

**GOVERNMENT OF NAGALAND
MUNICIPAL AFFAIRS DEPARTMENT**

NO.MA-65/2016(PT.)

Dated Kohima, the 18th March'2023

Press Release

Attention of the Government has been drawn to recent media reports appearing in various newspapers with regard to the forthcoming ULB elections. The following clarifications are being made:

- i) **With regard to ULB elections**, it is clarified that the Hon'ble Supreme Court in the CA case no. 3607/2016 *PUCL Vs the State of Nagaland* has, after a series of hearings, directed that ULB elections must be held in Nagaland without any further delay in accordance with the 74th amendment of the Constitution that stipulates 33% reservation for women in ULBs. In its ruling on 13/02/2023, the Hon'ble Supreme Court directed the State Government to issue the notification for elections to the ULBs by 09/03/2023. In compliance to the Hon'ble Supreme Court order, the State Election Commission thereafter issued the notification for the ULB election schedule on 09/03/2023 with the polls scheduled for 16th May 2023 and the Model Code of Conduct was accordingly enforced. In light of the Hon'ble Supreme Court judgment, the State authorities are duty bound to conduct ULB elections as per the notified schedule.
- ii) **With regard to the issue of Tax on Land and Building**, it is clarified that the provisions relating to it have already been removed from Nagaland Municipal Act 2001 by the NMA (3rd Amendment) Act 2016. The amendment of section 120 (1) (a) states that "All references and operative provisions relating to tax on land and buildings wherever these occur in the Nagaland Municipal Act, 2001 shall be deemed to have been omitted". In some quarters the request for replacement of the word "Deleted" in lieu of "Omitted" has been made. In the regard, it is clarified that as per the legal opinion, the words "Omission, Omitted & Deleted" have no difference but should be read as of the same meaning and character in context of the amendment issue in question.
- iii) **With regard to suggestions of nominating women in ULBs with voting rights instead of 33% women's reservations of wards**, the Hon'ble Supreme Court in its judgment dated 22/02/2022 categorically struck down this submission as "something naturally not acceptable".

iv) **Reservations for Women Chairpersons;** Women's reservation of Chairpersons of the ULBs is notified as per Section 23B of the Nagaland Municipal Act, 2001, as amended. To bring about fair play, the rotation is being based on the Alphabetical order of the ULBs.

2. It is pertinent to note that the Hon'ble Supreme Court in its judgment dated 14/3/2023 has *"directed that the poll schedule will not be disturbed now and the election process be completed in terms of the schedule. The State Election Commission and the Government to make all necessary arrangements to ensure free and fair elections in pursuance to the Notification and any violation by any authority or citizen in breach thereof would be an act in breach of the order of this court"*. Accordingly the next hearing in the Hon'ble Supreme Court is scheduled on 18/05/2023 only to ensure that the ULB election process is over.

3. Therefore, registered voters of the ULBs are requested to whole-heartedly participate in the forthcoming ULB elections as notified with polls scheduled for 16th May 2023 and make it a resounding success.



(Himato Zhimomi)
Principal Secretary to the Government of Nagaland