Nagaland Municipal Act

Why in news?

The Nagaland government amended the Nagaland municipal act 2001, which breached the Supreme Court order to avail 33% reservation to women in local body election.

What are the special provisions to Nagaland?

The *article 371A under part 21* of the constitution provides for the special provisions to the Nagaland. The special provisions are

- **Limitation to parliament** - In the following matters the parliament cannot make any laws
  - Religious or social practices of the Nagas,
  - Naga customary law and procedure,
  - Administration of civil and criminal justice involving decisions according to Naga customary law and
  - Ownership and transfer of land and its resources.
- **Governor's special responsibility for law and order** - Internal disturbances occurring in the Naga Hills-Tuensang Area has governor's individual judgment and his decision is final.
- **A regional council** - Consisting of 35 members should be established for the Tuensang district of the state.
- **Tuensang district** - Members in the Nagaland Legislative Assembly from Tuensang district are not elected directly by the people but by regional councils.

What is the issue now?

- **Election without women reservation** - The first and only civic body election in Nagaland was held in 2004 without any reservation of seats for women.
- **Amendment to 2001 Municipal Act** - The act was amended to include 33% reservation for women in line with the 74th Amendment.
- This triggered widespread opposition forcing the government to indefinitely postpone the ULB polls in 2009.
- **Resolution to exempt article 243T** - Nagaland Government repealed the Nagaland Municipal Act 2001 to annual the 33% women reservation.
- **Article 371A** - The government repeal the Nagaland Municipal Act 2001 citing the provisions in article 371A.
- **Article 243T** - The amendment of Nagaland Municipal Act 2001 violated the provisions of article 243T.
- **State Election Commission** - Cancelled the elections to Nagaland's 39 urban local

bodies (ULBs) with 33% of the seats reserved for women.

What is the supreme courts stand on this issue?

- Supreme Court have stayed the order of election commission, directing the Nagaland state Election Commission to hold local body election with 33% women's reservation.
- SC also noted that nothing so far has emerged from the Naga customary laws that limits the advancement of women.

What can be done?

- There should be open consultations and talks between hohos (apex tribal bodies of Nagas) and the Naga Mothers' Association (NMA).
- The Naga Mothers' Association (NMA) should be given a chance to voice out their opinions.
- The leaders of the various tribal organizations should be educated about the positive impacts of the political advancement of the women.

References

1. The Hindu | Women Reservation In Local Body Election
2. Live Law | Status Of SC

