Jaipur.
2. District Collector, Udaipur (Rajasthan).
3. Municipal Corporation, Udaipur, District Udaipur Through Commissioner.
4. Municipal Corporation, Municipal Corporation, Udaipur

----Respondents

### **D.B. Civil Writ Petition No. 8781/2025**

1. Lokesh Kumar Gameti S/o Gamera Ji, Aged About 34 Years, R/o Village Matoon, Tehsil Girwa District, Udaipur.
2. Mukesh Joshi S/o Bhagwati Lal, Aged About 40 Years, R/o Village Matoon, Tehsil Girwa, District Udaipur.
3. Vimal Bhadariya S/o Khavi Lal, Aged About 58 Years, R/o Village Bhaiyon Ki Pancholi, Tehsil Girwa, District Udaipur.
4. Gopal Dangi S/o Roop Lal, Aged About 36 Years, R/o Dangiyon Ki Pancholi Tehsil Girwa, District Udaipur.
5. Uday Singh Deora S/o Gulab Singh, Aged About 47 Years, R/o Village Parthvi Singh Ka Kheda, Post Zinc Smelter, Tehsil Kudabad, District Udaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Special Secretary,





Department Of Local Self, Government Of Rajasthan, Jaipur.

2. Director, Department Of Urban Development And Housing, Government Of Rajasthan, Jaipur.
3. Director Cum Joint Secretary, Department Of Local Bodies, Government Of Rajasthan, Jaipur.
4. District Collector, Udaipur, District Collectorate, Udaipur, Rajasthan.
5. Municipal Corporation, Udaipur Through Its Commissioner, Udaipur, Rajasthan.
6. Commissioner, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Udaipur.

----Respondents

#### **D.B. Civil Writ Petition No. 15765/2025**

1. Bhagirath Meena S/o Nathulal Meena, Aged About 30 Years, R/o Machalaya, Post Arnod, District Pratapgarh (Raj.)
2. Sohan Lal Meena S/o Prem Chand Meena, Aged About 35 Years, R/o Ashapura Basti, Police Station Sanghthali Thana, Arnod, District Pratapgarh (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Govt. Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. District Collector, Pratapgarh (Rajasthan).
4. Municipal Board, Arnod, District Pratapgarh, Through Its Executive Officer Arnod, District Pratapgarh.
5. Commissioner, Tribal Area Development Department Government Of Rajasthan, Jaipur.

----Respondents

#### **D.B. Civil Writ Petition No. 700/2025**

1. Mathura Lal S/o Gopi Lal, Aged About 71 Years, Seesaram (Rural), Sisarma, Udaipur, Rajasthan.





2. Prithvi Raj Patel S/o Guman Patel, Aged About 64 Years, Kalarwas, Udaipur, Rajasthan.
3. Shiv Lal Gurjar S/o Akarlal Gurjar, Aged About 40 Years, Goardhan Vilas, Devali, Saveena (Rural), Udaipur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Local Self Government Govt. Of Rajasthan, Govt. Secretariat, Jaipur
2. State Of Rajasthan, Through Secretary, Rural Development And Panchayati Raj Department, Secretariat, Jaipur (Rajasthan).
3. The Director, Department Of Urban Development And Housing, Government Of Rajasthan, Jaipur.
4. The District Collector, Udaipur, District Collectorate, Udaipur, Rajasthan.
5. The Municipal Commissioner, Udaipur Municipal Corporation, Udaipur, Rajasthan.

----Respondents

### **D.B. Civil Writ Petition No. 4831/2024**

Shanti Lal Kalal S/o Govind, Aged About 58 Years, Kalal Mohalla, P.o. Semari, District Udaipur, (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Govt. Of Rajasthan, Jaipur.
2. Director Department Of Urban Development, Government Of Rajasthan, Jaipur
3. District Collector Udaipur, Udaipur (Rajasthan)
4. Municipal Board Semari Through Its Executive Officer, District Udaipur.
5. Commissioner Rural Development And Panchayat Raj Department, Government Of Rajasthan, Jaipur.

----Respondents





### **D.B. Civil Writ Petition No. 13334/2019**

Gram Sabha, Partapur, District Banswara Through Sarpanch Cum Chairman Of Gram Sabha Sh. Anil Kumar Tabiyar S/o Shri Gatulal Tabiyar Age 29 Yrs R/o Village Temba Mohalla, Partapur Panchayat Samiti Garhi District Banswara.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Local Self Department, Govt. Of Rajasthan, Jaipur.
2. Director, Department Of Local Self, Government Of Rajasthan, Jaipur
3. District Collector, Banswara (Raj.)

----Respondents

### **D.B. Civil Writ Petition No. 11112/2022**

1. Santosh Devi W/o Shri Shanti Lal Meena, Aged About 32 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
2. Moti Lal S/o Shri Hemraj Ji Meena, Aged About 42 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
3. Suraj Mal Lal S/o Shri Goma Ji Meena, Aged About 49 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
4. Moti Lal S/o Shri Kalu Ji Meena, Aged About 42 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
5. Mukesh Kumar S/o Shri Padma Ji, Aged About 32 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
6. Palu Ji Meena S/o Shri Havji Ji Meena, Aged About 48 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
7. Kanti Lal S/o Shri Punja Ji, Aged About 32 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.
8. Suresh Kumar Meena S/o Shri Bada Meena, Aged About





40 Years, Village Ambara, Post Kuradiya, Tehsil Semari, District Udaipur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.
2. The Local Self Department, Government Of Rajasthan, Through Principal Secretary, Secretariat, Jaipur.
3. The Rural Development And Panchayati Raj Department, Government Of Rajasthan, Through Principal Secretary, Secretariat, Jaipur.
4. The District Collector, Udaipur.

----Respondents

**D.B. Civil Writ Petition No. 3748/2024**

Rakam Lal S/o Dharji, Aged About 49 Years, Ward No. 17, Mukam Vilva Pada, Tehsil Ghatol, District Banswara (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Govt. Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. District Collector, Banswara (Rajasthan).
4. Municipal Board, Ghatol, Through Its Executive Officer (Tehsildar Ghatol), District Banswara.
5. Commissioner, Rural Development And Panchayat Raj Department, Government Of Rajasthan, Jaipur.

----Respondents

**D.B. Civil Writ Petition No. 4872/2024**

1. Ravi Kumar Meena S/o Shri Harish Meena, Aged About 28 Years, R/o Makarjapa, Rishobdeo, Tehsil Kherwara, District Udaipur (Rajasthan).
2. Mukesh Meena S/o Mavji Meena, Aged About 38 Years, R/o Rayana, P.o. Rishabhdeo, District Udaipur (Rajasthan).





