

A STUDY OF MUNICIPAL AND TOWN COUNCILS IN NAGALAND

**THESIS SUBMITTED FOR THE DEGREE OF
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CERTIFICATE

Certified that the Ph.D. Thesis entitled, "A Study of Municipal and Town Councils in Nagaland" written by Suponglila is an authentic and original work based on her field study conducted under my supervision.

The Thesis fulfils all the norms of Ph.D. Thesis under the rules and regulations of Nagaland University.

To the best of my knowledge, the Thesis has not been submitted to any university or educational institute for award of any degree or diploma.

This may be placed before the External Examiner for evaluation.

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Declaration of Candidate

I hereby declare that the thesis entitled "*A Study of Municipal and Town Councils in Nagaland*" is my original work, the contents of this study is the record of my work done and the subject matter of this thesis did not form the basis of the award of any previous degree to me, or to anybody else, to the best of my knowledge. This thesis has not been published or submitted by me to any other university for any other purpose.

The thesis is submitted for the award of the degree of Doctor of Philosophy in the Department of Sociology, Nagaland University.

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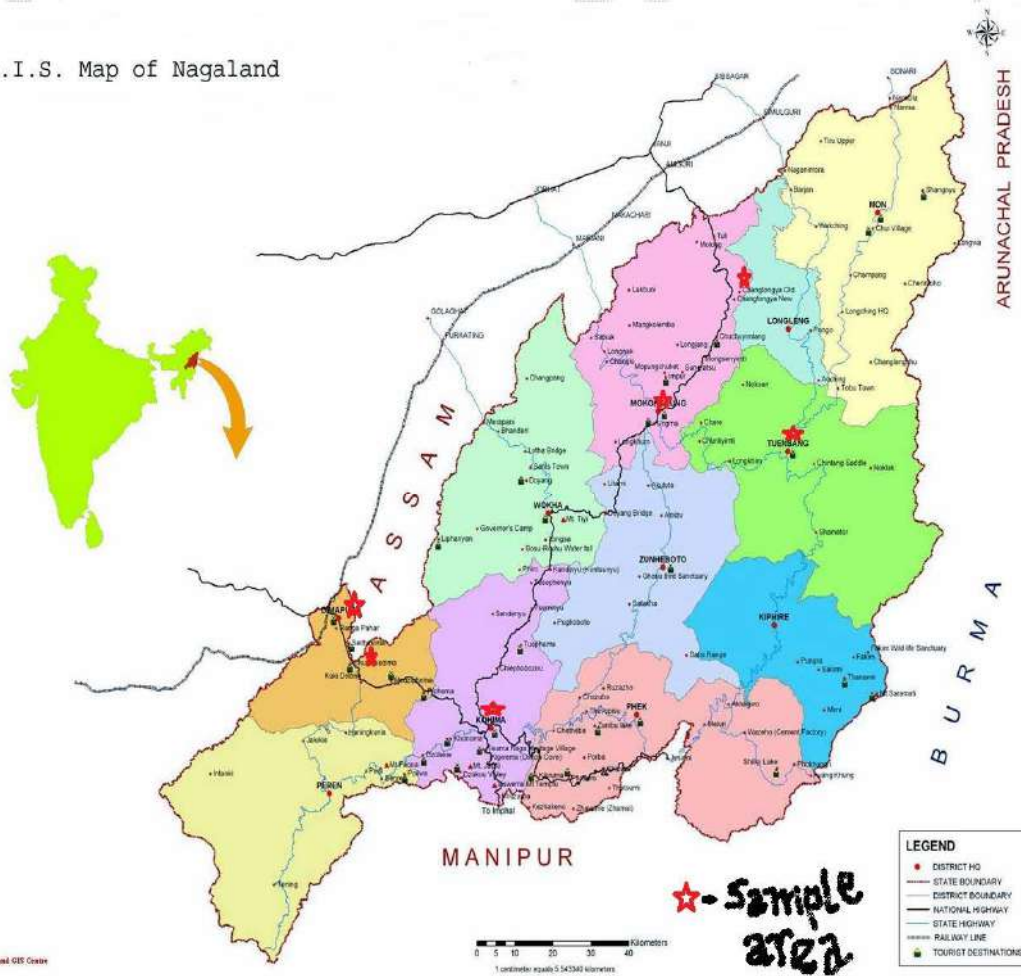
ADB	Asian Development Bank
ADC	Additional Deputy Commissioner
APO	Angami Public Organization
AYO	Angami Youth Organization
CAA	Constitution Amendment Act
CLGF	Common Wealth Local Government Forum
CPCB	Central Pollution Control Board
DC	Deputy Commission
DPR	Detailed Project Report
DPRs	Detailed Project Reports
DMC	Dimapur Municipal Council
ENPO	Eastern Naga Peoples Organization
IDC	Institutional Development Council
JACWR	Joint Action Committee on Women Reservation
JCC	Joint Co-ordination Committee
JMS	Jalavahini Management Services
JNNURM	Jawaharlal Nehru Urban Renewal Mission
KMC	Kohima Municipal Council
KTC	Kohima Town Committee
NTAC	Nagaland Tribes Action Committee
NEFA	North East Frontier Agency

NLA	Nagaland Legislative Assembly
NMA	Naga Mothers Association
NP	Nagaland Post
MAC	Municipal Affair Cell
MC	Municipal Council
MMC	Mokokchung Municipal Council
NGO	Non Governmental Organization
PIL	Public Interest Litigation
SDO	Sub Divisional Officer
SIPMIU	State Investment Programme Management
SLP	Special Leave Petition
SWM	Solid Waste Management
TC	Town Council
TTC	Tuensang Town Council
UD	Urban Development
UDD	Urban Development Department
UN	United Nations
VDB	Village Development Board
3Rs	Re-cycle, Re-duce and Re-use

List of Glossary

Ao Senden	Organisation representing Ao Tribe
Gaonbura	Village Elders
Kyong Hoho	Lotha Tribal Body
Naga Hoho	Organization representing all Naga men

G.I.S. Map of Nagaland



NAGALAND POPULATION, 2011 CENSUS

State/Districts	Total Households	Total Population	Male Population	Female Population
Nagaland	396002	1978502	1024649	953853
Mon	41978	250260	131753	118507
Mokokchung	42690	194622	101092	93530
Zunheboto	27835	140757	71217	69540
Wokha	31891	166343	84505	81838
Dimapur	78605	378811	197394	181417
Phek	36639	163418	83743	79675
Tuensang	36742	196596	101933	94663
Longleng	11985	50484	26502	23982
Kiphire	14771	74004	37830	36174
Kohima	54391	267988	138966	129022
Peren	18475	95219	49714	45505

Source: Census of India 2011, Provisional Population Totals, Nagaland

Note: Highlighted districts- Area of study

CHAPTER-1

INTRODUCTION AND CONCEPTUAL FRAMEWORK

CHAPTER 1

INTRODUCTION AND CONCEPTUAL FRAMEWORK

1.1 Introduction

Municipality is a form of local government created by the citizens within a defined area. The institution of municipality is constituted for the maintenance and planned development of urban areas with the objective to ensure that suitable levels of infrastructure and services are available to the citizens.¹ In order to achieve this, municipality must meet the requirements of a state law to incorporate by voting.

According to Article 243Q of the Constitution of India, '*Municipality*' means "an institution of self-government in the urban areas". A municipality is an administrative entity composed of a clearly defined territory and its population and commonly denotes a city, town or village. A municipality is typically governed by a mayor and a city council or a municipal council.²

Historians disagree regarding the reasons municipality came into existence. Some reasons include the promotion of commerce, protection from invading armies, convenience, or even just the desire of humans to share time with each other. Regardless of these reasons, municipality today provides many services to their citizens, such as fire and police, utility services, parks and recreation and historical preservation among other. All are designed to provide their citizens with the services and protections that are deemed important to a better lifestyle.

Municipal governance work with the principle of decentralisation. It is an institution whereby powers and decision making are given to the people at the grass-root level. The people, on this account are the best judges of their needs and aspiration and decentralisation ensures that those who are likely to be affected by decisions participate in

¹ [www2.lse.ac.uk/asian Research Centre/_files/ARCWP19-Aijaz.pdf](http://www2.lse.ac.uk/asian%20Research%20Centre/_files/ARCWP19-Aijaz.pdf) (accessed on 13.10.2012)

² en.Wikipedia.org/wiki/Municipality (accessed on 19.10.2012).

the making of them.³ Thus, people's participation in the grass-root levels has helped strengthen the development of democracy effectively as a whole.

Municipalities are expected to have a profound impact on the performance of the economy by utilising local resources and tapping human potentialities to the fullest. In the present context of the economy, with massive urban growth and economic liberalisation, heavy responsibilities are placed on municipality. They are responsible for the improvement of the efficiency of programmes and services, to mobilise local resources and to provide coherent planning and delivery of the services at the local level. It provides a means for citizens to have a direct say in which services are needed and how those services should be provided through the process of electing representatives. Representatives who are chosen from the pool of willing citizens meet and discuss how the municipality can best meet the need and desires of the citizens. However it is important for all parties to understand that all municipal power flow directly from the state legislature.

Effective urban areas with improved planning and development need to converge at the local government level to deal with the problems arising as a result of urban growth trends. All municipal programmes can be translated into action only through well recruited and trained personnel at the disposal of urban local authorities. Development and maintenance of adequate and skilled manpower with growth potential depends upon the nature and type of recruitment policies and procedures adopted and the efficiency with which they are administered and executed.

Municipal administration in India has a fairly long history. Right from the time of Indus Valley Civilisation dating back as far as 3000 B.C., there have been at work some sort of agencies-rural and urban for providing in varying degrees the basic civic services like streets, street lighting, water supply, drainage, sewage disposal etc.⁴ More

³ *On the normative justifications for local democracy*, Phillips (1996) and Stoker (1996) quoted in Niraja Gopal Jayal, Amit Prakash, Pradeep K. Sharma, *Local Governance in India* (2006), Oxford University Press, New Delhi, p.3

⁴ Bijoyini Mohanty, *Municipal System In India: Citizens' Involvement* (1993), Ashish Publishing House, New Delhi p. 37

comprehensive initiative towards this end was adopted during the British period. Thus its present structure and style of functioning owes its existence to the British rule in India.

With the formation of Madras Corporation in 1687, for the first time municipal governance was set up by East India Company. This was the beginning of local governance in India. In 1726, a second Municipal Charter was issued in which the Madras Municipality was reconstituted and Calcutta and Bombay Municipalities were established.⁵

A fresh impetus to the growth of local government came in 1863 when the Royal Army Sanitary Commission expressed its Concern, among others, over the filthy conditions of towns in India. As a result a series of Acts were passed, which extended municipal administration to the various parts of India.⁶

In 1882, the then Viceroy of India, Lord Ripon (1880-84) introduced an element of elections in the municipal Corporations. This laid the democratic form of municipal governance in India. The reforms introduced by Lord Ripon continue to have its traces in the existing local self-governments.⁷

Government of India Act 1919, formulated the powers of democratically elected government in the local self-government. In 1935, another Government of India Act brought local government under the purview of the state or provincial government and specific powers were given.⁸

The structure of municipal bodies has remained the same since its inception but the problems of urban areas have increased and have become more complex. In view of this, the Government of India in 1963 set up the Rural-Urban Relationship Committee. The Committee pointed out that the local governments should not merely remain

⁵ Ibid., pp.39-40

⁶ S.R. Maheshwari, *Local Government In India* (1984), Lakshmi Narain Agarwal, Agra, p. 17

⁷ <http://pratham.org/images/SHAIENDRA-SHARMA-Role of Municipal Corporation in education.pdf> (accessed on 19.10.2012).

⁸ en.wikipedia.org/municipal_governance_in_India (accessed on 19.10.2012).

instruments of political education and civic conscience but should play a role in the promotion of social and economic development of local communities as well as be an integral part of the National Government. The Committee also made significant recommendations on the criteria of constitution of municipal bodies with clear delineation of powers, functions, and resources. As far as the municipal government was concerned, it was assumed to be a state function. Entry 5 (five) of the State list in the Seventh Schedule of the Constitution of India gives legislative power to the state with regards to municipal laws, establishments, constitution and powers of local governments.⁹

Starting from the Royal Commission on Decentralisation in 1906, a number of Commission and Committees have been appointed both by the Central Government and various State Governments for examining various issues relating to municipal affairs. However, the Constitution 74th Amendment Act, 1992 is considered to be a watershed development in urban policy initiatives in India. This is due to the fact that for the first time in the history of urban governance, municipal bodies were provided the Constitutional Status of the third tier of government. With the increase in responsibilities as a result of the devolution of eighteen functions through the 12th Schedule of the 74th Constitution Amendment Act, empowerment of the Urban Local Bodies became inevitable.¹⁰ The 74th Constitution Amendment Act, 1992, Article 243Q reads:

(1) there shall be constituted in every state, -

- a) a Nagar Panchayat for a transitional area that is to say, an area in transition from a rural area to an urban area;
- b) a Municipal Council for a smaller urban area; and
- c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this part:

⁹David Savage; Shubhagato Dasgupta, *Governance Framework for Delivery of Urban Services*, in Anupam Rastogi, (ed.), *Indian Infrastructure Report* (2006), Oxford University Press, New Delhi, p.42

¹⁰www.jstor.org/discover/10.2307/4415872?uid=2129&uid=2&uid=70&uid=4&sid=211011418112773 (accessed on 13.10.2012).

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by and industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this Article, “a transitional area”, “a smaller urban area” or “a larger urban area” means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purpose of this Part.

The growth and development of municipal council in Nagaland is of relatively recent development. This was necessitated by the rapid growth of towns and its relative association with the establishment of new administrative headquarters. Unlike villages there has been an absence of traditional administrative structures in the towns. Under the Naga Hills (Constitution of Town Committee) Rules, 1954, Town Committees have been established to look after urban governance in addition to other governmental agencies. However, these town committees have been unable to adequately address the magnitude of diverse urban issues due to limited powers and finances. The absence of adequate investment in the towns in terms of planning and finances resulted in deterioration of urban amenities. As a result, the state suffered from serious issues relating to haphazard growth of urban centres, traffic congestion, pollution, inadequacy of water and sanitation facilities, sewage system and drainage and solid waste management.¹¹ To address these issues in a sustained manner, the Nagaland Municipal Act 2001, has been enacted to strengthen the urban local self-government institutions which was Amended for the first time in 2006.

¹¹*Nagaland State Human Development Report* (2004), Department of Planning and Coordination, Government of Nagaland, p. 50.

Part-11, Chapter-1 of the Nagaland Municipal Act reads; The Government may, after making such enquiry, as it may deem fit, and having regard to –

- a) the population of any urban area;
- b) the density of population therein;
- c) the revenue generated for the local administration of such area;
- d) the percentage of the employment in non agricultural activities;
- e) the economic importance of such area; and
- f) such other factors, as may considered relevant;

by notification, declare its intention to create and specify municipal areas.

Provided that such declaration may be made as Municipal Council where the population of such area is 20,000 and above and Town Council area for such area where the population is below 20,000 but not less than 5,000.

Provided further that the State Government may declare a smaller urban area having a population below 5,000 and not less than 1,000 as urban Station Committee area.¹²

On the basis of such criteria, Nagaland has **three Municipal Councils**; Dimapur, Mokokchung and Kohima; **Twenty Town Councils**; Phek, Wokha, Zunheboto, Mon, Tuensang, Chumukedima, Medzipema, Jalukie, Tsemenyu, Tuli, Changtongya, Longleng, Kiphire, Peren, Nagnimora, Pfutsero, Shamator, Noklak, Aboi and Meluri and **Urban Station Committees**; identification of urban centres under this category is still in the process of completion.

¹² *The Nagaland Municipal Act, 2001*, Home (Local Self Government) Department Nagaland, Kohima, pp.5-6.

1.2 Review of Literature

Different authors have contributed a lot in various ways towards the study of municipal system and its governance in India and abroad. Here the researcher draws some of those works that comes closely to the advantage of the research. Municipal government like Panchayat Raj are closer to the people in the process of democratic decentralisation unlike state and central governments. The impact of urban local self government in democratic decentralisation is quite immense, but also dismaying, in fact, R.K Bhardwaj (1970) *The Municipal Administration in India (A Sociological Analysis of Rural and Urban India)*, discusses the causes of backwardness of municipal bodies in India. He expresses his dissatisfaction in the following words: ‘...the way in which the people have dealt with the local bodies in India does not bring credit to the smooth functioning of municipal administration. The social and political groups have not developed emotional attachment with the local problems. Their allegiance was rather to the caste and religious interests than towards the community and local considerations, with the result that there was never meaningful interaction between various groups for solving the civic problems’. He also discussed problems regarding the relationship between the union government and local bodies and also what he called ‘State government patronage of financial matters’.

Mohit Bhattacharya (1970) *Essays in Urban Governments* is a collection of papers written by the author for different occasions. It consists of 15 chapters and covers a wide range of topic from structure of urban local government in India to municipal personal administration, state local relation in urban development, problems of cantonment administration, problems of municipal finance etc.

Dilys M. Hill (1974) *Democratic Theory and local Government*, reflects the interest in the broader questions of the quality of life in western societies, of environment and planning, of mobility and leisure, and of the response of governments to the wishes of the citizens’ rights and expectations and the seeming defects of modern society to respond quickly, effectively and fairly to rising demands. The book tries to show that the definition of ‘democratic local government’ is the councillors’ and officers’ definition.

