

## 2. Nagaland's Opposition to Women's Reservation in ULB Polls

**Prelims Syllabus:** Governance - Policies

**Mains Syllabus:** GS-II Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.



### Why in News?

- The recent controversy in Nagaland over the reservation of seats for women in urban local body (ULB) polls has sparked a heated debate among various stakeholders in the state.

### About the News:

- The issue centers around the Nagaland Municipal Act of 2001, which mandated a 33% reservation for women in ULB polls, as per the 74th Amendment to the Constitution of India.

### 74th Constitutional Amendment Act:

- Urban local governments were constitutionalized through the 74th Amendment Act during the regime of P.V. Narsimha Rao's government in 1992. It came into force on 1st June 1993.
- It added Part IX -A and consists of provisions from Articles 243-P to 243-ZG.
- In addition, the act also added the 12th Schedule to the Constitution. It contains 18 functional items of Municipalities.

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## **Why is there Opposition to ULB Polls in Nagaland?**

### **Reservation for Women Against the Customs:**

- Most of the traditional tribal and urban organizations oppose the 33% reservation of seats for women, arguing that it would violate the special provisions granted by Article 371A of the Constitution to Nagaland.
- According to Article 371A, Parliament cannot make laws about the religious or social practices of the Nagas, their traditional laws, and how they solve legal problems, or who owns and uses the land unless the Nagaland Legislative Assembly agrees.
- The apex tribal body of Nagaland, Naga Hoho argues that women have traditionally not been part of decision-making bodies.
- Nagaland is the only state where ULB seats are not reserved for women.

### **Demand of Protestors:**

- The tribal bodies and civil society organizations threatened to boycott the polls until the Municipal Act of 2001 factoring in women's reservation is "reviewed and rewritten in complete consonance of the voice of the Naga people" so that it does not infringe upon Article 371A.

### **Previous ULB Polls in Nagaland:**

- The first and only civic body election in Nagaland was held in 2004 without any reservation of seats for women.
- In 2006, the State govt amended the Municipal Act 2001 to include 33% reservation for women, triggering widespread opposition that led to the indefinite postponement of the ULB polls in 2009.
- Efforts to hold the elections in March 2012 also met with strong protests, and in September 2012, the State Assembly passed a resolution to exempt Nagaland from Article 243T of the Constitution related to the reservation for women.
- This resolution was revoked in 2016, and elections to the civic bodies with 33% reservation were notified a month later, again leading to widespread mayhem.
- The government declared the process to conduct elections null and void in February 2017.

## What are Urban Local Bodies (ULB)?

- Urban Local Bodies (ULBs) are small local bodies that administer or govern a city or a town of a specified population.
- ULBs are vested with a long list of functions delegated to them by the state governments broadly related to public health, welfare, regulatory functions, public safety, public infrastructure works, and development activities.

## Structure of ULB:

- The Urban Local Government consists of eight types of Urban local bodies.
- **Municipal Corporation:** Municipal corporations are usually found in big cities such as Bangalore, Delhi, Mumbai, Kolkata, etc
- **Municipality:** The smaller cities tend to have the provision of municipalities. The Municipalities are often called upon by other names such as the municipal council, municipal committee, municipal board, etc.
- **Notified Area Committee:** Notified area committees are set up for the fast-developing towns and the towns lacking the basic amenities. All the members of the notified area committee are nominated by the state government.
- **Town Area Committee:** The town area committee is found in small towns. It has minimal authority such as street lighting, drainage roads, and conservancy.
- **Cantonment Board:** It is usually set up for a civilian population living in the cantonment area. It is created and run by the central government.
- **Township:** Township is another form of urban government to provide basic facilities to the staff and workers living in the colonies established near the plant. It has no elected members and is merely an extension of the bureaucratic structure.
- **Port Trust:** Port trusts are established in the port areas such as Mumbai, Chennai, Kolkata, etc. It manages and takes care of the port. It also provides basic civic amenities to the people living in that area.
- **Special Purpose Agency:** These agencies undertake the designated activities or specific functions belonging to the municipal corporations or municipalities.