3. Babulal S/o Homa, Aged About 34 Years, R/o Reda Fala, Thana, District Udaipur (Rajasthan).
4. Sanjay Kumar Meena S/o Raja Ram Meena, Aged About 26 Years, R/o Mil Ke Pass, Thana, District Udaipur (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Govt. Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. District Collector, Udaipur (Rajasthan).
4. Municipal Board, Rishabhadeo, Through Its Executive Officer (Tehsildar Rishabhadeo), District Udaipur.
5. Commissioner Rural Development And Panchayat Raj Department, Government Of Rajasthan, Jaipur.

----Respondents

#### **D.B. Civil Writ Petition No. 5131/2024**

1. Ankit Kumar Meena S/o Narayan Lal Meena, Aged About 36 Years, R/o Near Mil, Tehsil Thana, District Udaipur
2. Dinesh Kumar Meena S/o Laxman, Aged About 41 Years, R/o Bhauwa, District Udaipur (Raj.).
3. Rajesh Meena S/o Bheemraj Meena, Aged About 30 Years, R/o Tehsil Thana, District Udaipur (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Department Of Local Self, Government Of Rajasthan, Jaipur
2. Director Department Of Urban Development, Government Of Rajasthan, Jaipur
3. District Collector, Udaipur (Rajasthan).
4. Municipal Board Rishabhadeo, Through Its Executive Officer Tehsildar Rishabhadeo, District Udaipur
5. Commissioner Rural Development And Panchayat Raj Department, Government Of Rajasthan, Jaipur.

----Respondents





### **D.B. Civil Writ Petition No. 8470/2024**

Ramlal S/o Nathu Lal, Aged About 33 Years, Shikarwadi, Dhariyawad, District Pratapgarh.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self, Government Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. Director Cum Joint Secretary, Department Of Local Self Bodies, Government Of Rajasthan, Jaipur.
4. District Collector, Pratapgarh.
5. Municipality (Class-Iv), Dhariyawad Through Its Executive Officer, District Pratapgarh.
6. Commissioner, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.

----Respondents

### **D.B. Civil Writ Petition No. 23310/2025**

**(Reserved on 18.12.2025)**

1. Pushkar Lal Meena S/o Mohan Ji, Aged About 33 Years, Resident Of Katya Fala Alsigarh Tehsil Barapal, Girwa, District Udaipur Rajasthan.
2. Anil Meena S/o Shri Heeralal, Aged About 31 Years, R/o Undari Khurd, Tehsil Barapal, Girwa, District Udaipur Rajasthan.
3. Ramesh Lal S/o Devi Lal, Aged About 26 Years, R/o Khan Phala, Chokdiya, Tehsil Barapal, Girwa, District Udaipur Rajasthan.
4. Virmal S/o Shri Nakku Meena, Aged About 34 Years, Resident Of Naya Khera Tehsil Barapal, Girwa, District Udaipur Rajasthan.
5. Panna Lal Meena S/o Shri Hakra Lal, Aged About 41 Years, Resident Of Village Nora Tehsil Barapal, Girwa, District Udaipur, Rajasthan.

----Petitioners

Versus





1. State Of Rajasthan, Through The Secretary Department Of Local Self Government Of Rajasthan, Jaipur.
2. Director, Department Of Urban Development, Government Of Rajasthan, Jaipur.
3. Commissioner, Udaipur Development Authority Udaipur Rajasthan.
4. District Collector, Udaipur Rajasthan.
5. Gram Panchayat Alsigarh, Panchayat Samiti Girwa District Udaipur Rajasthan Through Its Development Officer.
6. Gram Panchayat Undari Khurd, Panchayat Samiti Girwa District Udaipur Rajasthan Through Its Development Officer.
7. Gram Panchayat Chokdiya, Panchayat Samiti Girwa District Udaipur Rajasthan Through Its Development Officer.
8. Gram Panchayat Naya Khera, Panchayat Samiti Girwa District Udaipur Rajasthan Through Its Development Officer.

----Respondents

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For Petitioner(s)	: Mr. Moti Singh Mr. Siddharth Mewara Mr. Ramawtar Singh Dr. Pratishtha Dave Mr. Pranjal Mehta Mr. Sharad Kothari (through VC) Mr. Nikhil Dungawat Mr. Abhishek Pareek Mr. Ripudaman Singh
For Respondent(s)	: Mr. Ayush Gehlot for Mr. Rajesh Panwar, AAG Mr. Pawan Bharti for Mr. I.R. Choudhary, AAG Mr. Anurag Shukla Mr. Arpit Samariya & Mr. Ram Awtar Sikhwal, AGC for Mr. Nathu Singh Rathore, AAG

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**  
**HON'BLE MR. JUSTICE SANJEET PUROHIT**





## Judgment

<b>1. Date of conclusion of arguments</b>	<b>25.11.2025 &amp; 18.12.2025</b>
<b>2. Date on which judgment was reserved</b>	<b>25.11.2025 &amp; 18.12.2025</b>
<b>3. Whether the full judgment or only the operative part is pronounced:</b>	<b>Full Judgment</b>
<b>4. Date of pronouncement</b>	<b>05.01.2026</b>

### **Reportable**

**Per Dr. Pushpendra Singh Bhati, J:**

**Scheduled Areas are constitutionally protected,  
but not constitutionally frozen.**

1. The present batch of writ petitions namely, D.B. Civil Writ Petition No. 3118/2025, D.B. Civil Writ Petition No. 11117/2022, D.B. Civil Writ Petition No. 874/2025, D.B. Civil Writ Petition No. 8781/2025, D.B. Civil Writ Petition No. 15765/2025, D.B. Civil Petition No. 700/2025, D.B. Civil Petition No. 4831/2024, D.B. Civil Petition No. 13334/2019, D.B. Civil Petition No. 11112/2022, D.B. Civil Petition No. 3748/2024, D.B. Civil Petition No. 4872/2024, D.B. Civil Petition No.5131/2024, D.B. Civil Petition No. 8470/2024, reserved on 25.11.2025 and D.B. Civil Writ Petition No. 23310/2025 reserved on 18.12.2025, assail the legality, validity and constitutional permissibility of Notifications issued by the State Government. By the said notifications, the State, while purporting to exercise powers under Section 3 read with Section 329 of the Rajasthan Municipalities Act, 2009 (hereinafter referred to as '*the Act of 2009*'), has, *inter alia*, included the Scheduled Area of various villages/gram panchayats within the territorial limits of the Municipal Corporation. Due to the commonality of assailment, the writ petitions mentioned hereinabove are being decided together.