What they do for all practical purposes, is democracy. The internal working of local authorities, the way the councils treat their citizens, and the work of councillors and officers, is thus central.

Mohit Bhattacharya (1976) *Management of Urban Government in India*, is on urbanisation and urban management. He discusses the managerial problems involved in dealing with urbanisation as a phenomenon and in the structure and operation of urban public organisations. The discussion covers a wide spectrum ranging from managerial problems of urban local government to policy on slums and urban plan management. He opines that 'new thinking and practices are necessary at all levels of government- vertical and horizontal- that are involved in the management of urban affairs. The author concludes with a discussion on civic consciousness and citizens' participation.

Ashraf Ali (1977) *Government and Politics of Big cities — An Indian Case Study*, focuses on three big Corporations, namely, Calcutta, Kanpur and Ahmadabad. The main objective of this study was to understand the nature of local government in these three cities and their capacity to manage civic problems. The major focus of the study is on the political questions, the scope of government action, the mobilization of resources and the recruitment of civic leaders and municipal employees. Asharaf concludes, 'Whether it be maintenance of civic services like sanitation and garbage disposal, management of tax assessment or collection, or the morale and service conditions of the employees, the performance on each of these items is satisfactory in Ahmadabad unsatisfactory in Calcutta and Kanpur'.

S.N Mishra (1979) *Politics and Leadership in Municipal Government*, is a field report of Gaya municipality in Bihar. The study reveals a 'distance' between councillors in the perception of their civic assignment. They are prone to be power oriented and 'material- benefits oriented'. The author says, such a leadership mostly pre-occupied with the distribution of material goods and individual cases, often invoking itself the mouth piece of those responsible for breach of laws and by laws. The municipal council has hardly much time to devote to a policy planning and long and short term planning. He opined that through proper training the municipal councillors would go a long way in replacing the present leadership by a leadership based on a balance between rights and

duties. The study also reveals that economic affluence continues to be a plus factor in the retention of civic leadership.

Om Prie Srivastava (1980) *Municipal Government and Administration in India*, originally a doctoral dissertation is a detailed examination of the state control over municipal institutions. State-local relationship should be viewed as one of partnership to secure efficient services and better administration for the local people. She concludes that state control is necessary for maintaining a certain amount of uniformity because it is conducive to efficiency however she suggested that there is a need for a fresh approach to state-local relationships.

Main Currents in Indian Sociology: Urban India (1983) edited by Giri Raj Gupta, which is a compilation of various articles by different writers on urban India. Robert Toll Norman in *Municipal Corporations: Borrowings and Failures* explains the manifold problems faced by Indians cities. He points three things which are: first, the administrative structure, which is a legacy of the British Raj is excessively authoritarian, and not sufficiently attuned to the needs of the people; second, the deliberative wing of municipal government is all but defunct because of constant interference by state government; third, the municipality is close to useless in the essential task of bringing city and countryside closer together. He concludes with a suggestion that achieving integration between city and countryside will require new Indian designed institutions better suited to this task than those inherited from the British.

A.Amruith Rao (1985) *Personal Management and Municipal Administration in India*, covers most of the important aspects of personal management and throws sufficient light on the classification of services. He found out that for various reasons the autonomy in municipal corporations are never realised in practice; there are no proper training and study courses and training facilities to train the municipal personnel; the retirement benefit offered or those available to the municipal employees are far from being satisfactory.

Apurba Kumar Basiston (1986) *Urban Local Administration (Growth and Development)*, presents an in-depth study and analysis of the developments and complicated problems of urbanisation in Orissa due to its rapid growth.

Snehalata Panda (1990) *Determinants of Political Participation: Women and Public Activity* writes that basing on psychological resources the nature and extent of participation will be effective and wide or ineffective or limited. The writer found that in the gender involvement in politics women have never internalised the notion that politics is man's business. Hence, irrespective of the group that a person belongs to, it is psychological orientation and not cultural norms that creates interest for involvement in politics.

Bijoyini Mohanty (1993) *Municipal System In India: Citizens' Involvement*, points out that Municipal Government forms the urban democratic grass-root in India. She found out that creation of a municipality in an area by State Government is not all that is required for the system. Citizens who form the bulk of the system must have involvement in it for its success.

S.R.Maheshwari (1997) *Local Government in India*, along with rural local government delineates lucidly urban local government covering the important aspects such as personnel administration, urban finance and, control and supervision and finally suggests ways and means of improving the system of local government in India.

U.B Singh (1999) *Urban Governance n North-Eastern Region*, writes that the British interest in the North Eastern region remained more anthropologic than administrative more so, the region was a late comer into the national mainstream. As a result, the region failed to generate the necessary objective conditions for the emergence of urban centres.

Peter John (2001) *Local Governance in Western Europe*, the underlying ideas in this book reach back to the classic justification of local self-government made by J.S Mill (1862): Local democracy offers citizens the potential to exercise their freedom and to express their local identities in a manner that is different from and complimentary to higher level of government. This text provides a comprehensive introduction to local

government and urban politics in contemporary Western Europe. It is the first book to map and explain the change in local political systems and to place these in comparative context.

Harihar Bhattacharyya (2002) *Making Local Democracy Work in India: Social Capital, Politics and Governance in West Bengal*, he argues that long before the so called local government reforms agenda of the globalization, the Indian political system was experimenting with its own system(s) of local self government ever since the inception of the republic, with more or less the same set of goals of empowerment, political participation and development. The study locate the subject of local democracy in India in general and in West Bengal in particular and evaluate the relative success of the Bengal model of local democracy, in ensuring better governance, and political participation, decreasing level of political violence, and ensuring some level of popular identification with representative political institutions. Finally, the study sought to rectify the undeserved neglect that local democracy has suffered in the ongoing studies of Indian democracy and politics. The study thus calls for a radical revision of perspective, and emphasized the need for giving local democracy, rural or urban, the legitimate place in the ongoing discourses on Indian democracy and politics.

Indian Journal of Political Science (2004) Manas Chakrabarty; Padam Nepali and Namrata Pariyar in their work *Participation of Marginal Women in Decision Making Process: A Study of the Scheduled Castes and Scheduled Tribes Women in Darjeeling Municipal Administration*, examines the participation of women in the decision making process in general and in urban administration in particular within the administrative specificity of Darjeeling Municipality. The paper contains four sections. The first section consists of introduction; section two discusses the role of women in decision-making; section three delineates women's participation in the pre and post 74th Constitution Amendment Scenario and finally section four contains the analyses and conclusion of the study. They opined that municipal bodies are one such administrative units where

reservation is sought for women empowerment through participation in the decision making process. However they lament that despite assuming leadership at the grass root level governance, their influence in the decision making process is insufficient because of various reasons such as aged old dependence on male counterparts, lack of exposure to education and administrative milieu, chronic caste stigma, and only as proxy members. They concluded that the need of the hour is the proper empowerment of Scheduled Tribes and Scheduled Castes women in the society.

Sharda Chpora (2005) *State Control over Municipal Corporations in India*, examines the state control over municipal corporations in India with special focus on metropolis. For a proper appreciation of state-municipal relations she gives two viewpoints i) The municipal corporation have to be regularly controlled, supervised, guided and occasionally punished to get work out of them. ii) The municipal democracy run by elected city fathers is opposed to any sort of interference from the state governments. There has been almost continuous controversy between state control and local autonomy. In many states the ideal of municipal corporation is lacking and state control over local bodies and municipal corporation is either excessive or either exercised in a wrong way. It is however universally admitted now that local bodies are the creations of the state government and some amount of State Control over them is not only necessary but is a must in modern times.

Local Governance In India (2006) edited by Niraja Gopal Jayal; Amit Prakash and Pradeep K. Sharma, analyses the complexity of local governance, both rural and urban, in contemporary India. It argues that there is more to local governance today than a focus on decentralization. The essay stressed the continued domination of bureaucracy and local elites over elected local bodies and the persistence of rent-seeking in development works. It also look at the relationship between institutions at the local level and panchayats, sectoral experiences in health and primary education, local governance in the urban and rural setting, and finally issues of transparency, representation and accountability in local governance.

A working paper by Rumi Ajiz (2006) entitled *Challenges for Urban Local Government in India*, the findings of this study show that urban local governments in India are plagued by numerous problems, which affect their performance in the efficient discharge of their duties. These problems relate to the extent of participation and rule of law in the municipal decision-making process, transparency in the planning and implementation of infrastructure projects, and level of efficiency in various municipal management and finance practices. It concluded that fresh thinking is necessary to resolve the problems confronting urban local governments in India.

Rajendra Kshetri (2006) *District Councils in Manipur: Formation and Functioning* gives detailed information about the nature of the working of the District Council in the tribal areas of Manipur. This monograph is the first of its kind to study on the functioning of District Council. The author critically analysed the functioning of District Council of tribal inhabited areas. The monograph brings awareness among the common people in general of the character of autonomy at district level. The author has concluded that the development schemes under the constitutional provisions for the tribal do not benefit them but have given birth to the emergence of a new class the 'twice-born' class among the tribal. The author suggests such problem can possibly be done only with the eradication of the problem of mass illiteracy among the tribes.

Urban Local Self Government in India with a Special Reference to North-Eastern States (2006) edited by R. N. Prasad, a first of its kind in the region includes 20 scholarly research paper which deals objectively with a theoretical concept of local self governance, various issues, problems, challenges and constraints concerning the setup of the municipal administration in the growing urban areas of the region. It emphasised more thrusts and positive objective suggestions on the implementation of the provisions of the constitution (Seventy Fourth Amendment) Act, 1992 relating to a set up of the urban structures/municipal governments-Nagar Palikas in the notified towns/cities by the state governments without which no urban development appears to be feasible.

In The Indian Journal of Public Administration (2007) *An Analytical Study of State Control and Supervision over Local Bodies in India*, S.A Palekar explains that the state control over local bodies needs some fundamental transformation because the attitude of government has not fully changed from the supercilious to an equal partner. Although the state control should be there but it should not treat local bodies as puppets in its hands. He says there are several lacuna in the state control over local bodies which need to be overcome to establish positive and effective control.

Indian Journal of Political Science (2007) *Urban Governance and Politics: A Case Study of Tirupati*, M.A Hussian reflects the growing concern of Urban Local Government after the implementation of 74th Constitutional Amendment Act 1992. He opines that urban local bodies in our country have always been starved of the necessary finances to discharge their responsibilities. Municipal staff he says receives no training at any stage of their career and has to necessarily wade through the murky waters and hence, set their priorities themselves. The administrative power do not allow any scope of sharing power with the people and hence, any attempt on the part of the civil society to partake in the proceedings is resented as extra constitutional influence or interference. According to the writer urban governments being self governing units are closer to the people than state and central governments. They are obliged to be accountable for the implementation of welfare schemes to the citizens. He concludes urban local governments, if they have the will and determination, can work for social improvement and development with self-improved and regulated finances.

Ramakrishna Nallathiga in Indian Journal of Public Administration (2007), *Performance Measurement as a Tool for Public Accountability: A Review of Experiments with the Report Cards in Indian Cities*, the writer attempts to provide a review of few initiatives undertaken by some non-profit organizations in Indian Cities to come out with 'report cards' that measure the performance of public organizations in terms of citizen satisfaction, which serve as a feedback to them for areas/direction for further improvement. The writer says that public accountability in municipal bodies, which the public service provides, is a two way process involving (a) upward accountability to higher levels of government (in a federal set up it is the State Government) and (b)

downward accountability to the people. The upward accountability comes through the State Governments control over the activities of municipalities. Downward accountability to public is relatively weak and it comes primarily through their mandate in elections.

The City Development Plan (JNNURM, 2007) of Kochi, analysis of the income and expenditure of the local bodies to ascertain the trends on the major sources and uses of funds. In addition to this key financial indicators dealing with property tax, entertainment tax etc... are also being assessed. The financial position of the city indicates needs for improvement. The analysis of the income and expenditure of the local bodies for the past 3 years under Revenue, (Taxes, rents, fees, fines etc. and grants) and expenditure (Salaries, wages, electricity charges, fuel charges, street lighting etc.) reveal that the expenditure is increasing considerably.

A study conducted by PRIA (2008) *Democratic Decentralization of Urban Governance; A Study of Four States in India*, explores the issues plaguing decentralized urban governance in Chhattisgarh, Himachal Pradesh, Haryana and Rajasthan. It also initiated studies to understand the status of municipal finance. The findings of the studies provides the features of the decentralization of the Indian states which can be underlined as: a) lack of clarity regarding local functional domain b) encroachment on local functional domain by para –statal structures c) limited fiscal domains and autonomy at local level d) lack of orientation towards developmental works e) ineffective devolution of welfare and planning functions f) weak role of municipal elected bodies and g) lack of people's participation in overall planning and exercise.

G. Palanithurai (2010) Indian Journal of Public Administration *Ensuring Accountability and Transparency in Development Activities at Grassroots*. Palanithurai argues that the demand for accountability and transparency falls within the broader agenda of good governance. The writer opined that accountability can be ensured only by the participation of the citizens in the decision making process. Transparency and the downward accountability in administration depend on a number of factors of which the physical distance between the people and the government departments and the

availability of information to the people to the level of understanding of the stake holders from the departments are primary. The writer concludes that denial of information and the information gap between the community and the service agencies, especially the service departments, cause poor delivery of services. The writer suggested three steps to reform the administrative system, namely, reforming the structure, procedures and functioning of whole system.

Kamalakshi G. Tadasad (2010) *Governance and urban Development: A Study of Hubli-Dharwad Corporation Experience* writes that in order to promote good local governance, it is important to include the participation of local civil society. The writer presents that for good governance to be sustainable, it requires partnerships between government and civil society. He lucidly presents citizen participation in local government and governance in Hubli-Dharwad experiment study.

Abishek Jain and Aarushi Jain in their *Improving Public Service Delivery for growth oriented Governance: Challenges before Bureaucracy*, in Indian Journal of Public Administration (2011) highlight the criticality of improving public service delivery for growth oriented governance and the challenges before bureaucracy to achieve it. It stresses upon the imperative need to improve the service delivery mechanism especially in areas like education, health care urban and rural infrastructure and employment generation. The writers opine that various challenges and constraints being faced by the bureaucracy need to be addressed through multi-pronged strategies. The article finally highlights the need to have effective public management of resources and to create open, transparent and accountable systems of public service delivery.

Indian Journal of Public Administration (2011) *Decentralised Government and People Participation in Local Development*, Furqan Ahmad and Akthar Ali address the issue of both development and people participation. The paper critically analyses people participation for good governance at grassroots level. It focuses on decentralization as a way of enhancing the effectiveness of people participation in local development. The paper traces and evaluates the changing face of local development in the overall national

development agenda and the consistent evolution of local development policy. The writers conclude that effective local people participation must specifically relate to effective devolution of power to the localities.

1.3 Statement of the problem

A Study of Municipal and Town Councils in Nagaland serves to investigate and identify various factors with regard to the functioning and activities of the councils for social and economic development and to investigate its consequences and impacts vis-a-vis co-operation and understanding of the citizens and their level of satisfaction. A study of the various aspects of works and activities of the councils was considered important.

The concept of municipal governance as units of self-governance has earned importance in the present days, however their contribution have been only negligible and many a times not counted and noticed by the public. Therefore, the study will sensitise the general public on its functioning and importance of social and economic progress and development, its roles in the process of decentralisation of powers.

The Nagaland Municipal Act, 2001 has brought a major landmark in the development of towns. However, there is also not much evidence to prove that the reforms brought by this Act, with regard to the devolution of powers and functions to municipalities, constitution of various types of committees, development of municipal areas, have brought significant change in the functioning of municipal councils. It would be useful to carefully evaluate the impact of recent reform and access the level of autonomy, participation, efficiency, equity, transparency and accountability and the rule of law at the urban local government level.

Moreover the researcher feels that study on municipality and municipal governance in Nagaland has not been undertaken so far. Thus, apart from contributing knowledge, the findings of the study will create awareness and attract researchers to the area. The findings of the research are expected to be used as a research guide and a valuable material for future references for those who want to pursue their studies especially on similar lines.

