

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- **Resolution to exempt article 243T** - Nagaland Government repealed the Nagaland Municipal Act 2001 to annul the 33% women reservation.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](#)