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1.1. At the outset, for the sake of brevity and convenience, in the present adjudication, a tabular chart depicting the particulars regarding the assailement herein, is as follows:

<b>S.No.</b>	<b>C.W. Petition No.</b>	<b>Date of Impugned Notification</b>	<b>Action Taken</b>
1.	D.B. Civil Petition No. 3118/2025	24.06.2022	Panchayat Circle Rishabdeo (Scheduled Area) declared Municipal Area to establish Municipal Board Rishabdeo (IV class).
2.	D.B. Civil Petition No. 11117/2022	05.07.2022	Four revenue villages namely Semari, Lalpuriya, Bhahmpuri and Darjanpura under the jurisdiction of Gram Panchayat Semari (Kherwada), five villages namely Jagatpuriya, Jalampura, Narayanpura, Kuradiya and Ambara under the jurisdiction of Gram Panchayat Kuradiya, seven revenue villages namely Shyampura, Jodhpuriya, Bhimpur, Bagthala, Junpuriya, Upalaguda, and Nichlaguda under the jurisdiction of Gram Panchayat Shyampura, one revenue village namely Dhani of Gram Panchayat Kunda (all Scheduled Areas) are proposed to be included in new Nagar Palika Semari.
3.	D.B. Civil Petition No. 874/2025	26.12.2024	Revenue village Balicha, Gram Panchayat Balicha circle Girva has been included in Municipal area limits of Udaipur Municipal Corporation.
4.	D.B. Civil Petition No. 8781/2025	25.03.2025	Inclusion of Gram Panchayats Bhaiyon ki Pancholi, Matoon, Manwa Kheda, Dhikli, Amberi, Zinc Smelter and border area of Nalafala (all Scheduled Areas) in the area of Municipal





			Corporation, Udaipur.
5.	D.B. Civil Petition No. 15765/2025	27.03.2025	Gram Panchayat Arnod has been declared as Municipal Area (Municipal Board Arnod (IV class)).
6.	D.B. Civil Petition No. 700/2025	26.12.2024	Gram Panchayat Baleecha, Bhoeyon ki Pancholi, Dakan Kotra, Debari, Kalarwas, Kanpur, Saweena Khera (rural), Seesaram (Rural) and Teetardi of girwa Block, Udaipur District included in the jurisdiction of Municipal Corporation.
7.	D.B. Civil Petition No. 4831/2024	05.10.2023	Panchayat Circle Semari have been declared Municipal Area and Municipal Board Semari (IV class) has been established.
8.	D.B. Civil Petition No. 13334/2019	30.05.2018	Panchayat circle Partapur, Garhi, Bedva, Kheran ka Pada and Bagora have been declared Municipal area and Municipal board Partapur (IV class) has been established.
9.	D.B. Civil Petition No. 11112/2022	05.07.2022	Revenue Village Ambara and Jalampura of Gram Panchayat, Kuradiya will be converted into a Municipality.
10.	D.B. Civil Petition No. 3748/2024	05.10.2023	Panchayat Circle Ghatol have been declared Municipal Area and Municipal board Maharana Pratap (IV class) have been established.
11.	D.B. Civil Petition No. 4872/2024	24.06.2024	Panchayat circle Rishabdeo have been declared Municipal area and Municipal board Rishabdeo (IV class) has been established.
12.	D.B. Civil Petition No.5131/2024	24.06.2022, 29.07.2022, 14.09.2022	Panchayat circle Rishabdeo, Dhulev, Bhaua and Gram Panchayat Thana have been declared Municipal area and Municipal board Rishabdeo (IV class) has been established.





13.	D.B. Civil Petition No. 8470/2024	23.05.2022	Gram Panchayat Dhariyawad has been declared as Municipality (IV class).
14.	D.B. Civil Writ Petition No. 23310/2025	28.05.2025	Village named Chokidya, Undari Khurd, Naya Khera, Nora and Alsigarh have been included within the Udaipur Development Authority region.

1.2. Since all the instant writ petitions arise out of a common controversy, though with minor variations in individual factual settings, this Court considers it appropriate, for the purpose of analogous adjudication, to treat D.B. Civil Writ Petition No. 874/2025 (Gram Panchayat Balicha, Panchayat Samiti Girva, District Udaipur through its Sarpanch Smt. Laxmi Bai Gameti v. State of Rajasthan & Ors.) as the lead case. Accordingly, the factual matrix, prayers and legal submissions are being noticed with reference to the said lead petition. The submissions advanced by the parties and the findings recorded herein shall, unless otherwise specifically indicated, govern and apply to all the connected writ petitions.

1.3. D.B. Civil Writ Petition No. 874/2025 (Gram Panchayat Balicha, Panchayat Samiti Girva, District Udaipur through its Sarpanch Smt. Laxmi Bai Gameti v. State of Rajasthan & Ors.) was filed claiming the following reliefs:

*"It is therefore most humbly prayed that this writ petition may kindly be allowed.*

- *That by an appropriate writ, order and direction be issued and the notification dated 17.06.2022 issued by is Excellency Hon'ble governor of the Rajasthan (Annexure-5), may kindly be declare highly illegal;, unconstitutional and same may kindly be quashed and set aside.*





- *That by an appropriate writ, order and direction be issued and the declaration may kindly be made that the provision of Rajasthan Municipal Act, 2009 is not applicable in the area specified under the 5th Schedule of the Constitution of India as called TSP Area of the State of Rajasthan.*
- *That the any other relief, which this Hon'ble Court deems fit to protect and maintained the healthy judicial system in State of Rajasthan , by which the petitioner may get full justice may also be allowed."*

2. The present controversy, insofar as it concerns Village Balicha, arises from the issuance of the impugned Notification dated 26.12.2024 by the State Government, whereby Revenue Village Balicha, falling within Gram Panchayat Balicha, Panchayat Samiti Girva, District Udaipur, was brought within the territorial limits of the Udaipur Municipal Corporation in purported exercise of powers under Section 3 read with Section 329 of the Act of 2009. Significantly, Village Balicha stands expressly notified as a Scheduled Area under the Scheduled Areas (State of Rajasthan) Order, 2018 (Constitution Order No. 270) issued under Article 244(1) of the Constitution of India, and its scheduled status is thus constitutionally secured and undisputed.

2.1. The impugned action was preceded by a State-wide urban delimitation exercise initiated by the Local Self Government Department vide directive dated 22.11.2024, calling for identification of areas perceived to have acquired urban characteristics warranting their inclusion within municipal limits. In compliance therewith, the District Collector, Udaipur, after undertaking a comprehensive assessment of demographic trends, land-use patterns, existing infrastructure, spatial contiguity with urban areas and ground-level conditions, forwarded a proposal



recommending inclusion of Village Balicha within municipal jurisdiction. The said recommendation was reinforced by the report of the Commissioner, Municipal Corporation, Udaipur dated 27.11.2024, which recorded increasing population density, mixed land use, proximity to existing municipal boundaries and growing dependence of the local population upon urban civic amenities. Upon due consideration and approval at multiple administrative levels, the State Government proceeded to issue the impugned notification, thereby subjecting Village Balicha to municipal governance, an action which has been assailed before this Hon'ble Court as being constitutionally impermissible in view of the special governance regime applicable to Scheduled Areas under Article 244(1) read with the Fifth Schedule of the Constitution.