1.4 Conceptual Framework

Urban local self-government has brought significant change and development. No one can deny its contribution towards social and political uplift of its citizens. When we look at the contributions of early sociologists, we see that change has been the theme of sociological writings since the times of Marx, Durkheim and Weber. For instance, great social transformations in the social, economic and political fields in the wake of the French Revolution, the Industrial Revolution and the Intellectual Revolution (which had inalienable links with the project of Enlightenment) became the subject matter of profound sociological writings. Marx and Engels (1968) were deeply engrossed in examining the dialectical nature of transformation of societies from one stage to the other as a result of changes taking place in the forces and relations of production, and visualised the possibility of a just and humanitarian social order emerging. Weber in his magnum opus *Protestant Ethic and the Spirit of Capitalism* (1967) gives an elaborate account of the growth of capitalism given the right motivational framework embedded in the Protestant ethic. Durkheim (1964) was engaged in looking at the transformation of societies characterised by mechanical solidarity into societies of organic solidarity through the instrument of division of labour, understood in social terms rather than economic terms (Aron, 1965). They were also intellectually alive to the emergence of 'pathological' tendencies that would accompany these transformations. Marx would talk about alienation, Weber referred to disenchantment and Durkheim pointed to the question of *anomie*.¹³

Questions related to increasing structural differentiation and functional specialisation (Parsons, 1966), deepening of the process of democratisation, growth of industrialisation (Black, 1966; Levey, 1966; Smelser, 1959) and urbanisation, growth of rationality (Habermas, 1971), growing instrumentalisation of social relations (Horkheimer and Adorno, 1972; Marcuse, 1972) became intrinsically connected to the study of social change following the writings of Marx, Durkheim and Weber.¹⁴

¹³ D.V. Kumar, (ed.), *Change and Development*, (2012), Rawat Publications, Jaipur, pp.15-16

¹⁴ *Ibid.*, p.13

Marxism lays stress on the historical and social nature of “development” and how development is a product of particular historical and social struggles. Ray Kiely in his book *Sociology and Development: The impasse and beyond* set out the central differences between Marxism as dogma and Marxism as method. The “orthodox” (dogmatic) approach to Marxism is based on a unilinear account of history, and an account of capitalism that focuses on its progressive side vis-a-vis non-capitalist mode of production. He suggests that the orthodox approach actually “fetishizes” (in Marx’s sense) reality. He argues that the impasses can usefully be explained in terms of Marx’s understanding of “the fetishism of commodities.”¹⁵

Orthodox Marxist all tend towards a “stagist” version of history, where by all societies (which are usually assumes to be nation-states) pass through similar stages of development. Parallels are often made with the natural world, and just as the life span of the plant goes through clearly identifiable stages of development, so too do human societies. The Marxist historical study of society, known as historical materialism, is thus nothing more than the extension of the principles of the natural world (“dialectic materialism”) to the social world.¹⁶ Thus, according to Marx (1977:390): In broad outlines Asiatic, ancient, feudal and modern bourgeois modes of production can be designated as progressive epochs in the economic formation of society. The bourgeois relations of production are the last antagonistic form of the social process of production.

This stagist account of history was consistently repeated in “Marxist –Leninist” texts in the former Soviet Union. For example, in the 1963 text “Fundamentals of Marxism-Leninism”¹⁷ (cited in Larrain 1986:55) the writers state that: All people travel what is basically the same path... The development of society proceeds through the consecutive replacement, according to definite laws, of one socio-economic formation by another. The implications of these approaches for development studies should be clear. “Backward” or peripheral societies are at pre-capitalist stage of development. The task of

¹⁵ Ray Kiely, *Sociology and Development*, (1995), UCL Press Limited, London, p.12

¹⁶ Ibid., p.13

¹⁷ Ibid., p.14

Marxist is to support the promotion of capitalism in the periphery, which will in the long term promote the material conditions for a transition to communism.¹⁸

Weber work on authority, power and legitimacy is an elaborate discussion of the rationalisation especially that of the modern administrative machinery. Weber's political works were written between 1914 and 1920 and appeared in the first volume of *Economy and Society*. The body of Weber's political writings cover a wide range of themes relating to state development, the exercise of political power, the organisation of political communities, the rise of the democratic state and the historical comparison of different forms of political domination.¹⁹ Weber concerned himself in these writings with two specific issues of social and historical development: first, he wanted to trace the pattern of historical development leading to the decline of empires and the rise of the modern state; second he wanted to look at the changes taking place in the form of political authority as the modern state developed.²⁰

Between 1914 and 1918, Weber's political writings reflected a number of key shifts that had taken place in society as a whole. One of the major developments discussed by Weber in this context was the emergence of the modern nation state with its complex legal and political institutions. He believed that the dominance of the political and legal spheres in society only became a reality at the turn of the century, and that this signified major changes in the way the state was governed, the way it had exercised political power in the society as a whole, and the way it regulated the overall population. Gone were the impoverished social classes of antiquity who were dominated by traditional land owning aristocracies. Gone were the empires with their absolute monarchies and dominant leaders who were not themselves subject to laws. Gone were the military conflicts which had for so long defined the dynasties and empires and their claims to territory and historical dominance. Replacing these were the democratic nation states with their parliamentary system, their bodies of rational law, their world markets and their enfranchised individuals. What was clear by the turn of the century was that the

¹⁸ Ibid., p.14

¹⁹ *Economy and Society*, pp.212-301, quoted in Ken Morrison, *Marx Durkheim Weber: Formations of Modern Social Thought*, (2008) Sage Publications, New Delhi, p.361

²⁰ Ken Morrison, *Marx Durkheim Weber: Formations of Modern Social Thought*, (2008) Sage Publications, New Delhi, p.361

democratic nation state had completely replaced the old system of absolute monarchy, the dominance of aristocratic classes, the existence of economic monopolies, and the laws favouring one class over another. As the modern state formed around these considerations, its authority became centralised, market and economies broadened, legal and political rights were allotted and the conduct of everyday life was rationalised. The rise of the new state system led to new forms of political authority, and it is to this that Weber turned his attention in developing a theory of legitimate domination.²¹

In looking at the historical types of authority, Weber focussed on two central elements which he thought were key to the system of domination. First, was the concern for the legitimacy of the ruler's power, and the perception by others that the ruler's authority was legitimate for those who were subject to it. Second was the development of what Weber called 'administrative apparatus' in which subordinates and various personnel carry out the commands of the ruler. Essentially, by the term legitimacy Weber was referring to the extent to which officials, groups and individuals actively acknowledge the validity of the ruler in an established order, and the right of the ruler to issue commands. Accompanying each established order, said Weber, are beliefs about the 'legitimacy' of the given system of domination. Accordingly, every system of domination is based on some corresponding belief by people in the legitimacy or right of the ruler to issue commands and rule over others. The second component, referred by Weber as the formation of an administrative staff, is essential to any system of domination and it means of enforcement. For instance, in a feudal system of domination the administrative apparatus may include 'personal retainers, household officials, personal favourites and tributary landlords.'²² In modern societies with large populations, by contrast, those who lead require a large staff that can administer and enforce rules and commands. While the administrative staff serves as a link between the leader and the people, Weber thought that the means of administration altered the nature of power.²³

²¹ Ibid., p.362

²² Reinhard Bendix, *Max Weber: An Intellectual Portrait*, New York: Anchor Books, 1962, quoted in Ken Morrison, *Marx Durkheim Weber: Formations of Modern Social Thought*, (2008) Sage Publications, New Delhi, p.363

²³ Op.cit. Ken Morrison, 2008 p.364

Democratic decentralisation of local self government started with the 74th Constitution Amendment Act 1992. Today, the concept of decentralisation and governance has assumed as a necessary precondition of development. Etymological root of the English word decentralisation can be traced back to Latin word, which means 'away from the centre'. It is also couched as the most valued antidote of authoritarianism and bureaucratisation. As a flexible and crude discourse, it suits every ideological pursuit. (Bidyut Chakrabarty and Prakash Chand 2013:254) Decentralisation is the transfer of planning decision-making or management function from the Central Government and its agencies to field organisations, subordinate units of government, semi-autonomous public corporation, area wise regional development organisation, specialised functional authorities or non-governmental organisation.²⁴ According to Bidyut Chakrabarty and Prakash Chand (2013: 255) the concept of decentralisation has the following characteristic (a) it is both a philosophy and institutional mechanism, which seeks to de-centre the power from its traditional centres to far flung areas with a view to empowering local communities. (b) Autonomy forms the heart of decentralisation. It is the yardstick through which the nature of decentralisation can be measured. (c) Decentralisation has no fixed ideological sanctuary; it is in fact used by both the Left and the Right for justifying their respective positions. (d) The recent spate of enthusiasm for decentralisation can be attributed to globalisation. The votaries of globalisation are actively advocating for localisation through decentralisation for development, as the beleaguered nation states of Asia, Africa and Latin America have been virtually relegated to being mere economic agents of the global market. (e) Decentralisation facilitates people's participation by creating new institutional space beyond the centre and thereby ensures further deepening of democracy. (f) Decentralisation also instils confidence among local communities to govern their own affairs. Decentralisation, thus, creates a sense of responsibility in local decision-making agencies with more or less independent existence and powers. The basic idea of decentralisation is, therefore, sharing the decision-making authority with lower levels in organisations, thereby improving their efficiency, effectiveness, and responsiveness.

²⁴Rondinelli, (1981), quoted at A.K. Majumdar; Bhanwar Singh, *Decentralisation of Power Politics in India*, Radha Publications, New Delhi, p.77

It is now widely known that governance was first used by the World Bank in its report on sub-Saharan Africa in 1989. In this report, the Bank suggested that the programmes of fiscal adjustment and investment in that region were being rendered ineffective by a 'crisis of governance'.²⁵ The World Bank document (1992) defines governance as,²⁶ "the manner in which power is exercised in the management of a country's economic and social resources for development." The World Bank has identified three distinct aspect in the conceptualisation of 'governance' such as (a) the form of political regime; (b) the process by which authority is exercised in the management of the country's economic and social resources; and (c) the capacity of governments to design, formulate and implement policies and in general, to discharge government functions.

Governance is management of social and economic structure of the society. It is the mandate of governance to ensure that the social and ethical values, as enshrined in the laws, are objectively, transparently and effectively enforced. Thus, governance is a system that regulates social behaviour and relations as also ensures peace in the society. At the same time, the institutional mechanism so created delivers services to the people with equity. Governance in effect, is required to ensure that every individual enjoy his rights with impunity and has access to service and opportunities that are offered to the people by the state.²⁷ Like law, governance has to be absolutely objective in enforcement and fair in the delivery of services.²⁸

Municipal governance is a major political administrative system that we see today involving people's participation at the urban political level. Governance and people's participation go hand in hand, any governance without active participation of its citizens will be futile. Participation of the people occupies a central place in the any governmental activities and is an essential element in every democratic political system,

²⁵ Kuldeep Mathur, *From Government to Governance: A Brief Survey of the Indian Experience*, (2013), National Book Trust, New Delhi, pp.2-7

²⁶ Pradeep Sahni, Uma Medury, 2003, *Governance for Development: Issues and Strategies*, Prentice Hall of India, New Delhi, p.p 14-15

²⁷ Ramesh K. Arora, (ed.), *Ethical Governance in Business and Government*, (2013), Aalesh Publishers, Jaipur, P.139

²⁸ Ibid., p.139

large or small, developed or developing. Political participation provides an opportunity to control the policies of government. People's participation lends legitimacy to the political system. It is the essence of liberty and freedom. It is an activity of citizens formally intended to influence who governs and how they do so.²⁹

Somesh Kumar in his book, *Methods of Community Participation: A Complete Guide for Practitioners* (2006:23-24), offers a few definitions of participation. The way participation is defined largely depends on the context and background in which participation is applied. Participation is defined as a voluntary contribution by the people in one or another of the public programmes supposed to contribute to national development, but the people are not expected in shaping the programme or in criticising its contents (Economic Commission for Latin America, 1973). Participation includes people's involvement in decision-making processes, in implementing programmes, their sharing in benefits of development programmes and their involvement in efforts to evaluate such programmes (Cohen and Uphoff, 1977). What gives real meaning to the collective effort by the people concerned to pool their effort and whatever other resources they decide to pool together, to attain objectives they set for themselves. In this regard participation is viewed as an active process in which the participants take initiatives and actions that are stimulated by their own thinking and by deliberations over which they exert effective control. The idea of passive participation which only involves the people in actions that have been thought out or designed by others and controlled by others is unacceptable (ACC Task Force and Working Group on Rural Development Programme Harmonisation, Rome 1978).

A working definition of political participation should read something like this: political participation is the active engagement by individuals and groups with the governmental process that affects their lives. This encompasses both involvement in decision making and acts of opposition. Crucially, political participation is an active process: one may be a member of a party or pressure groups, but play no active role in the organisation. Acts of active engagement include conventional political participation,

²⁹Berg – Schlosser Dirl, (1982), *Modes and Meaning of Political Participation in Kenya: Comparative Politics*, 14, 4 July, p.411, quoted at Swarnamayee Tripathy, (2000), *Political Participation of Women Workers in India: A Study of Orissa*, Vikas Publishing House, Delhi, p.3

such as voting, standing for office, campaigning for a political party or contributing to the management of a community housing co-operative, and unconventional acts, which may be seen as legitimate, such as signing a petition or attending a peaceful demonstration, or illegal, such as violent protest or refusing to pay taxes.³⁰

1.5 Theories of political participation

There are three main theories of political participation viz; democratic elitism, rational choice and participatory democracy theory. Democratic elitist such as Schumpeter (1942) are primarily concerned with the problem of sustaining political stability; democracy is of secondary importance to this primary goal. Schumpeter argues that enlightened leadership, sanctioned by minimal acts of participation by the masses, is the best way to maintain order and it is democratic elitism which has become institutionalised in representative systems of government in the post-war period. The defence to this minimalist approach to participation rest upon a view of what is desirable and practical.

Since the masses are generally ignorant and apathetic, extensive participation by them (it is argued) will necessarily undermine stability. An over-active citizenry is likely to make ill-considered, short-termist and generally poor policy decisions. They are liable to be manipulated by ideologies bent upon the overthrow of the system, and are prone to shift dangerously between periods of apathy and manic activism. Either way, prudent government will be impossible. It is desirable, therefore, for policy to be left to those who are intellectually suited to the task, and who make politics their chosen career. It is implicit in Schumpeter's argument that the masses lack the independence of mind to govern themselves. For Schumpeter, this lack of autonomy seems to be immutable. It is difficult for democratic elitist to argue otherwise, for to acknowledge that greater participation leads to increased competence to govern would be to concede ground to advocates of participatory democracy.

³⁰Kieth Faulks, (1999), *Political Sociology: A Critical Introduction*, Rawat Publications, Jaipur, p.143

A minimalist view of political participation also logically follows from the assumptions of rational choice theory. According to Olson (1971) and Downs (1957) a lack of willingness to participate by the majority is a sign not of their ignorance but of their rationality. The question the rational individual will always ask themselves when considering whether to participate is this: 'what will I gain from this act of participation that I would not gain if I fail to act?' In a society of millions, the answer will almost always be: 'Nothing'. This is the 'free rider' scenario where non-participation is the most rational option. This leads Olson (1971:2) to the conclusion that 'rational, self-interests'. The implication of this is that political movements will be led by those who personally gain from their involvement. Thus, for political elites, participation is rational because it gives them power and prestige. The mobilisation of other participants will depend upon convincing them that they will directly benefit from participating, and that any gains will outweigh the cost. This means that some kinds of participations are more likely to be wide spread than others. For example, individuals will be more easily persuaded to vote in an election, a relatively cost free exercise, than to spend hours canvassing for a political party. Consequently, a limited representative democracy emerges as the most suitable political system for liberal societies. This results from the pursuit of rational self-interest, rather than any necessary distinction between a rational elite and an ignorant mass.

Both democratic elitism and rational choice are instrumentalist theories of participation: political participation is a means to achieve a more important end. In the case of the elite theorist, it should extend no wider than is necessary to maintain political authority. For the advocates of rational choice, it is one tool used by individuals to further their interests. In contrast participatory theories of democracy see political involvement as developmental: participation is more than a method for governing; it serves the wider purposes of cementing civil society together and educating citizen in the act of governance. Participatory theorists start with two guiding principles. Democratic system of governance must:

1. Maximise the instances and intensity of participation by all members of civil society.

2. Increase the areas of social life where democratic principles apply.

For Barber (1984), the majority of individuals in liberal democracies are passive recipients of elite decisions, rather than citizens who actively shape politics. This is a dangerous state of affairs, because, as de Tocqueville insisted, participation is a necessary pre-condition for our freedom. The ensuing debate, comparing the role of representative and participatory democracy, has very firm roots in political philosophy. It is significant that Mill and de Tocqueville should be among the most often cited authors, since the enthusiasts for participation claim that their case alone, like the classical theories of the eighteen and nineteen centuries, is based on moral purpose- how men live together to achieve the good society.”³¹

Effective functioning and efficiency of the services provided by the local bodies depend not only in its organisational skills, administrative and technical competence and financial stability, but it depends to a great extent on citizen’s participation. A well structured and strong municipal administration depends on its citizen’s willingness and co-operation. Well informed and pro-active citizens will be able to influence decision making meaningfully and which will directly affect their lives.

It was conceived since the time of Plato that participation fulfils the developmental needs of individual personality. Aristotle, the father of Political Science, opines that participation in the affairs of the state as a citizen is essential for the fullest development of human virtues; its denial contributed to ignorance and selfishness. According to liberalist John Stuart Mill, participation is a part of a process of political and moral education. It ennoble men by encouraging their self-esteem, self-efficiency, a sense of dignity and values. Marx even went further and argued about universal political participation as a means and end of the manifestation of human freedom.³²

³¹Local Government Studies, Vol. 4, No.1, January 1978, Charles Knight and Company Ltd, London and Tonbridge, p.40

³²Swarnamayee Tripathy, (2000), Political Participation of Women Workers in India: A Study of Orissa, Vikas Publishing House, Delhi, p.3

1.6 Objectives

1. To study the structure and functions of Municipal and Town Councils in Nagaland.
2. To examine the effectiveness of the Councils in developmental programmes.
3. To find out the extent of citizens' participation in Municipal and Town Councils.
4. To highlight the constraints and prospects of Municipal and Town Councils in Nagaland .

1.7 Hypotheses

1. The introduction of municipal Councils in Nagaland initiates better developmental activities.
2. Lack of transparency and accountability mechanism leads to poor performance of the Councils.
3. Citizens' participation and co-operation brings greater achievement in the work carried out for progress and development.

