

**The Nagaland Village Councils (fourth Amendment)
Act, 2009. (Act No. 2 of 2010.)**

Received the assent of the Governor of Nagaland on 09/12/2009 and published
in the Nagaland Gazette Extraordinary dated: 18th of March, 2010.

An
-Act-

To amend the Nagaland Village Council Act, 1978 (Nagaland Act No. 01 of
1997)

Whereas it is considered expedient to amend the Nagaland Village Councils
Act, 1978, in order to give legal status and recognition to Naga Tribal Councils constituted
under Naga customary practices and usages, and also make provisions for removal of
chairman of Village councils.

It is hereby enacted in the sixtieth year of Republic of India, as follows:

Short Title & Commencement

1. (I) This Act may be called the Nagaland Village Council (Fourth Amendment)
Act, 2009
- (II) it shall extend to the whole of Nagaland.
- (III) It shall come into force with effect from its notification in the Nagaland
Gazette.

Amendment of title of the act

2. The title of the "Nagaland Village Council Act 1978" shall henceforth be changed,
and be called as "the Nagaland Village & Tribal Council Act, 1978".

Instruction of sub-section (under section 2 of the principal act).

3. The following sub-section (f) shall be inserted under Section 2 of the Principal Act
viz.
Section 2(f) "tribal council" means the various tribal councils/ hohos/unions/
organizations existing in Nagaland, and being constituted by the various
tribes in accordance with their respective traditions, customary practices
and usages.

Instruction of section 9(3) in the principal Act.

4. The following section, to be titled as Section 9(3), shall be inserted after Section
9(2) of the principal act, viz.

Section 9(3): the State Government may remove any chairman of village councils from his office.

- (a) if he ceases to be a member of the village council.
- (b) if he resigns from chairmanship of the village council on his own volition by submitting a written resignation letter addressed to the Secretary of the village council, who shall forward it to the State Government through the Deputy Commissioner concerned.
- (c) when a “no-confidence motion” is moved and passed by the majority of the Village council members present and voting, in a special session for the purpose that may be summoned by the Deputy Commissioner, and to be presided by an administrative officer not below the rank of EAC, duly authorized in this behalf by the Deputy Commissioner of the District concerned.

Amendment of the heading under chapter II

- 5. In the heading under chapter II of the Principal act, the words “Area Council” shall be substituted by the words “Tribal Council”

Deletion of section 23 to 50 of the principal Act.

- 6. Section 23 to 50 of the principal act shall stand deleted.

Insertion of the New Section 23,24,25,26 & 27 in the Principal act

- 7. The following new section, viz section 23,24,25,26 & 27 shall be inserted in the principal act, as under:

Section 23: There may be a “Tribal Council” for every recognized Naga tribe, and also one or more apex tribal council(s) comprising of the federation or union of two or more tribal councils.

Section 24: The composition, tenure and method of constitution of the tribal councils and apex tribal councils, their powers, duties and functions etc. shall be as per the traditions, customary practices and usages of the tribes concerned.

Section 25: It shall be the duty of every tribal councilor apex tribal councils and apex tribal council to submit the name and addresses of its office bearers to the Deputy Commissioner of the district concerned and to the Home Department, Government of Nagaland, including any changes that may take place at any time thereafter. On receipt of this information, it shall be acknowledged by the Home department in writing, and in the absence of any order to the contrary, such written acknowledgement shall be deemed to the

conveyance of Government's recognition to the tribal council or apex tribal council.

- Section 26. In addition to their normal duties and functions, as may be prescribed in their respective constitutions, and/ or in accordance with their traditions, customary practice and usages, every tribal council, including the apex tribal council(s), shall assist the State Government and in various agencies, in the matter of maintenance of law and order in the society, maintenance of peace and communal / tribal harmony, the settlement of disputes, and case involving breaches of customary laws and usages, and in any other matter of public importance, where its assistance is sought.
- Section 27. It shall be legitimate for the State government to extend financial assistance or any other assistance, as may be deemed fit, to any tribal council.

Renumbering of section 51 to section 54 of the principal act

10. Section 51, 52, 53, & 54 of the principal act shall be renumbered as section 28, 29, 30, & 31 respectively of the amended act.

Deletion of the words "Area council" from section 30 of the amended act (section 54 of the old act.)

11. The word "area council" wherever they appear under section 30 of the amended act (or section 54 of the old act) shall stand deleted.