3. Learned counsel appearing for the petitioners submitted that the impugned Notification dated 26.12.2024, whereby Village Balicha has been included within the limits of the Udaipur Municipal Corporation, is unconstitutional, without authority of law and liable to be quashed, as it violates the special constitutional regime governing Scheduled Areas under Article 244(1) read with the Fifth Schedule of the Constitution of India.

3.1. It was pointed out that Village Balicha stands expressly notified as a Scheduled Area and once an area is so notified, it immediately attracts the exclusive constitutional framework applicable to Scheduled Areas. From that moment, the operation of Part IX-A of the Constitution stands automatically excluded by virtue of Article 243-ZC(1), and the State Legislature correspondingly loses legislative competence to apply municipal laws, which derive their source from Part IX-A, to such territory.





3.2. Learned counsel submitted that Scheduled Areas are not merely territorially identified regions, but constitutionally insulated areas governed by a distinct protective framework. Article 244(1) read with the Fifth Schedule constitutes a self-contained code for their administration, consciously placing them outside the ordinary legislative and executive regime applicable to the rest of the State.

3.3. It was emphasized that Article 243-ZC(1) expressly provides that "Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1) of Article 244." This provision creates a complete constitutional prohibition against the operation of the municipal regime in Scheduled Areas. Consequently, no municipality can be legally constituted, extended or operated within a Scheduled Area unless Parliament itself removes this prohibition in the manner contemplated by the Constitution.

3.4. Learned counsel further submitted that the Constitution recognizes only two legally permissible modes for extending municipal governance to Scheduled Areas: first, by a law enacted by Parliament under Article 243-ZC(3), extending Part IX-A with such exceptions and modifications as may be specified; and second, by a direction of the Governor under Article 244(1) read with paragraph 5 of the Fifth Schedule, applying a State law to a Scheduled Area with or without modifications. Admittedly, neither constitutional route has been followed in the present case. No parliamentary enactment exists, and no order or notification has been issued by the Governor permitting the application of the Act of 2009 to Village Balicha. In the absence thereof, the State Legislature lacks legislative competence to apply municipal laws to





the said Scheduled Area, and any executive action attempting to do so is ultra vires the Constitution.

3.5. Learned counsel drew support from the constitutional scheme relating to Panchayati Raj institutions. Article 243-M(1) similarly barred the application of Part IX to Scheduled Areas, and that bar was lifted only when Parliament enacted the Panchayats (Extension to Scheduled Areas) Act, 1996. In contrast, no corresponding parliamentary enactment exists extending municipal governance under Part IX-A to Scheduled Areas. Hence, the constitutional prohibition continues to operate with full force, rendering the impugned notification constitutionally impermissible.

3.6. It was further contended that the State's plea that the Act of 2009, being a successor to the Rajasthan Municipalities Act, 1959, would automatically apply to Scheduled Areas unless expressly excluded by the Governor, is legally untenable. Each statute is an independent legislative exercise, and its applicability to Scheduled Areas must be tested afresh in light of paragraph 5 of the Fifth Schedule. Acceptance of the theory of automatic application would negate the constitutional role assigned to the Governor and dilute the safeguards intended for Scheduled Areas.

3.7. Learned counsel also submitted that reliance placed by the respondents on the judgment of the Hon'ble Supreme Court in ***Adivasi for Social & Human Rights Action v. Union of India***, (Civil Appeal No. 2202 of 2012, decided on 10.05.2023) is misconceived. The said judgment did not deal with, nor approve, the inclusion or conversion of Scheduled Areas into municipal areas, and does not dilute the express constitutional bar under Article 243-ZC(1). The ratio of the said decision, rendered in a





different factual and legal context, has no application to the controversy involved in the present case.

3.8. Lastly, it was urged that the impugned notification entails serious civil, administrative and economic consequences, including changes in land-use regulation, taxation and governance structures, which directly impinge upon the constitutionally protected rights of the inhabitants of Village Balicha. Such consequences cannot be brought about by executive action under a general municipal statute, in the face of explicit constitutional prohibitions governing Scheduled Areas.

3.9. Learned counsel also placed reliance on the judgment of ***South Eastern Coalfields Ltd. Vs. State of Madhya Pradesh & Ors.*** (Civil Appeal No.s 84-85 of 2016, & other connected matters, decided on 21.09.2023).

4. *Per Contra*, learned counsel for the respondents submitted that the impugned Notification dated 26.12.2024 has been issued in lawful exercise of statutory powers conferred upon the State Government under Section 3 read with Section 329 of the Act of 2009, and does not suffer from any constitutional infirmity so as to warrant interference by this Hon'ble Court under Article 226 of the Constitution.

4.1. Learned counsel submitted that Article 243-ZC of the Constitution does not operate as an absolute or blanket prohibition against the application of municipal governance in Scheduled Areas. It was contended that the said provision must be read harmoniously with Article 244(1) and the Fifth Schedule, which together constitute the governing constitutional framework for Scheduled Areas. When so read, Article 243-ZC merely excludes





the automatic application of Part IX-A, but does not prohibit the State from exercising powers under a validly enacted municipal law, unless such law stands excluded or modified in the manner contemplated under the Fifth Schedule.

4.2. It was further submitted that paragraph 5 of the Fifth Schedule confers plenary constitutional powers upon the Governor, enabling him to direct that any Act of Parliament or of the State Legislature shall not apply to a Scheduled Area or shall apply with such exceptions and modifications as may be specified. The cumulative constitutional scheme and consistent judicial interpretation of paragraph 5 establish that unless the Governor, by a formal notification, excludes or modifies the operation of a law, all Central and State laws of general application continue to apply to Scheduled Areas by default. In the present case, no notification has been issued by the Governor excluding or modifying the applicability of the Act of 2009 to Village Balicha.

4.3. Learned counsel submitted that judicial precedents interpreting paragraph 5 of the Fifth Schedule consistently recognise the enabling and regulatory nature of the Governor's power, and not its character as an automatic bar on the application of general laws. Thus, the legal position emerging from the constitutional scheme and authoritative pronouncements is that Scheduled Areas are not legal enclaves immune from all State legislation, but are subject to such legislation unless specifically excluded or modified in accordance with the Fifth Schedule.

4.4. It was contended that the inclusion of Village Balicha within the limits of the Udaipur Municipal Corporation has been effected strictly in accordance with Section 3 of the Act of 2009, which





empowers the State Government to alter municipal limits as a matter of legislative policy. Such exercise is statutory in nature and does not attract the requirement of compliance with the principles of audi alteram partem. Reliance was placed on the judgment of this Hon'ble Court in ***State of Rajasthan v. Ashok Khetoliya & Anr., (2022) 3 SCC 295***, wherein it has been held that alteration of municipal limits is a policy decision taken in exercise of legislative power and does not entail individual civil consequences requiring prior hearing.