1.8 Methodology

The present study is based on an empirical, explorative, descriptive as well as analytical. The study comprised of the following methodological framework;

i. Sources of data collection

The study followed various sources in collecting authentic research data. The main sources of data collection are based on primary data. Primary information was collected from the field under two categories (Category-I and Category-II). Using interview method data were collected for category-I that covers Advisors and employees of Municipal and Town Councils and using Scheduled questionnaire data were collected for category –II that covers General public such as Teachers (primary, high school, higher secondary, college and university teachers), Students (college and university students), Government employees at different offices and Business community.

To supplement primary data secondary informations were collected from various sources such as published and unpublished materials, journals and magazines, seminar paper presentations, websites etc., related to the problem of study. Data maintained by the State Government on various matters of municipality, newspaper or any other printed materials such as; District Gazetteers, Nagaland Municipal Act, Town Committee Rules, Nagaland Municipal Election Rules, the Nagaland Code etc. Effort was made to collect all such relevant data as far as possible.

ii. Sampling

The sampling technique adopted in this study is based on purposive random sampling to arrive at final result based on the working of Municipal and Town Council in Nagaland.

- a. Selection of the study area:** Out of 11 (eleven) districts in Nagaland, 4(four) districts were selected purposively for the present study. It is limited to *three Municipal Councils* viz, (i) Dimapur Municipal Council (DMC) having 23 wards, (ii) Kohima Municipal Council (KMC) having 19 wards and (iii) Mokokchung Municipal Council (MMC) having 18 wards and *three Town Councils* i.e. Changtongya Town Council (11 wards), Chumukidema Town Council (11 wards) and Tuensang Town Council (13 wards).

(i) Selection of the Municipal Council: DMC, KMC, and MMC were selected for the study because these 3 (three) towns are the only Towns with Municipal status.

(ii) Selection of the Town council: Out of the twenty town councils (recently added four towns) 3 (three) Town Councils has been selected; (i) Changtongya town (11 wards) as an emerging town, (ii) Chumukidema (11 wards) based on historical importance where the British first set foot and established its first Headquarters in Naga soil and (iii) Tuensang town (13 wards) inhabited by four tribes of Eastern Nagas namely, Chang, Khiamniungan, Sangtam, Yimchungru.

b. Selection of the respondents

From the 6 (six) sample town 3 (three) Municipal Council and 3 (three) Towns Council namely; Dimapur Municipal Council, Kohima Municipal Council, Mokokchung Municipal Council, Changtongya Town Council, Chumukidema Town Council and Tuensang Town Council was taken. A sample size of 300 respondents (50 respondents from each town) has been drawn randomly to represent the universe of the study.

iii. Data Analysis

The procedural aspects of data analysis used in this study followed a simple statistical technique that comprised of coding, cross-checking and statistical process of classification, tabulation and percentage calculation to analyses the primary data. Tabulated data has been represented through simple table, graph and diagrammatically in the form of pie-chart and bar diagram. All these data has been transferred into respective chapters systematically for final write up.

1.9 The Structure of the Thesis

The **first chapter** deals with the ‘**Introduction and Conceptual Framework**’ of the study. Taken different approaches into account, the study has been focused on selective approach that is relevant to the municipal and town councils. It also covers Statement of the problems, Conceptual Framework, Review of literature, Objectives of the study, Hypotheses and Methodology.

The main theme of the **second chapter** is on ‘**Structure and Functions of Municipal and Town Councils**’ that contains seven units namely; A brief profile of Nagaland, Historical background of British Administration in Naga Hills: An overview, Administrative arrangements of Naga Hills under British Administration, Municipal Council in Nagaland, Town Council in Nagaland and General Powers and Functions of Municipal and Town Councils in Nagaland.

The **third chapter** starts the main area of study undertaken by the research scholar. It concentrates on the '**Evaluation of Effectiveness of Municipal and Town Councils**'. Effectiveness in terms of various variables such as change, Sanitation and cleanliness, Level of transparency, Employees' dedication, Employees' corruption, Financial position, Revenue etc, has been well taken care in order to understand the Functioning of Municipal and Town Councils in Nagaland.

The **fourth chapter** deals with '**Citizens' Participation in Municipal and Town Councils**' by thorough discussion of various issues such as Existence of Municipal and Town Councils, Administration of Municipal and Town Councils, Awareness, Extent of women participation in Municipal and Town Councils etc.

The **fifth chapter** deals with '**Constraints and Prospects of Municipal and Town Councils**' in order to arrive at better conclusion of the study.

The **last chapter** deals with '**Summary and Conclusion**'. This chapter is an attempt to present the summary of the major findings of the study and to shed more light on the suggestion and recommendations for further development of Municipal and Town Councils in Nagaland.

CHAPTER 2

STRUCTURE AND FUNCTIONS OF MUNICIPAL AND TOWN COUNCILS

2.1 A Brief Profile of Nagaland

Nagaland state became the 16th state of the Indian Union on 1st December 1963. Nagaland is roughly triangular in shape with an area of 16579 square kilometers. It is bounded by the state of Arunachal Pradesh on the North, Manipur on the South, Myanmar (Burma) on the East and Assam on the West. Nagas are indigenous people of Mongoloid race and speak Tibeto-Burman language. The Nagas comprising of about forty odd tribes are found in North-east India and North-west Myanmar. In India, the Nagas are concentrated in four states- Nagaland, Manipur, Assam and Arunachal Pradesh. In Myanmar, the Nagas are concentrated in the Somrah Tract bordering India which comes under two administrative units viz, Kachin State and Sagaing Sub-Division (R. Vashum: 2000).

There are sixteen major tribes found in Nagaland along with other sub-tribes. According to the census of India 2011, the total population of Nagaland is 1,980,602 with 1,025,707 males and 954,895 females with 119 persons per square kilometers. The sex ratio of the state is 931 females which is still below the National level of 940 females per 100 males. The literacy rate of the state is 80.11 of which 83.30 percent are males and 76.69 percent females.

Prior to the British annexation and the advent of Christianity in the later part of the 19th Century, the Nagas lived a simple, community based life. The socio-political life was grounded on the simple praxis of self-sufficiency and certain ethical values - simplicity, honesty, fearlessness, straightforwardness, hospitality, truthfulness, religiosity, etc. dominated the community life.

Unlike other tribal communities in India, every Naga villages are more democratic, homogenous, self-sustaining and independent with distinct land demarcation

from neighboring villages such as Moilan village from Pyangsa village of Wokha district though they are neighbours. The Nagas are very distinct in terms of village administration, distribution of clan, socio-cultural network, institutions and socio-cultural practices. The Nagas have their own customary laws which are linked to their indigenous beliefs and practices. The unwritten customs, cultural patterns, conventions, social norms and values had been established by old-age usages and practices by the members of the *Naga* from time immemorial. Such that Ao tribe has their own customs, norms and beliefs differing from that of the Lotha tribesmen, Lothas themselves differ in their cultural beliefs and practices from other tribes and so on.

The population of Nagaland is almost entirely tribal. There are many distinct tribes and sub-tribes amongst the Nagas with their own distinctive language, customs, culture and administration. Traditionally the settlement pattern of the Nagas was mainly rural, their village administration was based on customary laws and practices, and therefore urban governance based on modern lines was unknown and not heard before the coming of British administration.

Nagaland was under the administrative control of Assam prior to the inauguration of statehood on 1st December 1963 by Dr. Radhakrishnan. Nagaland was a hill district under the state of Assam called as the Naga Hill District formed in 1866 with Samaguting (Chumukedima) as the headquarters. Prior to 1866 the Naga territories were administered from 'Asaloo', the then headquarter of the sub-division of Nowgong in Assam. With this arrangement Asaloo sub-division was abolished and the office establishment was shifted to Samaguting. The Deputy Commissioner (DC) was in-charge of the district. Lt. John Gregory was the first DC of the Naga Hill District, he was vested with magisterial powers similar to those prescribed by Act V of 1861 for the trial of cases, but those involving more than seven years' imprisonment and heinous crimes were referred to the Judicial Commissioner. The DC was assisted by the Assistant Commissioner and was furnished with 150 policemen. Office establishments were instituted at the headquarters station and roads were built. In 1875 a new sub-division was created in Wokha. On 14 November 1878 permanent Naga Hills District

headquarters was established in Kohima. In 1889 sub-divisional headquarter shifted from Wokha to Mokokchung and Wokha was merged with the newly formed Mokokchung sub-division district. Mokokchung sub-division was officially declared and set up on 28.02.1890 vide Assam Government's Notification No 749 of 28th February 1890.³³

2.2 Historical Background of British Administration in Naga Hills: An Overview

Municipal governance plays a key role in the process of democratic decentralization in every Urban Local-self government including Nagaland. As early as 1832, the British were acquainted with the Nagas. The first Europeans to enter the Naga Hills were captains Jenkins and Pemberton, who marched across them in 1832. On account of the cause of British penetration into the territories of the Nagas, Mackenzie (1984:102) writes; "the importance of opening up direct communication between Assam and Manipur was at that time much insisted upon, and it was in the course of explorations directed to this end that we first came into conflict with the Nagas of these hills". The British in the initial stage was not to conquer the Nagas but it was necessitated by two reasons; first the British had to pass through the Naga hills on their way to Assam which was their main target for commerce second the Nagas had subsequently caused enough troubles by way of raids, therefore, it was found obligatory by the British to intervene in the matters of the Nagas. Tajenyuba Ao (1993:ii) writes, "The intention of the British Government was not to conquer and to rule over the Nagas but with the necessity of protecting their subjects on the borders of Nowgong and Sibsagar districts against Naga raids the British were compelled to enter the hills and control the Nagas from within. Indeed without any ambition for material gain the British were reluctantly compelled to occupy the Naga territories in order to protect peace loving people on the British borders, but later it became obligatory on them to intervene in the age old custom

³³ M. Toshi Jamir, 2015, A Handbook of General Knowledge on Nagaland, p. 10

of headhunting warfare and massacres between the rival communities and to control them to live in peace and civilized ways”.

The story of the early British relations with the Nagas was one of perpetual conflict. Between 1839 and 1850 as many as ten military expeditions were set against the Nagas (Angami areas), with no more tangible result. Baffled at length by the inveterate savagery of the people and the difficulties of their hills, the government fell back in a policy of absolute non-interference and defiance; and even the Imperial Dalhousie empathically pronounced the game not worth the candle; “we had nothing to gain” he said, “by annexing a wild people and their barren hills.”³⁴ In the minute of 20 February, 1851 Dalhousie noted “I dissent entirely from the policy of taking possession of these hills and of establishing our sovereignty over their savage inhabitants. Our possession could bring no profit to us, and would be as costly as it would be unproductive.”³⁵

The British left these hill’s men for themselves for fifteen years, but by 1866, Lieutenant John Gregory, a specially chosen officer, was permanently located, build his headquarters station at Samaguting (Chumukidema).³⁶ Captain Butler, who was appointed to this charge in 1869, did much to consolidate British power in the hills, and exploration and survey work were diligently pushed forward (B C Allen et. al 1979:470). In 1878, the headquarters were transferred to Kohima creating a city that remains to this day an important centre of administration, commerce and culture for the Nagas. This was the beginning of British administration in Nagaland. By this time, the Nagas who were once reluctant and aggressive towards the British agreed to pay a house tax of Rupees 2 per annum, commutable to eight days’ labour in a year. British influence though became paramount during that period, it was however decided that civil and criminal administration to work on the basis of recognized local customs of the Naga Hills. According to Mackenzie et al. (1981) posited that in petty crime and civil cases the

³⁴ A. Mackenzie, 1981, *The North East Frontier of India*, Mittal Publication, New Delhi, p. 556

³⁵ M. Alemchiba, 1970, *A Brief Historical Account of Nagaland*, Naga Institute of Culture, Kohima, p.

³⁶ A. Mackenzie, 1981, *The North East Frontier of India*, Mittal Publication, New Delhi, p. 557

Gaonboora, or village chief or chiefs, were to decide with the aid of assessors, subject to the appellate and general control of the Deputy Commissioner. They (Nagas) were also to be responsible for police. The occupation of Samoogoodting was followed by the opening of a school and dispensary, the extension of trade and construction of roads to the plains (Assam). The Nagas in large gangs voluntarily offered their services to construct roads and build the station.

The British wanted to survey the entire Naga Hills and accordingly a number of survey parties were sent.³⁷ The Nagas offered resistance but they were suppressed. Thus, the British got a firm foothold in the heart of the Naga Hills. The over enthusiastic local British officials wanted extension of the British jurisdiction beyond Samaguting. The Home Government, however, was not in favour of extending the line of the British Frontier to the interior of the Naga Hills. Later the Government had to approve the measure, when Captain Johnstone, the officiating Deputy Commissioner of the Naga Hills, annexed two villages of the Lotha Nagas, (in Wokha) in 1875 on the pretext that they repeatedly attacked the British survey parties and threatened the tea gardens in the Upper Assam. Successful exploration of Kohima was made by 1st of January 1874.³⁸

2.3 Administrative Arrangement of the Naga Hills under British Administration

In 1866 the Naga Hills district was formed with Samaguting (Chumukidema) as the headquarters, which was to comprise that portion lying to the west of Dhansiri and the country on the south bank of the Doyang, together with the Angami hills. Asaloo subdivision was abolished and the office establishments were shifted to Chumukidema. The district therefore, comprised a portion of Borpathor and N. Cachar.³⁹ In 1878, the district

³⁷ Michell, 1981, *North East Frontier of India* quoted in Chandrika Singh (ed.), 1875, *Political Evolution of Nagaland*, Lancers Publishers, New Delhi.

³⁸ Chandrika Singh (ed.), 1875, *Political Evolution of Nagaland*, Lancers Publishers, New Delhi, p.19

³⁹ H. Bareh (ed.), 1970, *Gazetteer of India Nagaland Kohima District*, Nagaland District Gazetteers Unit Kohima, p.34-35

headquarters was shifted to Kohima, which was acquired without difficulty, Kohima being more centrally situated. Chumukidema climate was moreover insalubrious and therefore unsuitable for the purpose of headquarters.⁴⁰ Wokha subdivision was founded in 1875. To maintain an effective control of the Ao area, a separate Mokokchung Sub-division was formed in 1889, by which the sub-divisional headquarters was shifted to Mokokchung from Wokha, the latter being left to the charge of a Tahsildar. This was necessitated because of the raids perpetrated by tribes of Tuensang (Konyak, Chang and Phom) located more northwardly. The Mokokchung Sub-division was formed with an object checking the recurrence of raids from cis-Dikhu and trans-Dikhu villages.⁴¹ In 1948 a separate Tuensang administrative centre was created; then a separate Sub-Division was carved out under the Assistant Political Officer in 1951 with his headquarters at the newly-built Tuensang town.⁴² In 1952, Tuensang was constituted as a Sub-Division of North East Frontier Agency (NEFA) under the separate Assistant Political Officer.⁴³ In 1957, Tuensang was bifurcated from NEFA and merged into the Naga Hills Tuensang area with its three Districts- Kohima, Mokokchung and Tuensang. Thus in 1957 the three District of present Nagaland was born; the background lay at the Naga Hills District, with its two-fold Sub-Divisions- the Kohima Sadar and Mokokchung during the British rule.

British subsequently annexed the independent Naga villages to the British India and extended their control over more and more areas. In 1881, the government declared the Naga Hills as a district of British India under the province of Assam.

Today Nagaland state has eleven districts namely; Kohima, Mokokchung and Tuensang formed in 1957; Phek, Wokha, Zunheboto, and Mon founded in 1973; Dimapur 1998; Peren, Longleng, and Kiphire in 2004.

⁴⁰ Ibid., 39

⁴¹ Ibid., p.p 38,46-47

⁴² Ibid., p. 50

⁴³ Ibid., p. 50

2.4 Emergence of Municipal Council in Nagaland

i. Introduction

Local self-government of any modern form was conspicuous by its absence during the British regime, the main reason being the exclusion of the district from the provincial Legislature. It was after the inception of Nagaland and the Interim Legislative Assembly the local administration was reorganized by modifying the existing village councils and by constituting the range and tribal councils which are worked out on the modern lines. It is useful to review the composition, role and function of the village councils during the Pre-British period.⁴⁴

Prior to the arrival of the British in the territories of the hill people, the tribes were living in prolonged isolation and separation. Their contacts with the Assamese living nearby border areas were confined only to the transactions of basic commodities. Each tribe maintained their own system of administration based on the customary laws and traditional practices and preferred isolation and non-interference. In such circumstances while determining the pattern of administration for the hill tribes the government kept in mind their traditional practices. Moreover, the government wanted to maintain friendly relations with the hill tribes.⁴⁵

The emergence and the role of politics has become a dominant theme in a developing nation like India and still not an old concept in a state like Nagaland which is still in a stage of infancy as regard with political development, because Nagaland state attained statehood only on 1st December 1963. More so the concept of Municipal politics and Municipal governance is a very new thing and its development in Nagaland is in a stage of infancy as compared to other state in India. In-fact the development of Municipal and Town Councils in Nagaland state has a great sociological, political and historical bearing. Traditionally, Nagas were governed by their own traditional political institution which was both democratic and autocratic in nature depending upon different

⁴⁴ Ibid., p. 185

⁴⁵ Chandrika Singh, 2012, *The Naga Society*, Manas Publications, New Delhi, p. 54

tribes. For instance the Konyak and Sema have an authoritarian system of village administration under a traditional chief, the Ao, Angami, Lotha etc has a democratic system of village administration which was similar with the Greek City State. But today like any other group, a new pattern of political institutions based on parliamentary democracy has emerged as a result of modernisation among the Nagas. This has altered the nature of traditional village polity to a great extent.

