

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION No. 4633
TO BE ANSWERED ON 21.08.2025

Constitution of Civic Bodies in Scheduled Areas

[+]4633. SHRI RAJKUMAR ROAT:

Will the **Minister of TRIBAL AFFAIRS** be pleased to state:

- (a) whether it is mandatory to enact a MESA law on the lines of PESA before forming civic bodies in scheduled areas of the country as per Article 243ZC of the Constitution and if so, the details thereof;
- (b) whether the Government intends to stop the formation of new civic bodies and the expansion of previously formed civic bodies in scheduled areas which are formed in violation of constitutional provisions and if so, the details thereof;
- (c) the number of civic bodies in scheduled areas of the country, name, year and State-wise;
- (d) whether any proposal regarding the MESA law is under consideration of the Government and if so, the details thereof; and
- (e) whether the Union Government has received any proposal from any State Government regarding the formation or restriction of civic bodies in scheduled areas and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS

(SHRI DURGADAS UIKEY)

(a) to (e): As per Government of India (Allocation of Business) Rules, 1961 the subject matter of Municipal Corporations, Municipalities and other Local Self-Government Administrations is allocated to Ministry of Housing and Urban Affairs. As such, the subject matter of Municipalities (Extension to Scheduled Areas) in short 'MESA' comes under purview of Ministry of Housing and Urban Affairs (MHUA). Therefore inputs/information was sought from MHUA. The Ministry of Housing and Urban Affairs has informed that:

Constitutional provisions in respect of application of Part IXA (The Municipalities) to the Scheduled Areas and the tribal areas are as under:

243ZC(1) : Nothing in this Part (IXA) shall automatically apply to the Scheduled Areas referred to in clause (1) and the tribal areas referred to in clause (2) of Article 244.

243ZC(3) : Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part (IXA) to the Scheduled Areas and the tribal areas referred to in clause

(1) subject to such exceptions and modifications as may be specified in such law, and not such law shall be deemed to be an amendment for the purpose of Article 368.

2. However, para 5 (1) of the Fifth Schedule under Article 244 provides that - " 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 sub-paragraph may be given so as to have retrospective effect." By virtue of these provisions, municipalities may be constituted in the scheduled areas by way of public notification with the approval of the Governor of the concerned State.

3. The Provisions of the Municipalities (Extension to the Scheduled Areas) Bill, 2001 (MESA Bill, 2001) was introduced in Rajya Sabha on 30.07.2001. The Bill was referred to the Parliamentary Standing Committee on Urban and Rural Development (Thirteenth Lok Sabha) which submitted its report in October, 2003. Based on the recommendations of the Standing Committee, it was decided to seek approval of the Cabinet for amendment to the provisions of the MESA Bill, 2001. However, the draft Cabinet Note could not be circulated.

4. Subsequently, with the approval of the Hon'ble HUAM on 04.02.2020, it was decided to pursue the Bill, as recommended by the Standing Committee. It was also decided to start consultations with the stakeholders before seeking approval of the Cabinet. Accordingly, views/comments were sought from 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana on the recommendations made by the Standing Committee to MESA Bill. The requisite comments/views from eight States have been received so far and comments/views from two States viz. Jharkhand and Maharashtra are still awaited despite regular follow up.