4.5. Learned counsel further submitted that the scope of judicial review over policy decisions relating to urban planning, municipal expansion and territorial re-organisation is extremely limited. The impugned notification, having been issued in furtherance of planned urban development and administrative efficiency, does not warrant judicial interference.

4.6. It was also contended that the petitioners proceed on a misconception regarding the scope and applicability of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). PESA operates in the domain of Panchayati Raj institutions under Part IX of the Constitution and does not create a constitutional embargo on municipal administration in Scheduled Areas. The existence of PESA cannot be construed to imply a prohibition on urban governance mechanisms, particularly in areas undergoing urbanisation, nor does it override the State's statutory powers under the Act of 2009.

4.7. Learned counsel submitted that the scheduled status of Village Balicha remains unaffected by its inclusion within municipal limits, and all constitutional and statutory safeguards available to





Scheduled Tribes continue to subsist. The impugned notification neither extinguishes tribal rights nor dilutes the protective framework under the Fifth Schedule, and apprehensions relating to land use, taxation or governance are speculative and premature.

4.8. In view of the above submissions, learned counsel for the respondents contended that the impugned Notification dated 26.12.2024 has been issued in accordance with law, within the bounds of constitutional permissibility, and in furtherance of legitimate policy objectives, and therefore, the writ petitions are devoid of merit and liable to be dismissed.

4.9. In support of the submissions learned counsel relied on the following judgments:

- (i) *Adivasis for Social and human Rights Action v. UOI & Ors.*,  
(Civil Appeal No. 2202 of 2012, decided on 10.05.2023)
- (ii) *Debashish Soren & Ors. v. The State of Jharkhand (W.P.(C) No. 3615,3627,4579 of 2007, decided on 02.11.2007)*
- (iii) *Jasbhai Motibhai Desai v. Roshan Kumar & Ors. (Civil Appeal No. 2035 of 1971, decided on 19.12.1975)*
- (iv) *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra & Ors.*  
(Civil Appeal No. 7728 of 2012, decided on 08.11.2012)
- (v) *Chebrolu Leela Prasad Rao & Ors. v. State of Andhra Pradesh & Ors.* (Civil Appeal No. 3609 of 2002, decided on 22.04.2020)

5. Heard learned counsel for the parties as well as perused the cases cited at the Bar.

6. At the outset this Court finds it appropriate to explain the concept of 'Scheduled Areas'.

6.1. The concept of *Scheduled Areas* is not a mere administrative classification but a constitutional device evolved to secure the political, economic and cultural autonomy of India's tribal





communities. Article 244 of the Constitution of India constitutes the primary gateway for the governance of such areas, mandating that the administration of Scheduled Areas in States other than Assam, Meghalaya, Tripura and Mizoram shall be regulated exclusively by the provisions contained in the Fifth Schedule, while the Sixth Schedule governs the latter group of States.

6.2. This Court further observes that Scheduled Areas presently cover approximately 11.3% of the total geographical area of India and are inhabited by 8.6% of the country's population belonging to Scheduled Tribes. These areas have been notified in ten States, namely, Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra and Himachal Pradesh, and represent constitutionally recognised zones of special governance designed to protect communities historically subjected to social and economic marginalisation.

6.3. This Court observes that the governance architecture under the Fifth Schedule is distinct and self-contained. The Governor of the State occupies a pivotal constitutional role and is entrusted with special responsibilities to modify, restrict or prohibit the application of ordinary State laws in Scheduled Areas and to frame regulations for peace, good governance, land protection and control of moneylending. Such powers reflect the Constitution's deliberate departure from uniform administration in favour of context-sensitive governance for tribal regions.

6.4. This Court further observes that the Fifth Schedule establishes a mandatory institutional safeguard in the form of the Tribal Advisory Council, comprising predominantly of Scheduled Tribe representatives, to advise the Governor on all matters





relating to tribal welfare. The Governor is further constitutionally obligated to submit an annual report to the President on the administration of Scheduled Areas, thereby creating a continuous chain of constitutional supervision.

7. This Court observes that the present batch of writ petitions raises a substantive constitutional challenge to notifications issued by the State Government under Section 3 read with Section 329 of the Act of 2009, whereby several villages and Gram Panchayat areas, admittedly falling within Scheduled Areas notified as such under Para 6(2) of the Fifth Schedule by President, have been included within municipal limits. The controversy is therefore not merely statutory in nature, but strikes at the very framework of governance specially designed for Scheduled Areas under the Constitution, including the principles of tribal self-governance, necessitating an examination of the scheme embodied in Article 244(1), the Fifth Schedule and Article 243-ZC, and their interplay with State law.

8. Upon consideration of the material on record, this Court finds that the following issues arise for determination:

- (i) Whether a Scheduled Area notified under the Fifth Schedule can be included within municipal limits under the Act of 2009;***
- (ii) What is the true scope and effect of Article 243-ZC in relation to Scheduled Areas;***
- (iii) Whether such municipal inclusion denudes the area of its constitutional protections under the Fifth Schedule and allied constitutional guarantees.***





**(iv) Whether the inclusion of a Scheduled Area within municipal limits under the Rajasthan Municipalities Act, 2009 results in cessation of the applicability of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), having regard to the altered territorial character of the area from "village" to "municipal area.**

**Issue No.1:**

9. This Court observes that under Entry 5 of List II of the Seventh Schedule, the State Legislature is competent to enact laws governing municipalities, and the Act of 2009 has been enacted in exercise of such legislative competence, extending to the whole of the State of Rajasthan, excluding only cantonment areas.

9.1. This Court observes that a conjoint reading of Section 3 and Section 329 of the Act of 2009 manifests a comprehensive statutory framework by which the State Government is vested with authority to create, constitute, include, exclude, amalgamate, split and otherwise alter municipal areas by issuance of notification in the Official Gazette. Such power extends not only to the initial declaration of a municipal area but also to its subsequent territorial reconfiguration in response to administrative, demographic and developmental considerations.

9.1. This Court further observes that Section 3(1) confers upon the State a wide delimitation jurisdiction, authorising it to declare *any local area* as a Municipality, to modify municipal boundaries, and to effect structural changes including amalgamation, bifurcation or dissolution of municipalities. This Court further notes





that Section 3(10) gives overriding effect to the delimitation power by providing that its operation shall prevail notwithstanding anything contained in the Act itself, the Rajasthan Panchayati Raj Act, 1994, or any other law for the time being in force.

9.2. This Court further observes that Section 329 complements this framework by empowering the State Government to classify Municipalities, divide them into different classes based on income, population, importance of the local area and other relevant factors, and to transfer a Municipality from one class to another. This classification power enables rational administrative organisation and uniform service conditions across similarly situated municipal bodies, thereby promoting efficiency and standardisation in municipal administration. This Court is of the considered view that the statutory powers under Sections 3 and 329 together constitute a plenary administrative authority of the State over the territorial and institutional architecture of municipalities.