Nagas do not have a script of their own and their traditional knowledge system and practices was passed only through oral history from one generation to the other. Like-wise the early beginning of the urban local self government in Nagaland is shrouded in darkness. There is no literature about how urban local self-government began in Nagaland however humble attempt is being made here about its development through first hand information collected from the founding members through personal interview and informal chats and small information collected here and there.

Even though the British planted modern administrative machinery in the Naga Hills during their stay. The growth and development of 'Municipal Councils' in Nagaland is of relatively recent phenomenon. This was necessitated by the rapid growth of the towns and their relative association with the establishment of new administrative headquarters in newly created or carved out districts. Unlike villages there has been an absence of traditional administrative structures in these towns. When we look into the history of establishment of town committees in Nagaland, the regulation No. VI of 1950, the Assam Tribal Areas (Administration of Town Committees) Regulation, 1950 (Published in the Assam Gazette dated the 15th August 1950) A Regulation to provide for the establishment and Administration of Town Committees in the Tribal Areas of Assam becomes the basis of urban local self-government in Nagaland. The Governor of Assam dated the 12th August 1950 made the following Regulation for the peace and good government of any area in his State which is for the time being a Tribal Area. Therefore the Governor of Assam made the following Regulation for the said Areas which have been declared to be Tribal Areas under the Constitution.⁴⁶

⁴⁶*The Naga Hills District (Constitution of Town Committees) Rules, 1954*, Nagaland Government Press, Kohima, p.1

1. (a) This Regulation shall be called the Assam Tribal Areas (Administration of Town Committees) Regulation, 1950.
(b) It extends to the Districts of Kohima and Mokokchung in the State of Nagaland.
(c) It shall come into force at once.

Basing on the Assam Tribal Areas (Administration of Town Committees) Regulation, 1950 (Regulation No. VI of 1950), the Governor of Assam made the following rules namely:- The Naga Hills District (Constitution of Town Committees Rules, 1954.⁴⁷

1. (1) These Rules may be called the Naga Hills District (Constitution of Town Committees) Rules, 1954.
2. These Rules shall apply the Naga Hills District.
3. They shall come into force at once.

On 20th June 1974 the Government of Nagaland, Home Department: Home Branch through a Notification made Rules to Amend the Naga Hills District (Constitution of Town Committees Rules, 1954). The Rules called the Naga Hills District (Constitution of Town Committees) Amendment Rules 1974, was applied to the District of Kohima, Mokokchung, Wokha, Phek and Zunhehoto. This was further amended on 11th November 1987, 22nd June 1988, 31st October 1988 and November 1988. The Rules applied to the whole of the State of Nagaland.

Under the Naga Hills (Constitution of Town Committee) Rules, 1954, Town Committees have been established to look after urban governance in addition to other governmental agencies. Thus, the Dimapur Municipal Council (DMC), erstwhile known as Dimapur Town Committee was officially established on 28th August, 1954, Kohima Town Committee 1957 and Mokokchung Town Committee 1959.⁴⁸ During that time the Nagaland State was administratively under the Assam State as Naga Hills District. As

⁴⁷The Supplementary Amendment to the Naga Hill's District, (Constitution of Town Committees) Rules 1954, p.p 1-2,6,9,10,12,13,14

⁴⁸Data collected from Mokokchung, Kohima and Dimapur Municipal Council Office

seen above in 1950, a Regulation called The Assam Tribal Areas, Administration of Town Committee was passed which got assent of the then President of India. Under this Regulation, the Governor of Assam was authorized to constitute town committees in specified areas wherein "considered improved arrangements were necessary to deal with all the matters of Towns and Tribal Areas."⁴⁹ In May 1962, a sub-committee was constituted by the Legislative Assembly to

- i) examine the trend of growth of population of each town;
- ii) examine the precise nature of the requirements based on the developments which have already taken place;
- iii) examine the various ways in which the problems may be approached;
- iv) form a type of scheme to be taken up in the proposed towns where additional employment opportunities are to be provided; and
- v) examine the Naga Hills District (Constitution of Town Committees Rules of 1954 and suggest amendment thereto).⁵⁰

Simultaneously a town planning committee was constituted which on certain matter was advised to coordinate its activities with the sub-committee of the Legislative Assembly with regard to survey and assessment of increasing problems in the new townships. The town committees for the principal administrative headquarters were simultaneously constituted with functions towards the supervision and registration of taxes, shops, arts and craft centres, co-operatives business establishments and the like. They also act as the municipal bodies.⁵¹

A plan was drawn up to increase the number of the town committees initiated during the interim period. In the towns, the town committees have done the work in line with the terms and conditions prescribed to them. Town committee contains both official and non-official members.⁵²

⁴⁹ Chandrika Singh, 2012, *The Naga Society*, Manas Publications, New Delhi, p. 58-59

⁵⁰ *Official Report of Interim Body of Nagaland*, April-May 1962, p.152 quoted at *Gazetter of India Nagaland Kohima District*, Nagaland District Gazetteers Unit Kohima, p. 188

⁵¹ *Gazetter of India Nagaland Kohima District*, Nagaland District Gazetteers Unit Kohima, p. 188-189

⁵² *Ibid.*, p. 189

From 4th to 5th December 1975, the 3rd Nagaland Town Committees Conference was hosted by Mokokchung Town Committee at Mokokchung Town. During this conference formation of Municipal Council in Nagaland was largely discussed. As per the decision of the Town Committee Conference, the Conference Committee Collected the Assam State Municipal Act, and made 100 true copies and was distributed to all the Town Committees of Nagaland, and to all the officers concerned for study and took help to upgrade the Dimapur, Kohima and Mokokchung Town Committees to Municipal Councils.⁵³ This is because of Town Committees' failure to address rising problems with the rapid growth of the towns. Proposal was sent for the creation on Municipal Councils in Dimapur, Kohima and Mokokchung districts. The Nagaland Municipal Act was enacted in 18th October 2001, which is largely considered as the result of the persuasions made in the Nagaland Town Committee Conferences. The Nagaland Municipal Act, 2001 has brought a major landmark in the development of town. Town area committees or town committee were semi-municipal committees constituted for small towns. Their members were either elected or nominated by the state government and were assigned a limited number of functions such as street lighting, drainage and conservancy. Town committee is abolished today. While the town council under any municipal council are created by a State Municipal laws. A Municipal Council is constituted for a small urban area, the population of which is fifteen thousand or more but is less than three lakh, and the revenue generated from tax and other sources exceeds such amount per capita per annum as may be specified by the government from time to time. The government shall also classify the municipal council as- Class A (population of one lakh or more), Class B (population of fifty thousand or more but less than one lakh), and Class C (population of fifteen thousand but less than fifty thousand).⁵⁴

⁵³ Primary data obtained through interview from Mr. Bendangnukshi Longkumer Ex-Town Committee Chairman, Mokokchung on 19.03.2014 and official document of MMC

⁵⁴ Pradeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p.p 74-79

ii. A Brief Account of Dimapur, Kohima and Mokokchung Municipal Councils

Dimapur town in the Naga hill district initially had a *Panchayat* System with President and Secretary. In 1948, the Deputy Commissioner of Naga Hills District for the first time appointed a Vice Chairman of the Dimapur Town Committee Panchayat and the Deputy Commissioner himself acted as the Town Committee Chairman under his own arrangement. The Governor of Assam, after passing the Town Committee Rules, 1954 on April 27th 1954, constituted Kohima and Dimapur Town Committees at the first stage and made Dimapur Town Committee a full-fledged Town Committee having its own Chairman to exercise independently all the powers of the Town Committee laid down as per Naga Hills District (Constitution of Town Committee, Rules 1954).⁵⁵

The Kohima Municipal Council as it was then called Kohima Town Committee (KTC) came into existence in 1957, with Late Dr. Neilhouzhu Kire as its first Vice-Chairman from July 1957 till May 1967. Shri. Yusuf Ali, IFAS who was the then Deputy Commissioner of Kohima was the first ex-officio Chairman of KTC. Initially KTC consisted of only 8 wards (today Kohima Town has 19 wards). In the first representative body of the KTC there were 8 elected members and 4 Government nominees. Then on 19th August 1982, a fully fledged Chairperson was elected by the elected members of the wards with Late Joseph Jasokie as the first elected Chairman of KTC.⁵⁶

In 1889 Mokokchung was made the sub-divisional administrative headquarters under the Naga Hills District by the British Government. Mokokchung, one of the oldest towns in the state of Nagaland became a full-fledged district headquarters in 1961. It is inhabited by the Ao tribe and is economically and politically the most important urban centre in northern Nagaland. In fact it is third most important urban hub in all of Nagaland after Dimapur and Kohima. The town is made up of 18 wards of which Kumlong, Sangtemla, Alempang and Yimyu are the largest wards. Mokokchung Town Committee was constituted in the year 1959 under an elected representative as the Vice-

⁵⁵ www.dmcnagaland.nic.in/SSL/login.aspx, accessed on 15.10.2016

⁵⁶ Official Document obtained from KMC office

Chairman and the Deputy Commissioner as the Chairman. After passing of the Nagaland Municipal Council Act, 2001 Mokokchung Town Committee was upgraded to the Municipal status along with Dimapur and Kohima.

While the last tenure of the Mokokchung Town Committee elected members was dissolved for 2004 Nagaland Municipal Election, Mr. N. Bendang Jamir, (Mokokchung Town Committee Chairman) was remained holding the office as the Acting Chairman. This was because Municipal election for Mokokchung could not be held due do some reason raised by the people of Mokokchug. Mr. N. Bendang Jamir remained the Acting Chairman till 11th July 2005. As elections to the Mokokchung Municipal Council could not be materialized, Additional Deputy Commissioner (ADC) Mokokchung is assigned to be the Administrator as additional charge by the Government of Nagaland till today.⁵⁷

iii. Constitution of Municipalities (Part II Chapter 1 of the Municipal Act 2001)

1. Declaration of intention to create and specify limits of municipal areas (Section 3)

1. The government may after making such enquiry, as it may deem fit, and having regard to
 - (a) the population of any urban area;
 - (b) the density of population therein;
 - (c) the revenue generated for the local administration of such area;
 - (d) the percentage of the employment in non agricultural activities;
 - (e) the economic importance of such area; and
 - (f) such other factors, as may be considered relevant;

by notification, declare its intention to create and specify municipal areas.

⁵⁷ Official Document obtained from MMC office

Provided that such declaration may be made as municipal council area where the population of such area is 20,000 and above and town council area for such area where the population is below 20,000 but not less than 10,000 as urban station committee.

2. Submission of Objections (Section 4)

Any inhabitant of any part of a local area specified above may if he objects to anything contained, in the notification, submit his objection in writing through the Deputy Commissioner of the State Government within a period of 30 days from the date of publication of the notification and the government shall consider all such objections.

3. Declaration and specification of municipal area (Section 5)

On the expiry of a period of 30 days from the date of publication of the notification issues under Section 3 and after consideration of the objections submitted under Section 4, the Government by notification, declare and specify such area or part thereof to be municipal council area or town council area or urban station committee area, as the case may be.

4. Declaration of intention to include or exclude from any municipal area or from the operation of the Act (Section 6)

- (1) The Government after consultation with the municipal council or town council, as the case may be, by notification, declare its intention
 - (a) To include within the municipal council area or town council area, any other adjacent thereto; or
 - (b) To exclude from the municipal area or town council area, any other comprised therein; or
 - (c) To withdraw any urban area from the operation of this Act.
- (2) Every such notification shall define the limits of the area to which it relates.
- (3) When a notification is issued under sub-section 1 (Short title, extent and commencement), the provision of sub-section 2 (Definitions) of section 3 relating to the publication of the notification of section 4 relating to the submission of objections, shall apply.

- (4) On the expiry of the period of 30 days from the date of publication of the notification referred to in sub section 1 and after consideration of the objections, if any submitted, the government may, by notification,
 - (a) Include with the municipal council area or town council area, any area adjacent thereto; or
 - (b) Exclude from the municipal council area or town council area, any area comprised therein; or
 - (c) Withdraw any urban area from the operation of this Act.
- (5) Where any area within the territorial jurisdiction of any local authority is constituted as municipal council or town council or included in such municipal council area or town council area,
 - (a) The provision of this Act, except as the government, by notification otherwise direct, all rules, regulations, notifications, orders, directions and powers made, issued or conferred and all taxes, duties, tolls and fees imposed under the Act and in force in municipal council areas or town council areas shall apply to and shall be deemed to have been imposed in the area so constituted or included.
 - (b) The government, may by notification, issue such orders as it may deem fit
 - (i) as the transfer to the municipal council or town council or disposal otherwise of the assets or institutions of such local authority in the area constituted or included, and
 - (ii) as to the discharge of the liabilities, if any of such local authority relating to such assets or institutions.
- (6) Where any area is excluded from the municipal council area or town council area within the territorial jurisdiction of any other local authority-
 - (a) The provision of the Act or any rules, regulations, notifications, orders, directions and powers made, issued or conferred and all taxes, duties, tolls, and fees imposed under the Act and the force in such municipal council area or town council area shall cease to apply and shall ceased to be imposed in the area so excluded.
 - (b) The government, may by notification, issue such orders, as it may deem fit

- (i) as to the transfer of such local authority or disposal otherwise of the assets or institutions of municipal council or town council and
- (ii) as to discharge of liabilities, if any, of such municipal council or town council relating to such assets or institutions.

(7) Upon the issue of a notification under section 4 withdrawing any urban area altogether from the operation of this Act,

- (a) the provision of the Act and all notifications, rules, regulations, orders directions and powers issued, made or conferred thereunder, shall cease to apply to such areas
- (b) the municipal fund and also other property vested in the municipal council or town council shall vest in the government and the liabilities of the municipal council or town council shall transfer to the government

Provided that any tax, fee or other amount due from any person to the municipal council or town council shall be recovered by the government as arrear of land revenue.

- (c) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the municipal council or town council, may be continued or instituted by or against the government.
- (d) the post of officers and employees of the municipal council or town council shall be deemed to have been abolished and consequently the cadre of municipal services comprising such posts shall be deemed to have been correspondingly reduced.

Provided that the government shall provide alternative employment in other municipalities to the person becoming surplus consequent upon such abolition or reduction and for that purpose the government can direct any municipalities to appoint a person on a post to which he may have found suitable by the government.

iv. Structure of Municipal Council

1. Constitution of municipal Council (section 8)

(1) For every municipal council area, there shall be constituted a municipal council.

Provided that a municipal council may be constituted for such area or part thereof as the government may, having regard to the size of the area and the municipal services being provided by an industrial establishment in that area and such other factors as the government may think fit and subject to such conditions as the government may think fit to impose, by notification, specify to be industrial township.

Provided further that if the government is of the opinion that the industrial establishment providing municipal services in industrial township, has failed to provide satisfactory municipal services or has failed to fulfil the conditions, which the government had imposed which specify the municipal area to be industrial township, the government may, after giving the concerned industrial establishment an opportunity to show cause, declare by a notification that such area has ceased to be industrial township and constitute an municipal council.

(2) Every municipal council shall be a body corporate by the name of "The Municipal Council" and shall have perpetual succession and a common seal with power, subject to the provisions of the Act, to acquire, hold or dispose of properties and may by the said name sue and be sued.

2. Composition of Municipal Council (section 9)

(1) Every Municipal Council shall be elected, ex-officio and nominated members.

(2) The government may, by notification, divide the municipal council area into territorial constituencies to be known as wards for the purpose of filling up the seats in the Municipal Council by direct election.

(3) Members of the State legislative Assembly representing legislative Assembly Constituencies which comprise wholly or partly the municipal Council area shall be ex-officio members

- (4) The Government shall, by notification, nominate such number of members, not exceeding one-fifth of the elected members, from amongst the persons having special Knowledge or experiences in Municipal Administration.

3. Duration of municipal council (section 10)

Every Municipal Council, unless sooner dissolved, shall continue for 5 years from the date appointed for its first meeting and no longer.

Provided that the first meeting shall be convened as soon as possible and in no case later than 6 months from the date on which the election of the members is notified by the State Election Commission.

4. Term of office of members of Municipal Council (section 11)

The term of office of the members of Municipal Council shall be coterminous with the duration of Municipal Council.

5. Election of Chairperson/ Deputy Chairperson (section 12)

- (1) The Municipal council shall elect one of its elected members to be the Chairperson in the manner as may be prescribed in this behalf.
- (2) The Municipal Council may also elect one of its elected members to be Deputy Chairperson in the manner under sub Section (1)
- (3) The election under sub section 1 and 2 shall be conducted at a meeting of Municipal Council to be convened immediately after the meeting held for making and subscribing oath or affirmation by the members but not later than 6 months from the date on which the election of members is notified by the State Election Commission.
- (4) The meeting for election of Chairperson and Deputy Chairperson of municipal council shall be convened and presided over by the Deputy Commissioner.
- (5) If during the election of Chairperson or Deputy Chairperson, as the case may be, there is equality of votes between the candidates and the addition of vote would entitle one of such candidates to be elected as Chairperson or Deputy

Chairperson, as the case may be, the Presiding Officer shall decide between such candidate by lot to be drawn in their presence in such a manner, as may be prescribed and the candidate on the lot fall, shall be deemed to have received an additional vote.

