

**The Nagaland Municipal
(First Amendment Act, 2006 (Act No. 4 of 2006.))**

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An
-Act-

To amend the Nagaland Municipal Act, 2001 (Act No 4 of 2006)
Be it enacted by the Nagaland Legislative Assembly in the fifty seventh year of
the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Nagaland Municipal (First Amendment) Act, 2006
- (2) It shall extend to whole of Nagaland.
- (3) It shall come into force at once.

Amendment of definitions

2. In section 2 of the Nagaland Municipal Act, 2001, hereinafter referred to as the principal Act, the following will be inserted: “(12)A. “Ex officio member” means a member of the Nagaland Legislative Assembly represented in the Municipality under sections 9 and 21. (25)A. “Municipality” means Municipal Council or Town Council. (27)A. “Nominated member” means a person having special knowledge or experience in Municipal administration represented in the Municipality under sections 9 and 21.”

Amendment of section 9

3. For the existing section 9 of the principal Act, the following shall be substituted, namely:

“9. Composition of Municipal Council

Every Municipal Council shall have the following members:

- (1) Members directly elected from territorial constituencies known as wards;
- (2) Persons having special knowledge or experience in Municipal administration in terms of article 243-R (2) (a) (i) of the Constitution, nominated by the Government, whose number shall not exceed one third of the total number of directly elected members;

- (3) Members of the Nagaland Legislative Assembly represented in the Municipal Council in accordance with article 243-R (2) (a) (ii) of the Constitution; and,
- (4) Chairpersons of Committees constituted under clause (5) of article 243-S of the Constitution.

Provided that under clause (2) above, the Government shall not nominate any person who has lost the latest election to the Municipal Council.”

Insertion of a new section 9A

4. After the section 9 in the principal Act, the following shall be inserted, namely:

“9A. Voting rights of members

Notwithstanding anything contained in this Act, all members, except the members who have been nominated under article 243-R (2) (a) (i) of the Constitution, shall have the right to vote in the meetings of the Municipal Council.”

Amendment of section 12

5. In section 12 of the principal Act, for the existing clauses (1) and (2), the following shall be substituted, namely:
 - (1) “The elected and the ex officio members of the Municipal Council shall elect one of the elected members to be the Chairperson in the manner as may be prescribed in this behalf.
 - (2) The elected and the ex officio members of the Municipal Council shall also elect one of the elected members to be the Deputy Chairperson in the manner as may be prescribed in this behalf.

Amendment of section 15

6. In section 15 of the principal Act. In the existing clause (4), the words “excepting the ex officio members and nominated members”, and in clause (6), the words “ex officio members and”, shall be deleted.

Amendment of section 21

7. For the existing section 21 of the principal Act, the following shall be substituted, namely:

“21. Composition of Town Council

Every Town Council shall have the following members:

- (1) Members directly elected from territorial constituencies known as wards;
- (2) Persons having special knowledge or experience in Municipal administration in terms of article 243-R (2) (a) (i) of the Constitution, nominated by the Government, whose number shall not exceed one-third of the total number of directly elected members;
- (3) Members of the Nagaland legislative Assembly represented in the Municipal Council in accordance with article 243-R (2) (a) (ii) of the Constitution; and,
- (4) Chairpersons of Committees constituted under clause (5) of article 243-S of the Constitution.

Insertion of a new section 21A

8. After the section 21 in the principal Act, the following shall be inserted, namely:

“21A. Voting rights of members

Notwithstanding anything contained in this Act, all members, except the members who have been nominated under article 243-R (2) (a) (i) of the Constitution, shall have the right to vote in the meetings of the Town Council.”

Amendment to the title for Chapter IV

9. In the caption for Chapter IV of Part-II of the principal Act, for the words “Election, Resignation, Removal and Casual Vacancy”, the words “Election, Reservation, Resignation, Removal and Casual Vacancy” shall be substituted.

Insertion of new sections 23A and 23B

10. After the existing section 23 in the principal Act, the following shall be inserted, namely:

“23A. Reservation of seats in Municipalities

- (1) Seats in every Municipality shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, including women from the Scheduled Castes and the Scheduled Tribes, in accordance with the provisions contained in clauses (1) to (3) of article 243-T of the Constitution.
- (2) Within 90 days from the commencement of this Amendment Act, the Government shall notify in the official gazette the number of seats in every Municipality that ought to have been reserved for the categories of persons included in clause (1) in the first elections to the Municipalities held in the State in December, 2004.

- (3) With 180 days from the commencement of this Amendment Act, the Government shall notify in the official gazette the allotment of seats to be reserved for the categories of persons included in clause (1) by rotation to different wards in a Municipality.
- (4) All members not belonging to the Scheduled Castes and the Scheduled Tribes who were directly elected from those wards in the Municipalities which have become reserved for the Scheduled Castes and the Scheduled tribes, and all male members who were directly elected from those wards in the Municipalities which have become reserved for women, including women belonging to the Scheduled Castes and the Schedules Tribes, under clauses (1) to (3) of article 243-T of the Constitution, shall be deemed to have vacated their seats upon notification of the reservation of seats under clause (3).
- (5) Upon vacation of seats under clause (4), the Government shall constitute, under article 243-S of the Constitution by notification, as many number of single member Committee as are equal to the number of such members who have vacated their seats, and designate them as Chairman of such Committee with specific functions. The Chairman so designated shall thereupon be deemed to have become members of the respective Municipality under article 243-R (2) (a) (iv) of the Constitution.
- (6) The provisions contained in clause (4) and (5) shall cease to have effect with the dissolution of the Municipalities constituted out of the first elections to the Municipalities held in December, 2014.

23B. Reservation of offices of Chairpersons in Municipalities for SCs, STs and women

The offices of the Chairpersons shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, as nearly as may be, in proportion to the number of seats reserved for them in the Municipalities and the allotment of such offices shall be made by rotation.”

Amendment of Section 57H

11. In the existing section 57H in the principal Act, the words “majority of vote of the members present and voting” shall be substituted by “majority of vote of the members, excluding nominated members, present and voting.”

Review of the Act

12. After the existing section 484 in the principal Act, the following shall be inserted, namely:

“Within a year of commencement of this Amendment Act, the Government shall review the Act so as to bring its provisions in complete harmony with Part IX-A of the Constitution.”