9.3. This Court observes that although Sections 3 and 329 of the Act of 2009 confer wide authority upon the State Government to create, include, exclude and otherwise alter municipal areas, the exercise of such power, in the present factual matrix, gives rise to a complex constitutional intersection when the territory concerned falls within a Scheduled Area governed by the special constitutional regime under Article 244(1) read with the Fifth Schedule.

10. This Court observes that the constitutional scheme under Article 244(1) read with the Fifth Schedule does not place Scheduled Areas outside the reach of all State legislation. On the





contrary, the Fifth Schedule itself creates a regulated constitutional mechanism whereby laws of general application enacted by Parliament or the State Legislature continue to operate in Scheduled Areas, unless and until they are excluded or modified in the manner expressly provided under paragraph 5(1) of the Fifth Schedule.

10.1. This Court further observes that paragraph 5(1) of the Fifth Schedule does not operate as a condition precedent for the applicability of a statute to a Scheduled Area. The power conferred upon the Governor thereunder is exclusionary or modulatory in character. The constitutional default, therefore, is the *continuance and applicability of existing law*, and not its suspension, unless the Governor, in exercise of powers under paragraph 5(1), issues a notification excluding the application of such law or applying it subject to specified exceptions or modifications.

10.1.1. This Court further observes that no notification under paragraph 5(1) of the Fifth Schedule either excluding or modifying the application of the concerned statute to the Scheduled Areas has been placed on record. In the absence of such a notification, the Act of 2009 continues to operate within the Scheduled Areas as a valid and effective legislation enacted under Entry 5 of List II. However, such applicability does not denude the Act of 2009 from constitutional scrutiny; rather, its operation within Scheduled Areas remains subject to, and must conform with, the protective scheme and constitutional safeguards embodied in the Fifth Schedule.





10.1.2. Further, this legal position now stands conclusively settled by the authoritative pronouncement of the Hon'ble Supreme Court in **South Eastern Coalfields Ltd. v. State of M.P., (2003) 8 SCC 648**.

**SCC 648.** Relevant portion of the judgment is as follows:

*"11. The Fifth Schedule contains provisions for the administration and control of Scheduled Areas and Scheduled Tribes. Paragraph 3 of the Fifth Schedule, inter alia, provides that the Governor of each State having Scheduled Areas shall annually or whenever so required by the President make a report to the President regarding the administration of the Scheduled Areas in the State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. Paragraph 5 of the Fifth Schedule is in the following terms:*

**"5. Law applicable to Scheduled Areas.- (1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this subparagraph may be given so as to have retrospective effect.**

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may-

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;





(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in subparagraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

**12. Paragraph 5 of the Fifth Schedule commences with a non obstante provision. It empowers the Governor to direct that any Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or a part of it in the State. The second component of clause (1) of Paragraph 5 empowers the Governor to direct that an Act of Parliament or of the State Legislature shall apply to a Scheduled Area or any part in the State subject to such exceptions and modifications as he may specify in the notification.**

13. The High Court in the present case has observed that the appellant did not produce any notification indicating that the statutes in question would not apply to the Scheduled Areas in the State of Madhya Pradesh or that their provisions would apply with exceptions and modifications disabling the power of the municipality to levy a tax. Even before this Court, no such notification has been produced.

**The consequence of paragraph 5(1) of the Fifth Schedule is that it enables the Governor to direct**





**either that a parliamentary or state law shall not apply to a Scheduled Area in the State or that it would apply subject to exceptions and modifications.** Therefore, unless a notification has been issued by the Governor indicating that (I) a parliamentary or state law shall have no application to the Scheduled Area; or (ii) the parliamentary or state legislation would apply subject to exceptions or modifications, there would be no hindrance in the application of the law to the State.”



10.2. This Court is also conscious of the Constitution Bench judgment in ***Chebrolu Leela Prasad Rao v. State of A.P., [(2020) 8 SCC 404***, decided on 22.04.2020], that further clarified that the Governor's power under paragraph 5(1) does not confer independent legislative authority. It merely enables exclusion or modification of existing law in order to protect tribal interests, without disturbing legislative certainty. Relevant portion of the judgment is as follows:

*“51. We are of the opinion that the Governor's power to make new law is not available in view of the clear language of Para 5(1), Fifth Schedule does not recognise or confer such power, but only power is not to apply the law or to apply it with exceptions or modifications. Thus, notification is ultra vires to Para 5(1) of Schedule V of the Constitution.”*

10.3. This Court is also conscious that the judgment of the Hon'ble Apex Court in the case of ***South Eastern Coalfields Ltd. (supra)*** was reaffirmed in ***Adivasis for Social & Human Rights Action v. Union of India (2023)***, wherein it was authoritatively held that paragraph 5(1) is an exclusionary and modificatory power and not a condition precedent for the application of law. In the absence of such exclusion, the law continues to operate. The relevant portion of the judgment reads as follows:



**"15. Coming to the plea of the petitioner that any Act of the Parliament or the State Legislature has to be made applicable to the Scheduled Areas by public notification to be issued by the Governor of State, under Part 'B' of the Fifth Schedule to the Constitution, in order to make the same operative in the Scheduled Area, the same is equally fallacious and misconceived and deserves outright rejection. What is provided under sub-clause (1) of Clause 5 of the Fifth Schedule is that the Governor is empowered, notwithstanding anything in the Constitution, to direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or shall apply to a Scheduled Area subject to such exceptions or modifications, as the Governor may specify in the notification. Hence, only if any Central or State Act is not to be applied to a Scheduled Area or is to be applied to a Scheduled Area, subject to such exceptions and modification, the Governor of the State may specify the same in the notification. Hence, by necessary implication, it cannot be said that all Acts of the Parliament or the State Legislature can only apply to a Scheduled Area, if there is a notification to that effect by the Governor of the State. See –*Ram Kripal Bhagat v. State of Bihar, AIR 1970 SC 951.*"**

10.4. This Court therefore rejects the submission that the mere notification of an area as a Scheduled Area creates an absolute constitutional embargo on the application of State legislation. Such an interpretation would render paragraph 5(1) otiose and would contradict the binding ratio of the Hon'ble Supreme Court.

10.5. This Court further observes that no material has been placed on record to demonstrate the existence of any notification issued



by the Governor under paragraph 5(1) excluding or modifying the application of the Rajasthan Municipalities Act, 2009 in respect of Village Balicha. In the absence of such constitutional intervention, the statutory regime enacted by the State Legislature continues to operate by its own force.

10.6. In view of the foregoing discussion, this Court holds that a Scheduled Area notified under the Fifth Schedule can, in law, be included within municipal limits under the Rajasthan Municipalities Act, 2009, so long as there exists no notification issued by the Governor under paragraph 5(1) of the Fifth Schedule excluding or modifying the operation of the said Act in respect of such area. The mere constitutional status of an area as a Scheduled Area does not, by itself, create an absolute embargo on the application of State legislation, nor does it divest the State Government of its statutory authority under Sections 3 and 329 of the Act of 2009 to reorganise municipal territories.