- (6) The Chairperson and Deputy Chairperson shall enter upon their duties as such, immediately after their elections.

6. Term of Chairperson/Deputy Chairperson (section 13)

The term of the office of the Chairperson and Deputy Chairperson shall be coterminous with the duration of municipal council unless he has ceased to be a member or he has vacated by resignation or removal.

7. Resignation of Chairperson/Deputy Chairperson (section 14)

- (1) The Chairperson/Deputy Chairperson may, at any time, by writing under his hand addressed to the Deputy Commissioner, resign his office.
- (2) A copy of the resignation shall be sent to the Executive Officer for placing before the municipal council.
- (3) The resignation shall take effect on the expiry of a period of fifteen days from the date of the delivery of resignation to the Deputy Commissioner. Provided that the Chairperson or Deputy Chairperson, as the case may withdraw his resignation within the aforesaid period.

8. Removal of Chairperson/Deputy Chairperson (section 15)

- (1) The Chairperson or Deputy Chairperson may be removed from Office by the Municipal Council by adopting a motion expressing want of confidence in the Chairperson or Deputy Chairperson in accordance with the procedure laid down.
- (2) Written notice of the intention to move a motion of no confidence in the Chairperson or Deputy Chairperson, signed by not less than one half of the total number of members serving at the relevant time excluding the ex-officio

members and the nominated persons along with a copy of the motion, shall be delivered by any two members, signing the notice to the Deputy Commissioner.

- (3) On receiving the notice referred to in Sub Section 2, the Deputy Commissioner shall convene a meeting of the municipal Council for consideration of the motion, which shall be held at the office of the Municipal Council on the date and time appointed by the Deputy Commissioner for the purpose, which shall not be later than fourteen days from the date on which the said notice was delivered to him.
- (4) The Deputy Commissioner shall send, not less than seven clear days before the date of the meeting, a notice of such meeting and of the date and the time appointed thereof to every member, excepting the ex-officio members and nominated members at his place of residence and shall at the same time cause such notice to be published in such manner as the Deputy Commissioner may deem fit and thereupon every member shall be deemed to have received the notice.
- (5) The meeting convened for the aforesaid purpose shall be presided over by the Deputy Commissioner.
- (6) The motion shall be deemed to have been carried only, when it has been passed by a majority of members, excluding the ex-officio members and nominated members present and voting.
- (7) When a motion is carried under sub section 6, the Chairperson or Deputy Chairperson shall be deemed to have vacated his office.
- (8) When a motion has been carried by the Municipal Council, the Deputy Commissioner shall send a report to the Government.
- (9) No other business shall be transacted in the meeting convened for considering the no confidence motion.
- (10) The Chairperson or Deputy Chairperson shall be eligible for the re-election.

9. Suspension of Chairperson/Deputy Chairperson; The Government May, (section 16)

(a) When the Chairperson or Deputy Chairperson prima facie appears to be guilty of

—

- (i) encroachment or unauthorized occupation on any Municipal property or land, or
- (ii) acting against the financial interest of Municipality or
- (iii) an heinous crime or an offence involving moral turpitude and has remained under detention for more than 48 hours, or
- (iv) where the continuation in office is prejudicial to public interest, suspend the chairperson or Deputy Chairperson.

Provided that the charges, on which the Chairperson or Deputy Chairperson was suspended, shall be inquired into expeditiously within a period of one month.

Provided further that the period of suspension shall not normally exceed six months.

10. Removal of Chairperson/Deputy Chairperson by Government (section 17)

Notwithstanding anything contained in section 13, the Chairperson or Deputy Chairperson may be removed from office by the Government at time, by an order in writing or any ground or grounds mentioned in section 16 on the ground of misuse of his power or on persistent failure to perform his duties.

Provided that before passing any such order a reasonable opportunity of being heard shall be given to the Chairperson or Deputy Chairperson.

11. Election for filling up the vacancy in the office of Chairperson/Deputy Chairperson (section 18)

- (1) Where a Chairperson or Deputy Chairperson
 - (a) resigns his office, or
 - (b) ceases to be member, or

- (c) is removed from office by a motion of no confidence or
- (d) is removed from office by the Government.
- (2) A person removed from office of Chairperson or Deputy Chairperson by Government under section 17 shall not be eligible for re-election during the duration of the Municipal Council.
- (3) The provisions of Sub Sections 4, 5 and 6 of section 12 shall apply.

v. Powers and Functions of the Municipal Council

The municipalities are empowered with such powers and responsibilities as may be necessary to enable them to function as effective institutions of self-government. The State Legislature would by law specify what powers and responsibilities would be given to the municipalities in respect of preparation of plans for economic development and social justice and for implantation of schemes as may be entrusted to them. The legislature of a state may also, by law, provide for powers and authority to be given to wards committees to enable them to carry out the responsibilities entrusted to them. The Constitutional Amendment envisages that Municipalities would go beyond mere provision of civic amenities. They are expected now to play a role in the preparation of plans for local development and in the implementation of development projects and programmes including those specially designed for urban poverty alleviation.⁵⁸

The functions of municipal council are generally classified as obligatory and discretionary.

1. Obligatory functions of Municipal Council (section 58 of Municipal Act, 2001)

Every municipal council shall, having regard to the availability of financial resources, make reasonable and adequate provisions for the following matters within its territorial area by any method or measure, which it may lawfully use or take, namely-

⁵⁸ S.R Maheshwari, Local Government in India, 1984, Lakshmi Narian Agarwal, Agra, p.p 222-223

- (a) Regulation of land-use and construction of buildings
- (b) Planning for economic and social development
- (c) Sanitation conservancy and solid waste management
- (d) Urban forestry, protection of the environment and promotion of ecological aspects
- (e) Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded
- (f) Slum improvement and up gradation
- (g) Provision of urban amenities and facilities such as parks, gardens, playgrounds
- (h) Promotion of cultural, educational and aesthetic aspects
- (i) Burials and burials grounds, cremations, cremation grounds and electric crematoriums
- (j) Cattle ponds, prevention of cruelty to animals
- (k) Vital statistics including, registration of births and deaths
- (l) Public amenities including street lighting, parking lots, shops and public conveniences
- (m) Regulation of slaughter houses and tanneries

2. Discretionary functions

- (a) Laying out of areas
- (b) Securing or removing dangerous buildings or places
- (c) Construction and maintenance of public parks, gardens, libraries, museums, rest houses, leper homes, orphanages, and rescue homes for women, etc
- (d) Planting and maintenance of roadside and other trees
- (e) Housing for low income groups
- (f) Making a survey
- (g) Organizing public reception, public exhibition, public entertainment, etc
- (h) Provision of transport facilities within the municipality
- (i) Promotion of welfare of municipal employees, and
- (j) Providing music for the people

The 12th Schedule (Article 243W) under the 74th Constitutional Amendment Act, provides an illustrative list of functions for municipalities. This gives an idea of functions that may be entrusted to the municipalities, and the state legislature would be free to choose from this list while stipulating the functions to be performed by municipalities. They are as follows:

1. Urban planning including town planning.
2. Regulation of land use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation, conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interest of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and up-gradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds, cremations, cremation grounds and electric crematoriums.
15. Cattle Pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

The 74th Constitutional Amendment Act has acted upon the recommendations of the Rural-Urban Relationship Committee and seeks to provide more power and authority to urban local bodies. It is the first serious attempt to ensure stabilisation of democratic

municipal government through constitutional provisions. The 74th Constitutional Amendment Act seeks to introduce fundamental changes in urban local bodies. Its salient features are⁵⁹:-

1. Introduction of the Twelfth Schedule which lists the functions of the urban local bodies, covering planning, regulation and developmental aspects;
2. Establishment of district and Metropolitan Planning responsible for the election of representatives for the preparation of development plans at district and metropolitan levels;
3. Proposed establishment of ward committees in areas having a population of over 3,00,000;
4. Specification by law of the powers and responsibilities entrusted to municipalities and ward committees;
5. Holding of periodic and timely elections; if a municipality is dissolved for any reason it should be reconstituted within 6 months;
6. Specifying by law the resources of municipal finance and their periodic review by a statutorily constituted State Finance Commission and by making it obligatory on the part of the Central Finance to recommend measures needed to augment state resources to assist the municipal governments;
7. Restrictions on the power of state governments to do away with democratically elected municipal governments.

vi. Size of the Municipal Council

The size of the municipal council is determined by the state government. It should neither be too large or too small. It is true that the larger the council, the greater the scope of participation and for adequate representation of the public, but there is also the danger of ineffectiveness. The smaller the council, the greater the scope for the councillor to participate effectively, but it cannot provide wide representation and it carries the risk of

⁵⁹David Savage, Shubhagato Dasgupta, *Governance for Delivery of Urban Services*, quoted in Anupam Rastogi, 2006, Oxford University Press, New Delhi, p. 43

the councillor to be involved in personal relationships.⁶⁰ The Rural-Urban Relationship Committee had suggested the size of the municipal council on the basis of population as follows.⁶¹

Table 2.1

Showing size of municipal council in relation to population

Population	Number of Councillors
20,000-50,000	15-25
50,000-100,000	25-35
100,000-500,000	35-45

The committee had further recommended that a city with a population of more than five lakh should be converted into a corporation. Generally, the minimum number of the councillor is fixed at five and it increases progressively with the corresponding increase in population of the concerned town or city. With the increase of population by 5,000, the number of councillor is increased by one. This process of addition of one member continues upto one lakh of population. Thereafter with every increase of 10,000 population, one member is added, and when the population exceeds two lakh then after every 20,000 increase in population, one member is added. Similarly if the population exceed three lakh, one member is added 25,000 increase in population.⁶²

Town area committees or town committee were semi-municipal committees constituted for small towns. Their members were either elected or nominated by the state government and were assigned a limited number of functions such as street lighting,

⁶⁰ A.P Padhi, Municipal Government in Orissa, quoted at A. Avasti (ed.), Municipal Administration in India, Lakshmi Narian Aggarwal Press, Agra, p.261, in Pradeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p.p 75

⁶¹ Pradeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p.p 75

⁶² Report of the Punjab Local Government (urban) Enquiry Committee, 1957, p.p 26.27 in Pradeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p.p 76

drainage and conservancy. Town committee is abolished today. While the town council under any municipal council are created by a State Municipal laws. A Municipal Council is constituted for a small urban area, the population of which is fifteen thousand or more but is less than three lakh, and the revenue generated from tax and other sources exceeds such amount per capita per annum as may be specified by the government from time to time. The government shall also classify the municipal council as- Class A (population of one lakh or more), Class B (population of fifty thousand or more but less than one lakh), and Class C (population of fifteen thousand but less than fifty thousand). A municipal council, however, may not be constituted for area or part thereof, as the government may, having regard to the size of the area and the municipal services being provided by an industrial establishment in that area and other factors, as the government may think it.⁶³

2.5 Town Council in Nagaland

i. Introduction

With the enactment of Nagaland Municipal Act 2001, the then existing Town Committees were ultimately renamed as Town Councils. Dimapur Town Committee, Kohima Town Committee and Mokokchung Town Committee qualified to become municipal council status and the remaining Town Committees was renamed as Town Councils. Town council under any municipal council are created by state municipal laws. Today Nagaland has twenty Town Councils (TC) in all. There are; Phek TC, Wokha TC, Zunheboto TC, Mon TC, Tuensang TC, Chumukedima TC, Medzipema TC, Jalukie TC, Tsemenyu TC, Tuli TC, Changtongya TC, Longleng TC, Kiphire TC, Peren TC, Nagnimora TC, Pfutsero TC, Shamator TC, Noklak TC, Aboi TC and Meluri TC.

⁶³Pradeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p.p 79

ii. Structure of Town Council

1. Constitution of Town Council (section 20 of Municipal Act 2001)

(1) For every Town Council area there shall be constituted a Town Council

Provided that a Town Council may not be constituted for such area or part thereof as the Government may, having regard to the size of the urban area and the municipal services being provided by an industrial establishment or the Government machinery in that area and such other factor as the Government may think fit and subject to such conditions as the Government may think it fit to impose, by notification, specify to be an industrial township.

Provided further that if the Government is of the opinion that if the industrial establishment providing municipal services in an industrial township, has failed to provide satisfactory services or has failed to fulfill the conditions the Government had imposed while specifying a Town Council area to be industrial township, the Government may, after giving the concerned industrial establishment an opportunity to show cause, declare by a notification that such area has ceased to be an industrial township and constitute a town council thereof.

(2) Every town council shall be a body corporate by the name of “The.....Town Council” and shall have a perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of properties and may by the said name sue and be sued.

(2) Composition of Town Council (section 21)

(1) Every Town Council shall have the elected, ex-officio and nominated members

(2) The Government may, notification, divide the Town Council area into territorial constituencies to be known as wards, for the purpose of filling up the seats in the Town Council, by direct election.

(3) Members of the State Legislative Assembly representing Legislative Assembly constituencies which comprise wholly or partly the Town Council area shall be ex-officio members.

- (4) The Government shall, by notification, nominate such number of member not exceeding one-fifth of the elected members, from amongst the persons having special knowledge or experience in Municipal administration.

(3) Application of provisions of certain section to Town Council area (section 22)

Where an area is specified as own Council under Section 5 the provisions of sections 10,11,12,13,14,15,16,17 and 18 shall apply to Town Council area as if Town Council so constituted were a Municipal Council.

iii. Functions of Town Council (section 60)

Subject to the financial resources at the disposal of organizational capacity of a Town Council, the Government may, by notification, assign any of the functions of Municipal Council specified under section 58 or any other matter in the Twelfth Schedule to the Constitution, as may be specified, to the Town Council.

2.6 General powers of Municipal Council/Town Council (section 61)

Subject to the provision of this Act and the rules made thereunder, the administration of Municipal Council area or Town Council area shall vest in the Municipal Council or the Town Council constituted in the respective areas.

1. General power of Chairperson (section 62)

- (1) The Chairperson of Municipal Council or Town Council shall exercise such powers and perform such functions, as are conferred upon him by or under this Act and the rules and regulation made thereunder.
- (2) The Chairperson shall preside over the meetings of the Municipal Council or Town Council.
- (3) The Chairperson shall exercise general supervision and control over the functioning of Municipal Council or Town council.

- (4) The Chairperson shall have access to the records of the Municipal Council or Town Council and may issue directions to the Executive Officer and call for reports and information from the Executive Officer with a view to ensuring proper implementation of the decisions of the Municipal Council or Town Council.

(2) Power of Chairperson in emergency (section 63)

If the Chairperson is satisfied that an emergency has arisen due to flood, epidemic, earthquake, outbreak of extensive fire, riot or extensive damage to any municipal property and is of the opinion that immediate execution of any work or doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Municipal Council or Town Council is necessary, the Chairperson may direct the execution of such work or the doing of such act without such approval, sanction, consent or concurrence and in such case, he may direct the expenses for such execution or doing of be act, shall be paid from the municipal fund of the Municipal Council or Town Council.

Provided that he Chairperson shall report to the Municipal Council or Town Council, as the case may be, at the next following meeting the action under this section and the reasons thereof for its ex-post facto approval or sanction.

3. Powers and functions of Deputy Chairperson of Municipal Council/Town Council (section 64)

- (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or removal or otherwise, the Deputy Chairperson shall act as the Chairperson until the date on which a new Chairperson assumes office.
- (2) When the Chairperson is unable to perform his functions owing to absence, illness or any other cause, the Deputy Chairperson shall perform the functions of chairperson until the date on which the Chairperson resumes his office.
- (3) The Deputy Chairperson shall, while acting as or performing the functions of the Chairperson, have all the powers of the Chairperson under this Act.

4. Executive Officer (section 65)

There shall be Executive Officer in each Municipal Council and Town Council.

5. Appointment of Executive Officer (section 66)

The Government shall appoint Executive Officer in accordance with the procedure as maybe prescribed in this behalf.

6. Salary and allowances of Executive Officer (section 67)

The Executive Officer shall be paid out of the municipal fund of Municipal Council or Town Council, as the case may be, such monthly salary and allowance, as may be fixed by the Government from time to time and may be given such facilities like residential accommodation and conveyance as may be prescribed by the Government.

7. Authentication of orders and instruments (section 69)

All orders and instruments made and executed in the name of Municipal Council or Town Council, shall be authenticated in such manner, as may be prescribed and the validity of such orders or instruments, so authenticated shall not be called in question on the ground that it is not an order or instrument, made or executed by the Municipal Council or Town Council.

8. Doubts as to powers or functions of the Municipal authorities (section 70)

- (1) If any doubt arises as to whether any particular or function appertains to any Municipal authority, the matter shall be referred to the Government for decision.
- (2) The Government shall convey its decision on the matter referred to in sub-section 1 to the Municipal Council or Town Council.
- (3) The decision of the Government conveyed under sub section 2 shall be final and binding on the Municipal Council or Town Council.