10.7. This Court further holds that the special constitutional regime governing Scheduled Areas regulates the manner and limits of governance, but does not suspend the operation of validly enacted State law in the absence of a constitutionally sanctioned exclusion. Consequently, the impugned notification dated 26.12.2024, whereby Village Balicha has been included within the limits of the Udaipur Municipal Corporation, cannot be declared unconstitutional merely on the ground that the territory concerned is a Scheduled Area, in the absence of any exclusionary or modificatory notification issued by the Governor under paragraph 5(1) of the Fifth Schedule.





**Issue No.2:**

11. This Court observes that Article 243-ZC(1) embodies a deliberate constitutional choice that "***Nothing in Part IX-A shall apply to the Scheduled Areas***". The immediate effect of this provision is that the ***constitutional*** framework governing municipalities does not operate *ex proprio vigore* within Scheduled Areas. The exclusion is structural and protective in nature, intended to prevent the automatic and mechanical extension of urban municipal governance into territories constitutionally set apart for special treatment and protection of tribal communities.

11.1. This Court further observes that the exclusion created by Article 243-ZC is limited in its operation and precise in its scope.

***It disables only the constitutional mandate of Part IX-A; it does not invalidate, suspend or prohibit the operation of State municipal legislation per se***, as clarified by the Hon'ble Supreme Court in ***South Eastern Coalfields Ltd. (supra)***. Thus, the consequence of Article 243-ZC is confined to the inapplicability of Part IX-A, while legislative competence of the State remains intact, subject to the overriding control of Article 244 and the Fifth Schedule. Relevant portion of the judgment are as follows:

***"16. The impact of Article 243-ZC is that Part IXA has no application to a Scheduled Area. The inapplicability of article 243X did not denude the state legislature to enact legislation for the State. A Scheduled Area governed by Article 244 of the Constitution is subject to the provisions contained in the Fifth Schedule which govern the administration and control of Scheduled Areas or Scheduled Tribes.***





**Paragraph 5 confers a power on the Governor, as noted above, to direct either that parliamentary or state law shall not apply in the Schedule Area or that it would apply subject to such exceptions or modifications as may be specified."**



11.2. This Court therefore clarifies that Article 243-ZC does not create a constitutional vacuum in Scheduled Areas. It does not prohibit the existence of municipal administration; rather, it ensures that any form of municipal governance in such areas is not constitutionally presumed or imposed, but must operate within the disciplined framework of the Fifth Schedule.

11.3. This Court observes that the constitutional design thus erects a two-stage protective filter:

- (i) Article 243-ZC restrains the automatic application of the municipal constitutional framework contained in Part IXA; and
- (ii) Article 244(1) read with the Fifth Schedule supplies the controlling regulatory mechanism for all legislative and executive action in Scheduled Areas.

Together, they ensure that governance of Scheduled Areas remains constitutionally differentiated, carefully calibrated and normatively distinct from ordinary territorial administration.

11.4. This Court accordingly holds that the true effect of Article 243-ZC is not prohibition but protection, protection of Scheduled Areas from unmediated constitutional municipalisation, while preserving the authority of the State to legislate and administer, strictly subject to the constitutional discipline imposed by the Fifth Schedule.



12. Thus, this Court finds that Articles 244(1), 243-ZC and the Fifth Schedule must be read harmoniously. The resulting constitutional position is clear:

**The Constitution guards Scheduled Areas, but it does not fossilise them.**

They are governed through calibrated constitutional supervision, not permanent insulation from lawful governance.

**Issue No.3:**

13. This Court further observes that the inclusion of an area within municipal limits does not denotify or dilute its constitutional status as a Scheduled Area, which flows exclusively from a Presidential notification under Paragraph 6 of the Fifth Schedule and cannot be altered by executive or statutory re-classification.

The act of declaring or constituting a municipal area does not, either expressly or by necessary implication, extinguish the special constitutional position of a Scheduled Area or the obligations attached thereto. All safeguards under the Fifth Schedule, the role of the Tribes Advisory Council, and the protective and developmental commitments flowing from Articles 46 and 275(1), including those operationalised through the Tribal Sub-Plan, continue to operate with full force. These constitutionally entrenched duties adhere to the territory and its people by command of the Constitution itself and are not contingent upon the form of local self-governance. Consequently, while municipalisation may alter the structure of civic administration, it cannot abrogate, suspend, or dilute the continuing constitutional responsibilities of the State towards Scheduled Tribes, nor can it





be permitted to erode the special status and protections which the Constitution confers upon Scheduled Areas.

**Issue No.4:**

14. This Court observes that Parliament, by enacting the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), operationalised the philosophy underlying the Fifth Schedule by extending Part IX to Scheduled Areas with mandatory exceptions and modifications, thereby transforming constitutional protection into a living framework of participatory self-governance.

14.1. PESA places the Gram Sabha at the normative centre of Scheduled Area governance and vests it with decisive authority over customary law, community resources, cultural identity, land relations, minor forest produce, local dispute resolution and development priorities. This institutional design represents a constitutional expression of tribal self-rule within the Indian federal structure and affirms the commitment that development in Scheduled Areas must remain community-centred and culturally anchored.

14.2. This Court further observes that the introduction of municipal governance into Scheduled Areas necessarily generates a constitutional tension between two governance paradigms: the urban municipal model under Part IX-A and the tribal self-governance model under the Fifth Schedule and PESA.

15. This Court notes that the constitutional extension of Part IX (Panchayats) to Scheduled Areas through the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) proceeds on the foundational assumption that the concerned territory continues to





be administered as a “village” and “Panchayat area” within the meaning of Articles 243 and 243B of the Constitution. PESA, by its very structure, is designed to strengthen Gram Sabha-centric governance in rural tribal habitations.

15.1. This Court further observes that once a Scheduled Area, or any part thereof, is lawfully included within municipal limits under the Rajasthan Municipalities Act, 2009, the territorial character of that area undergoes a legal transformation. It ceases to be a “village” and a “Panchayat area” for the purposes of Part IX, and becomes part of an urban local body governed by the municipal statute. Consequently, the institutional framework of PESA, which operates through village-level Panchayats and Gram Sabhas, cannot continue in its full operational form within such municipal territory.

15.2. This Court, however, clarifies that such municipal inclusion does not extinguish the constitutional status of the area as a Scheduled Area under Article 244(1) read with the Fifth Schedule, nor does it denude the inhabitants of the protections flowing therefrom. The Fifth Schedule continues to govern the administration and control of the territory, and the special responsibilities of the Governor under paragraph 5 remain intact.