9. Exercise of powers and performance of functions subject to conditions (section 71)

Save as otherwise provided in this Act, the exercise of any powers or the performance of any function conferred or imposed upon Municipal Council or Town Council, as the case may be, and its respective authority by or under this Act, which involve an expenditure shall be subject to the following conditions, namely:-

- (a) such expenditure in so far as it is incurred in the year in which such power is exercised or such functions is performed shall be provided for under the budget-grants for that year, and
- (b) if the exercise of such power or performance of such function in a year involves or likely to involve an expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred, unless provided for in the budget of the relevant year duly sanctioned by the Government.

10. Transfer of functions of Government (section 72)

- (1) Notwithstanding anything contained in this Act or any other law for the time being force, the Government may, in consultation with Municipal Council or Town Council and subject to such conditions as the Government may think fit to impose, transfer, by an order published in the Official Gazette, to that Municipal Council or Town Council, any function or duty of the Government under any law, which the Legislative Assembly of the State is competent to enact or which is otherwise within the executive power of the State and which appears to be related to the matters arising within the area of such Municipal Council or Town Council.
- (2) Without prejudice to the generality of the provisions of sub-section (1) the Government may transfer any municipal functions and duties, as are performed or discharged by the departments of the Government in relation to any of the matters specified in the Twelfth Schedule in the Constitution.

- (3) The Government shall, on such transfer, allot to such Municipal Council or Town Council, such fund and personnel, as may be necessary to enable such Municipal Council or Town Council, as may be specific in this behalf.

2.7 Functions of Kohima Municipal Council: A Case Study

The Kohima Municipal Council as it was then called Kohima Town Committee (KTC) came into existence in 1957, with Late Dr. Neilhouzhu Kire as its first Vice-Chairman from July 1957 till May 1967. Shri. Yusuf Ali, IFAS who was the then Deputy Commissioner of Kohima was the first ex-officio Chairman of KTC. Initially KTC consisted of only 8 wards (today Kohima Town has 19 wards). In the first representative body of the KTC there were 8 elected members and 4 Government nominees. Then on 19th August 1982, a full fledged Chairperson was elected by the elected members of the wards with Late Joseph Jasokie as the first elected Chairman of KTC.

Table 2.2
List of Chairman KMC

Sl. No	Name	Month of assuming office	Year	
			From	To
1	Shri. J. Joskie	19th August	1982	8th March 1983
2	Shri. K. Vizo	6th April	1983	3rd June 1984
3	Shri. Phuhovol	4th June	1984	23rd June 1986
4	Shri. Vilar Rutsa	24th June	1986	17th July 1989
5	Shri. T. Abao Kire	18th July	1989	10th January 1992
6	Shri. N. Lao	11th January	1992	31st August 1995
7	Shri. K. Vizo	22nd December	1995	12th November 1996
8	Shri. Ngulie Solo	27th March	1997	27th April 1998
9	Shri. Vatsü Meru	4th May	1998	19th May 2002
10	Shri. Menuovilie Kesiezie	January	2005	September 2008
11	Shri. Vipopal Kintso	September	2008	January 2010

Source: <http://kmc.nagaland.gov.in> accessed on 15.10.2016

Table 2.3
List of Vice-Chairman KMC

Sl. No	Name	Month of assuming office	Year	
			From	To
1	Shri Dr. N.K. Angami	July	1957	May 1967
2	Shri. Z. Vikrulie	June	1967	August 1968
3	Shri. Theyiekhrielie	August	1968	November 1968
4	Shri. Rainbow	November	1968	July 1969
5	Shri. Theyiekhrielie	July	1969	June 1970
6	Shri. S.B. Chetri	June	1970	February 1971
7	Shri. N. Lao	February	1971	June 1975
8	Shri. Rainbow	15th June	1975	9th May 1977
9	Shri. K. Bao	9th May	1977	15th June 1978
10	Shri. Visakuo	15th July	1978	31st July 1981
11	Shri. Joseph Jasokie	1st September 1981	1981	19th August 1982
12	Shri. K. Vizo	20th September	1982	5th April 1983
13	Shri. Puhovol	29th July	1983	4th June 1984
14	Shri. Kesosie-o	21st November	1984	23rd June 1986
15	Shri. Neisiehu Belho	24th June	1986	17th July 1989
16	N. Lao	18th July	1989	1st March 1993
17	Shri. Vatsü Meru	2nd March	1993	22nd December 1995
18	Shri. Khrievi	3rd February	1996	30th March 1998
19	Smti. Abeiü	4th May	1998	19th May 2002

Source: <http://kmc.nagaland.gov.in> accessed on 15.10.2016

With the passage of time, Kohima town like other towns and cities grew in size and population giving rise to different forms of urban problems especially that of governance, higher form of urban governance became a necessity. In view of this and considering the pace of urbanisation the government of Nagaland enacted the Nagaland Municipal Act 2001 as a result the erstwhile KTC was upgraded to Municipal Council in

2004. In 2005, the first Municipality was constituted under the provision of the Nagaland Municipal Act, 2001 and subsequently election in the month of December 2004 was held in all 19 wards under Kohima Municipal Council (KMC) jurisdiction. Besides inheriting the responsibilities & functions of the erstwhile KTC, KMC is accorded with more responsibilities, which includes managing the affairs mentioned in the 12 schedules of the Indian Constitution. This transformation becomes necessary as urban problems and demands increases with the growth of population requiring higher form of Civic Governance to catch up and come at par with advanced towns and cities. However, Kohima Municipality is in a transitional stage yet to be a full fledged Municipality (as municipal election in Nagaland is yet to be conducted owing to 33 percent reservation).

KMC has a total area of nearly 11 sq.km which accounts for just over 17 percent of the total planning area of greater Kohima with a population of 98,000 as per 2011 census. Population trend has suggested that the growth of population has been estimated at 1.5 lakhs approximately, at present with the increase in population its administrative, social and economic role has widened. Today its role in town development, beautification and sanitation has been widely recognised within its jurisdiction.

At Present Kohima City generates about 60-70 metric tonnes of waste per day and with limited machineries and manpower, KMC is operating only with 7 garbage Trucks and 84 labours. Out of 119 labours 80 labours are engaged in street sweeping in all major roads of the city and 39 attached to garbage vehicles. KMC is headed by a government appointed Administrator and has 11 (eleven) Branches which is manned by 48 (forty eight) employees.

KMC is presently working with an Institutional Development Consultant (IDC) from Ahmedabad, under State Investment Program Management and Implementation Unit (SIPMIU) Project for over all reforms & restructuring of the KMC office, staff & for better management of Waste etc. SIPMIU Project started since October 2008 & with IDC from December 2011. KMC is also preparing to switch over to double entry accounting with the assistance of IDC. The draft copy of KMC Accounting Manual is already put up

to the State Government for approval and opening balance sheet of KMC accounts is completed. KMC has also launch its official website, where public get information about, trade license, hiring of public utility services, rates and public grievances cell.

KMC is Affiliated to Commonwealth Local Government Forum (CLGF)

Kohima Municipal Council is affiliated with the CLGF, based at United Kingdom with the active initiative & constant support of Mrs Anuya Kuwar, Project Officer-Asia Region CLGF. Under Good Practise Scheme and Good Governance KMC had opportunities to visit certain places within India and abroad like Thrissur in Kerela, Aurungabad in Maharastra, Colombo in Sri Lanka 2009, Bahamas in Caribbean Sea 2009 and Capetown in South Africa in 2011. Through these exposures cum study tours, KMC had acquired immense knowledge from developed cities and advanced countries through expert guidance and interactions on modern and scientific ways of Waste management, Administration and monitoring policies.

Kohima Demo-Project

The first major Project & Awareness Kick off started in 2006 with a Demo-Project on Solid Waste Management in collaboration with NPCB and sponsored by CPCB with a total amount of 1.35 crore. Under this Demo-Project, KMC purchased 2 Mini-Tipper Trucks, One JCB, 2 Tata Mobile for Bio-Medical Waste, Push Carts for Rag Pickers, Pamphlets, Sanitary Equipments & Free distribution of about 18,000 bins of both 5 & 100 litres to colonies, schools, colleges, Government offices and other institute for creating awareness of Non Bio-Degradable (Recyclable waste) (Blue bins) & Bio-Degradable (Green Bins). Under this Demo-Project, KMC has set up a mini-landfill at Viyakhukie above Phek road (16 kms) from Kohima.

Vermin Compost Plant

Vermin compost plant started on 1st April 2013. Organic Composting of Vegetable or Green Waste have already started functioning along with Bio-Medical Waste Treatment Plant and is trying to generate power and gobar gas for domestic fuel. The objective of this Project is to create awareness in maintaining better waste

management at primary household levels and to experiment other ways and means of Recycling Waste to Wealth.

Bio-Medical Waste

This project was launched on 1st April 2011 at Naga Hospital Kohima, Kohima. KMC is working to install Incinerator for treatment of medical waste in scientific ways with the help of Medical Department, but at present medical waste are burnt in an improvised brick chimney and through deep burial system. This is important because mixing of Bio Medical and domestic waste can create major health hazards for both man and animals. KMC is collecting Bio-Medical waste from all Hospitals, Clinics and Nursing Homes on payment basis (Rs.700/- per trip) on alternative days within its jurisdiction and instructed all health institutes to dispose their Bio-Medical waste in prescribed plastic bags for safety measures. There are 22 Clinics, 6 Nursing Homes and 1 Hospital i.e. 29 and frequency of collections is 4 trips per week.

Brief note on Decentralized Sanitation Service in Kohima.

The Decentralized Sanitation Service was launched on 2nd August 2011 by Neiphiu Rio, Chief Minister of Nagaland from State Academy Hall, Kohima for 10 wards and the remaining 9 wards on 27th November 2013 by Zhaleo Rio, Parliamentary Secretary of Urban Development. This concept of decentralized policy was the result of an exposure trip to Gangtok undertaken by KMC in March 2011, mainly to study about the decentralised policy undertaken by an NGO in Gangtok and the success story in implementing it, under SIPMIU capacity building (Asian Development Bank externally added fund).

After the visit, the KMC sensitised the concept and its success with the Panchayat, Youth and Women organizations at ward level and apprised them about the importance of their role in managing their own waste at household/primary collection & ward levels through their active involvement and participation. At first the wards & colonies were unenthusiastic to take over the decentralized policy, but after several rounds of meetings and deliberations, it was agreed to implement the policy in 10 (Ten)

wards on trial basis and accordingly under the supervision of KMC, Ward Sanitation Committees were formed in all the respective 10 wards. But since the KMC is unable to buy the vehicles with its limited resources, the matter was taken up with the Chief Minister and apprised him about the success & good practice of Decentralized Sanitation Service and its consequences, the Chief Minister agreed to provide 10 (ten) Bolero Pick up vehicles and accordingly the KMC have selected 10 wards in the first phase with terms and conditions that, the constituted Ward Sanitation Committee will operate and regulate the service along with a nominal user charge fixed by KMC in the form of sanitation fee @ Rs.30/- per household per month to all the residence of the respective wards/colonies and with the amount collected, the committee will manage all expenditures related to operation/maintenance of the decentralized vehicle and manpower involved. Since it was on trial basis, KMC did not charge any percentage/amount collected from these decentralized wards for the first one year.

The sanitation fee was enhanced in April 2014 to Rs.50. Decentralized wards have also been declared as community dust-bin free zones, where all existing community bins have been removed/dismantled. The first ward to declared dust-bin free zone on experimental basis was Naga Bazaar ward in 2015 and found to be practical & successful, one main factor was the waste has reduce in volume after community bins were removed.

In the same manner, by decentralizing all 19 wards in Kohima city, the policy of Re-duce, Re-use and Re-cycle (3Rs) is seen in reality. Kohima is also one of the first Municipalities in the country to decentralize about 60% of its waste collection through peoples' participation.

Awareness Month

KMC declared the month of May every year as Solid Waste Management Awareness Month since 2010 and accordingly KMC organises Mass Social works, Awareness Seminars in colonies wise and the general public etc. Basing on this, in 2013 KMC distributed pamphlets on Menace and Dangers of Plastic bag, distributed to general

public, Churches, Colleges, Schools and to the Traders etc. Since Plastics have become a part of daily life, and moreover banning of plastic bags was not successful, KMC is trying an alternative policy to at least Re-cycle, Re-duce and Re-use i.e. through a circular/press release, KMC has notified that w.e.f 1st June 2013, Plastic carry bags with less than 40 microns will be totally banned for all domestic uses in Kohima City. Accordingly KMC staff has already started checking & seizing of all unauthorised plastics bags less than 40 microns. KMC appeals all citizens to use cloth or other bio-degradable bags and all plastics bags of 40 microns and above will be charged from the bill on payment for shopping etc. Under Urban Development (UD) capacity building, representative from KMC along with Parliamentary Secretary Urban Development Department (UDD) and Officials of Municipal Affair Cell & UDD visited Municipalities in Thailand in May 2014.

Award for Best Inter-ward Cleanliness Competition organized by KMC every year

This award was constituted in 2011 with a vision to encourage the wards and the general public for creating awareness & better management of waste at the household/Wards/Colonies levels and it was found to be very encouraging and successful. Through this drive, many colonies have regulated rules and guidelines in disposing and management of their respective colonies and some places have been beautified by planting flowers etc. Each year this award is conducted with a running trophies/certificates and cash awards to the best 3 wards i.e. Rs.50,000/- ,Rs.30,000/- & Rs.15,000/- respectively.

Organic Culture

Organic culture was introduced on 1st May 2013 at KMC Dumping Site at Dzucha Pekro, Phek road with a Firm-Jalavahini Management Services (JMS) Biotech Mysore. This is to reduce the menace of flies and odour/smell and for speedy degradation of the bio-degradable waste.

Scientific Land Fill at Lirie

Under the externally added fund from Asian Development Bank (ADB) a mega project is under way at Lirie for Waste Management. This is under the supervision of State Investment Program Management & Implementation Unit (SIPMIU) with a project cost of about 40 crore. Here the waste will be scientifically monitored by Segregating Waste, Sewerage Treatment, Air Monitoring and other health hazard etc will be done. The Land fill life is been earmarked for 25 years as per the DPR, if citizen can all Reduce-Reuse-Recycle and segregate waste from household levels the landfill life can be prolonged, but if citizen fail in following the basic component of waste management, the huge investment made will go in vain. Under this Project, machineries like compactors, trucks etc., for transportation of waste along with safety sanitary gears etc., are used.

Public Utility Services

The KMC under its Public Utility Services provides services like Water Tanker, Cesspool & JNNURM Bus Services under Public transport. KMC also assist Administration/Police/NGOs/Civil Bodies/Clubs etc in social activities/cleanliness drives/minor road/drainage repairing etc. With limited resources & revenue, KMC is failing on its part to provide basic Utility Services to its citizen.

Revenue

KMC generates revenue for its maintenance from a very few sources like, Toll Tax, Trade License Fee, Hoarding, Parking Fee, Import/Export Coupons etc with an approximate amount of Rs. 4.5 crores per annum and some of the main expenditures heads are Salary component, which amount to about Rs.3 crores along with repair/replacement & POL amounting to Rs. 65-70 lakhs, Stationeries about 20 lakhs annually, due to the aforesaid reasons, KMC is unable to do any developmental works from its own resources for its citizens. KMC appeals to all the citizens of Kohima town to cooperate and help KMC for better management of Waste and to be an ambassador in propagating waste free city.

New Projects & Vision of KMC

1. The KMC is also trying to bring out one Incinerator Unit for the treatment of common Bio-Medical Waste of Kohima and One Crematorium for the Hindu Community in particular through NPCB and to be funded by CPCB. For which KMC & NPCB officials have initiated and visited CPCB officials at New Delhi for preparation of DPRs.
2. The KMC along with SIPMIU (IDC) has been working for intensive sensitization for Waste segregation, Primary collection & Waste management at household level since June 2014. First round of sensitization is almost over. Under KMC ,Solid Waste Management (SWM) awareness month (i.e. May) KMC is organizing a Mass Flexi-Banner Campaign in public places with the help of SIPMIU, where some permanent awareness boards on SWM, Water Conservation, Power & General environment issues will be displayed.
3. KMC is targeting & trying its best to gear up to tackle the basic waste menace of the Kohima City by 2020.
4. KMC & SIPMIU is also doing an exercise for House mapping and other data collections for water, electricity, number of household, educational institute & health facilities in respective wards under KMC jurisdiction for future Urban Planning and also for providing better Urban Utility Services by both State Govt. & ULBs.
5. KMC & SIPMIU have taken up a pilot project in ward 13 & 14 for SWM awareness & segregation of waste since July 2015 and distributed about two sets of 4,400 household bins & 2,200 for commercial (Blue & Green) purpose.
6. Under SIPMIU Project, KMC is setting up a Recycled Unit/Plant at Lirie adjacent to the land fill to encourage & provide modern facilities, especially to Rag pickers & other individuals/parties engaged in the business.
7. KMC is also getting a Septage Management Treatment Plant under SIPMIU Project to tackle the menace of septic tank scientifically at Dzuruzou, about 14 Kms from Kohima.
8. KMC have introduced a Garbage collection at New Secretariat Area w.e.f July 2015 under its Clean Kohima campaign mainly for the Government departments.