16. At this juncture, this Court expresses serious constitutional concern over the continued absence of a Parliamentary enactment extending the municipal framework of Part IX-A to Scheduled Areas, notwithstanding the express constitutional pathway provided under Article 243-ZC(3). This inaction assumes particular significance where the State itself has recognised that certain Scheduled Areas satisfy the criteria ordinarily governing urban





governance. In the present case, the State, upon due consideration of relevant parameters such as demographic trends, land-use patterns, availability of civic infrastructure, spatial contiguity with adjoining urban areas, and prevailing ground-level conditions, has forwarded a proposal recommending the inclusion of Village Balicha within municipal limits.

16.1. Moreover, the official communication issued by the Government of India on 21.08.2025, placed before Parliament and published by the Ministry of Tribal Affairs, makes it abundantly clear that the Provisions of the Municipalities (Extension to the Scheduled Areas) Bill, 2001 (MESA) has remained in legislative limbo for more than two decades. The said notification acknowledges that although the Constitution empowers Parliament to extend municipal governance to Scheduled Areas by law, no such law has yet been enacted. It further records that while the Bill was introduced in 2001, examined by a Parliamentary Standing Committee in 2003, and again revived for consultation in 2020, the legislative process remains incomplete even as of August 2025.

16.2. This Court observes that this prolonged legislative inaction has resulted in a constitutional vacuum, wherein Scheduled Areas are being subjected to municipal structures in the absence of a democratically crafted legal framework specifically designed to protect tribal interests within urban governance. In the absence of MESA, municipal inclusion proceeds without the customary safeguards, participatory rights, and community-centric protections which Parliament considered indispensable for tribal regions.





16.3. This Court further observes that while the Fifth Schedule permits the Governor to apply or modify State laws in Scheduled Areas, this power was never intended to serve as a substitute for comprehensive parliamentary legislation under Article 243-ZC(3). The present arrangement, therefore, places the burden of protecting constitutional values on ad hoc executive action rather than on a coherent legislative architecture.

16.4. This Court is of the considered view that until Parliament discharges its constitutional obligation by enacting MESA, the administration of municipalised Scheduled Areas must proceed with heightened constitutional sensitivity, ensuring that the absence of statutory safeguards does not translate into the erosion of tribal autonomy, land security, resource control and participatory governance guaranteed by Article 244 and the Fifth Schedule.

16.5. This Court therefore holds that, in the present constitutional vacuum, where no Parliamentary enactment analogous to PESA (such as the proposed MESA) has yet been enacted under Article 243-ZC(3) to provide a tailored municipal governance framework for Scheduled Areas, the administrative arrangement must proceed on a hybrid footing:

- Municipal functions relating to urban infrastructure, taxation, civic services, regulation of construction, sanitation, transport and public health shall be exercised under the Rajasthan Municipalities Act, 2009;
- Constitutional protections of Scheduled Areas, particularly those concerning land, tribal welfare, resource protection, social safeguards and regulatory control under the Fifth





Schedule, shall continue to operate and must inform all executive and legislative action;

- Tribal institutions and consultative mechanisms that previously functioned under the PESA framework shall continue solely for the limited purpose of safeguarding the interests of Scheduled Tribes, particularly in matters affecting land, livelihoods, cultural integrity, and community resources, and shall operate in a consultative and advisory capacity, until Parliament enacts a comprehensive statutory framework extending municipal governance to Scheduled Areas under Article 243-ZC(3).

16.6. This Court is of the considered view that this arrangement preserves constitutional balance: it enables effective urban administration while preventing the erosion of the distinctive protective regime that the Constitution has entrenched for Scheduled Areas. Municipalisation, therefore, does not create a governance void, nor does it permit the displacement of tribal protections by ordinary municipal law. This Court observes that the petitioners' apprehension regarding erosion of tribal rights and community control cannot be dismissed lightly.

17. This Court reiterates that constitutional adjudication in Scheduled Areas must maintain equilibrium between tribal protection and evolving governance needs, ensuring:

**Integration without assimilation and development without dispossession.**





18. In view of the foregoing analysis and determinations on the issues framed hereinabove, this Court issues the following directions and conclusions:

**(A) On Validity of Municipal Inclusion**

18.1. The inclusion of Village Balicha and similarly situated areas within municipal limits under the Rajasthan Municipalities Act, 2009 is not unconstitutional per se and does not stand vitiated merely on the ground that such territories are Scheduled Areas, in the absence of any exclusionary or modificatory notification issued by the Governor under paragraph 5(1) of the Fifth Schedule.

**(B) On Continuing Constitutional Protection**

18.2. The municipal inclusion of a Scheduled Area does not denotify, dilute or extinguish its constitutional status under Article 244(1) read with the Fifth Schedule. All protections, obligations and supervisory mechanisms flowing therefrom, including the role of the Governor, the Tribes Advisory Council, and the developmental mandates under Articles 46 and 275(1), continue to operate with full force.

**(C) On Governance Framework in Municipalised Scheduled Areas**

18.3. In the absence of a Parliamentary enactment extending Part IX-A to Scheduled Areas under Article 243-ZC(3) (such as the proposed MESA), the administration of municipalised Scheduled Areas shall proceed under a constitutionally harmonised hybrid framework, as follows:





- Municipal functions relating to urban infrastructure, civic services, taxation, sanitation, public health, transport, land use regulation and construction shall be governed by the Rajasthan Municipalities Act, 2009;
- Constitutional protections of Scheduled Areas relating to tribal welfare, land security, forest and resource protection, social safeguards and regulatory control under the Fifth Schedule shall remain paramount and shall inform every exercise of statutory and executive power;
- Tribal institutions and consultative mechanisms that previously functioned under the PESA framework shall continue solely for the limited purpose of safeguarding the interests of Scheduled Tribes, particularly in matters affecting land, livelihoods, cultural integrity, and community resources, and shall operate in a consultative and advisory capacity, until Parliament enacts a comprehensive statutory framework extending municipal governance to Scheduled Areas under Article 243-ZC(3).

#### **(D) On Duty of the State & Governor**

18.4. The State Government and the Governor shall ensure that all future actions concerning governance, land use, development projects, resource allocation and rehabilitation in municipalised Scheduled Areas strictly conform to the protective discipline of the Fifth Schedule and the constitutional commitment towards Scheduled Tribes.

#### **(E) On Legislative Vacuum & Constitutional Responsibility**





18.5. This Court records its serious constitutional concern over the prolonged non-enactment of MESA and directs that the State shall place before the Union Government and the Ministry concerned the substance of this judgment for appropriate legislative consideration, so that Scheduled Areas are not left indefinitely within a governance vacuum.

19. In view of the foregoing discussion, this Court concludes that the impugned notifications are constitutionally valid, have been issued in accordance with law, and do not suffer from any infirmity warranting interference of this Court.

20. Accordingly, all the writ petitions are, ***disposed of, accordingly.***

20.1. Pending applications, if any, also stand disposed of.

**(SANJEEPT PUROHIT),J      (DR. PUSHPENDRA SINGH BHATI),J**

-skant/-