Table 2.4
List of Immovable Properties of KMC

Sl. No.	Name of Property	Area in Acres/Sq.ft
1	Seithogei near Bypass	10.28 Acres
2	Lerie Solid Waste Management site	37 Acres
3	Dzucha Pekhro dumping site, Phek Road	7 Acres
4	Old dumping site at Tsiesema	6.6 Acres
5	Dzürüzou Medi	93.94 Acres
6	Minister Hill Market (Building & Land)	9472 Sq.ft
7	Keziekie Market (Land)	7104 Sq.ft
8	Super Market (Building and Land) under construction	19260 Sq.ft
9	Public graveyard at AG Colony	75,000 Sq.ft
10	Viya Khukhie, Phek Road	12.10 Acres
11	ISMD Market, New Secretariat (Building and Land)	NA
12	Conventional Centre, New Secretariat (Building and Land)	24722 Sq.ft
13	New Market (Building and Land)	4629 Sq.ft
14	Keyakie Market (building and Land), Near BSF Camp	10,764 Sq.ft
15	Sweeper Quarter at Nagabazar (Building and Land)	7426 Sq.ft
16	Old dumping site at Jotsoma below NH 29 (eroded)	NA
17	Pay and use toilet opposite Putounuo Nursing Home (Building and Land)	135 Sq.ft
18	Pay and use toilet near High School Junction (Building and Land)	NA
19	Pay and use toilet at PHQ junction (building and Land)	NA

Source: Primary data obtained from KMC office

Table 2.5
The basic Public Utility Services under KMC are mentioned below:

Sl. No	Particulars	Quantity	Charge/Rate (Rs)	Extra Charges
1	Cesspool Vehicle	5000 Litres capacity per Trip	4500/-	Outside KMC jurisdiction, charges will be calculated as per the distance
		3000 Litres capacity per trip	2500/-	
2	JCB	Per one Hour	1000/-	Diesel to be provided by the hiring party
		Per one Hour	1500/-	Diesel to be provided by KMC
3	Water Tanker	5500 litres per trip	2500/-	
4	Vehicle for lifting individual/organization etc garbage			
i)	Tipper Truck	Per Trip	3000/-	
		Labour Charges	200/-per labour	
ii)	Mahindra Pickup	Per Trip	800/-	
		Labour Charges	200/-per labour	
5	Jnnurm Buses	Town Trip	1500/-	
		WholeDays(8 Hrs)	3500/-	Area outside KMC jurisdiction will be calculated by Kms

Source: Primary data obtained from KMC office

CHAPTER-3

EVALUATION OF EFFECTIVENESS OF MUNICIPAL AND TOWN COUNCILS

CHAPTER 3

EVALUATION OF EFFECTIVENESS OF MUNICIPAL AND TOWN COUNCILS

The effectiveness of municipal governance depends on a wide range of factors such as social economic and political, it also includes structures, processes and resources. Effectiveness also depends upon the skills and motivation of its political leaders, officers, staff and other stakeholders. All these factors contribute to effectiveness of every municipality. Effective municipal governance depends on how the interaction between various stakeholders are managed to produce the desired goals.

The post 1991 reforms, in the form of structural adjustment policies focussed attention on the role of the state and the government in development.⁶⁴ Today in an age of globalisation the concept of governance and development cannot be ignored. It is now widely known that governance was first used by the World Bank in its report on sub-Saharan Africa in 1989. In this report, the Bank suggested that the programmes of fiscal adjustment and investment in that region were being rendered ineffective by a ‘crisis of governance’.⁶⁵ The World Bank document (1992) defines governance as⁶⁶, the manner in which power is exercised in the management of a country’s economic and social resources for development. The World Bank has identified three distinct aspect in the conceptualisation of ‘governance’ such as (a) the form of political regime; (b) the process by which authority is exercised in the management of the country’s economic and social resources; and (c) the capacity of government to design, formulate and implement policies and in general, to discharge government functions.

Governance is management of social and economic structure of the society. It is the mandate of governance to ensure that the social and ethical values, as enshrined in the

⁶⁴ Pradeep Sahni; Uma Medury, 2003, Governance for Development: Issues and Strategies, Prentice Hall of India, New Delhi, p.14

⁶⁵ Kuldeep Mathur, 2003, From Government to Governance: A Brief Survey of the Indian Experience, National Book Trust, New Delhi, p.2

⁶⁶ Pradeep Sahni; Uma Medury, 2003, Governance for Development: Issues and Strategies, Prentice Hall of India, New Delhi, p.p 14-15

laws, are objectively, transparently and effectively enforced. Thus, governance is a system that regulates social behaviour and relation as also ensures peace in the society. At the same time, the institutional mechanism so created deliver services to the people with equity. Governance in effect, is required to ensure that every individual enjoy his rights with impunity and has access to service and opportunities that are offered to the people by the state. Like law, governance has to be absolutely objective in enforcement and fair in the delivery of services.⁶⁷

For every effective programme, the contribution and effort of governmental agencies are very important. Municipal government in Nagaland with its man power resources will fail to perform its work effectively if governmental funds are inadequate. In a state like Nagaland, governmental assistance is a major source in the process of developmental programmes as revenue generated through levy of taxes from shopkeepers, from sanitation, vehicles taxes, etc are mainly utilised to pay for the salary of its workers and maintenance of sanitation vehicles. Sanitation is the major focus of municipality in Nagaland, there is a garbage collection point in every corner of the town which is manned on a rotational basis on alternate days. In area where there is no dustbin the concerned council/committee allots a particular area for such collection. Transparency and credibility in every system of governance can be created only when its leaders are completely honest and public oriented. It should present its example of integrity, transparency and sensitivity for the lower functionaries to emulate. In states with objectivity and transparency in implementation of development policies, the governance system is rated highly. In these state without exception the leadership has set an example for the lower functionaries to emulate resulting in mitigation of corruption and increase in sensitivity and response to public demands.⁶⁸

The present chapter will deal with the evaluation of the effectiveness of the municipal and town councils in their functional capacity in urban development in Nagaland.

⁶⁷ Ethics and Governance, Rajiv Sharma and Nanaini Sharma in Ethical Governance in Business and Government, Ramesh K Arora (ed.), 2013, Aalekh Publishers, Jaipur, p.139

⁶⁸ Ibid., p.140

3.1 General Information of the Respondents

The study is based on purposive random sampling. A random number of three hundred (300) respondents have been used to cover the sample universe. Fifty (50) sample respondents from the six samples municipal and town council areas was taken as the universe of the study. Socio-cultural factor plays an important role in determining the nature of response of each respondent, so the variables taken were based on Sex, Age, Educational Qualification and area of Residence to determine their views and opinion regarding municipality in Nagaland.

Table 3.1
General Information of the Respondents

N=300

Age	Sex		Educational Qualification							Residence	
	<i>M</i>	<i>F</i>	<i>UM</i>	<i>M</i>	<i>HS</i>	<i>G</i>	<i>PG</i>	<i>PG & Above</i>	<i>Others</i>	<i>Prnt</i>	<i>Non-prnt</i>
17-26	48	65	1	2	29	46	28	3	4	83	30
27-36	56	75	-	4	13	63	40	9	2	98	33
37-46	24	8	-	-	5	16	6	3	2	21	11
47-56	6	6	1	5	-	3	1	2	-	12	-
57 & Above	12	-	3	1	2	6	-	-	-	11	1
Total	146	154	5	12	49	134	75	17	8	225	75
Percentage	48.66%	51.33%	1.66%	4%	16.33%	44.66%	25%	5.66%	2.66%	75%	25%

Note: M-Male, F-Female, UM-Under matric, M-Matriculate, HS-Higher Secondary, G-Graduate, PG-Post Graduate, Prnt-Permanent

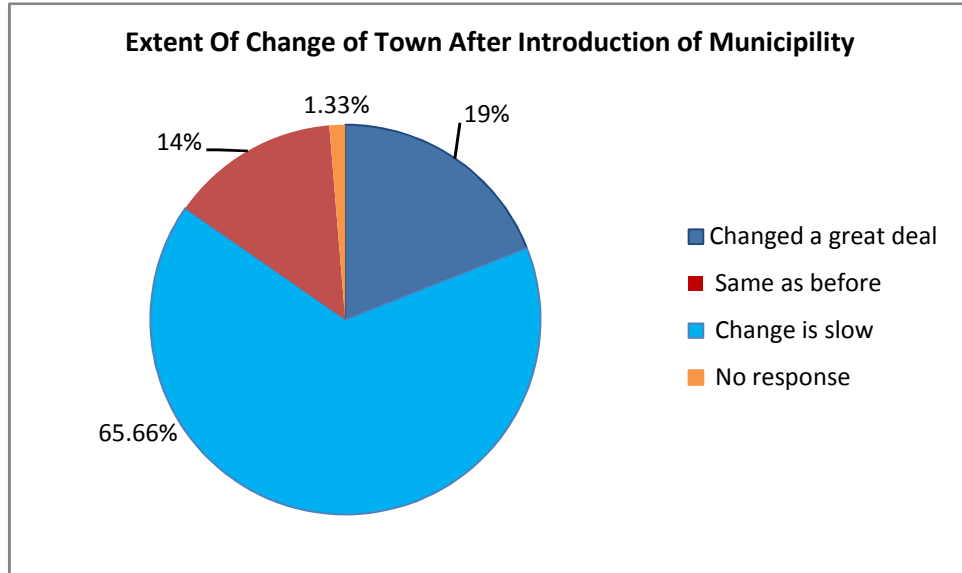
The study indicates majority of the respondents belonged to category of middle age (27-46 years) with 54.33 percent, female majority with 51.33 percent, graduate with 44.66 percent in regard to educational qualification followed by majority with permanent resident (75%).

3.2 Change of town after introduction of municipality

Change can be defined as “the movement away from a present state toward a future state; or generally a response to some significant threat or opportunity arising outside of the organization” (Rashid, Sambasivan and Rahman, 2003:161), Clark (1996:17) describes it as an unfortunate necessity on the way to a new stability.” Change is the law of nature. Society is subject to constant change; change occurs in all societies at all times. However, the tempo (or rate) and direction of change differs from one society to another. Change can be slow, rapid, planned and unplanned. The change that is associated with the municipality is a planned change for the socio-political and economic uplift of the citizens it governs.

Positive change of town after the introduction of municipality results from sustained efforts within management system and are often basic features of public management. The need to ensure efficient service delivery to its citizens and to be effective in meeting the needs of its constituents has caused local government to work effectively. Replacing old policies with new ones, introduction and maintaining equality and equity in providing access of goods and services to all its citizens and implementing new laws and policies becomes inevitable and a necessity for municipal government to be more effective in bringing about significant changes. Given below is the citizen’s opinion to the positive extent of change of town after the introduction of municipality in Nagaland.

Figure 3.1
Extent of change of town after introduction of municipality
N=300



The above figure 3.1 shows that majority of the respondents i.e. 65.66 percent were of the opinion that change is slow. Only 19 percent of the respondents opined that town has changed a great deal, while 14 percent said that they do not see change and the town has remained same as before even after the introduction of Municipality in Nagaland, 1.33 percent simply avoided the question.

Respondents who have stayed for a long period in the sample town opined that they see notable change in the town, while those who have stayed for a short period naturally opined that they do not see any noticeable change in the town. This is true because they cannot see the perceptible change in the towns because of their short stay. Thus it is very difficult to conclude and infer any definite view about the performance of the municipality. But looking at the response pattern, 65.66 percent opined that change is slow, this also mean that the respondents notice change, however not a remarkable change.

It was found that from the age group of 17-26, 14 respondents said that towns have a spectacular change after the introduction of municipality, from the same age group 82 respondents opined that change is slow, 17 respondents said that towns are same as before. Of the age category 27-36, 28 respondents said that towns have changed a great deal 83 respondents of this age group opined that change is slow 17 person said towns are same as before and 3 respondents with no response. 37-46 age category, 10 respondents said that towns have changed a great deal, 19 said change is slow, 2 said same as before, and 1 with no response. 1 respondents of the age category 47-56 opined that towns have changed a great deal, 6 respondents said change is slow and 5 respondents said same as before. 4 respondents of the age category 57 and above said towns have changed a great deal, 7 said change is slow, 1 respondents said same as before.

Effort is also made here to highlight the respondent's opinion on Extent of change of town after introduction of municipality comparatively between the different districts under study.

Table 3.2
Comparative study on extent of change of town after introduction of municipality
according to districts under study

N=300

District	Variables				Total
	<i>Changed a great deal</i>	<i>Change is slow</i>	<i>Same as before</i>	<i>No. response</i>	
Dimapur	25 (25%)	65 (65%)	8 (8%)	2 (2%)	100 (100%)
Kohima	10 (20%)	36 (72%)	4 (8%)	-	50 (100%)
Mokokchung	18 (18%)	67 (67%)	13 (13%)	2 (2%)	100 (100%)
Tuensang	4 (8%)	29 (58%)	17 (34%)	-	50 (100%)
Total	57 (19%)	197 (65.66%)	42 (14%)	4 (1.33%)	300 (100%)

It was found that 2 percent of the respondents from Dimapur town opined that Dimapur town has changed a great deal after the introduction of municipality while Tuensang town occupies the lowest percentage with 8 percent under this category. 72 percent of the respondents from Kohima town that opined change is slow, while 34 percent of the respondents from Tuensang town opined that Tuensang town has remained same as before.

3.3 Sanitation and Cleanliness

The World Health Organization defines the term sanitation as follows: “Sanitation generally refers to the provision of facilities and services for the safe disposal of human urine and feces. The word ‘Sanitation’ also refers to the maintenance of hygienic conditions, through services such as garbage collection and water disposal.”

Sanitation is the hygienic means of promoting health through prevention of human contact with the hazard of wastes as well as the treatment and proper disposal of sewage or waste water. Providing sanitation to people requires a system approach, rather than only focusing on the toilet and waste water treatment plant itself. The experience of the user, excreta, and waste water treatment and re-use or disposal all need to be thoroughly considered. The main objective of a sanitation system is to protect and promote human health by providing a clean environment and breaking the cycle of disease.⁶⁹

The earliest evidence of urban sanitation was seen in Harappa, Mohenjodaro, and the recently discovered Rakhigarhi of Indus valley civilization. This urban plan included the world’s first urban sanitation systems. Within the city, individual homes or groups of homes obtained water from wells. From a room that appears to have been set aside for bathing, waste water was directed to covered drains, which lined the major streets.⁷⁰

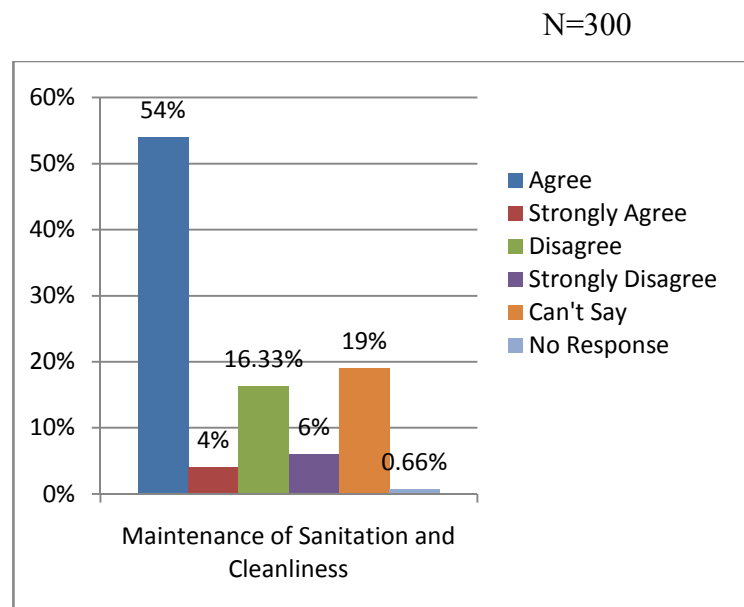
⁶⁹ en.m.wikipedia.org/wiki/Sanitation (accessed on 14.03.2017)

⁷⁰ Ibid.,.

According to Wikipedia⁷¹, “cleanliness is both the abstract state of being clean and free from dirt, and the habit of achieving and maintaining that state. Cleanliness is often achieved through cleaning.” Thus, on a practical level cleanliness is related to hygiene and disease prevention. Cleanliness and sanitation are always complimentary to each other.

A well maintained and clean town reflects the mentality of the people that inhabits it. More so, municipality in Nagaland is equipped with a number of scavenging staff, which includes street sweepers, laborers under sanitation inspector or in-charge. The staff along with the active co-operation and participation of the citizen is responsible for the cleanliness of towns in Nagaland. Today sanitation, cleanliness and beautification of town and preservation of natural environment have become major responsibilities of local government.

Figure 3.2
Respondents opinion on maintenance of sanitation and cleanliness by municipality
in Nagaland



⁷¹ en.m.wikipedia.org/wiki/Cleanliness (accessed on 14.03.2017)

The above figure shows that, 54 percent of the respondents agree that there is sanitation and cleanliness in towns, 4 percent strongly agree, 16.33 percent disagree, 6 percent strongly disagree, 19 percent Can't Say and 0.66 percent didn't give any opinion. Therefore, one can easily infer from the table 3.2 that there is sanitation and cleanliness of towns as more than half of the respondents i.e. 54 percent agree that towns are clean in Nagaland.

A comparative study of the above figure 3.2 is given below according to districts covered under study:

Table 3.3
Comparative study on opinion of maintenance of sanitation and cleanliness
according to districts under study

N=300

Districts	Opinion						Total
	<i>Agree</i>	<i>Strogly agree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Can't say/undecided</i>	<i>No response</i>	
Dimapur	57 (57%)	2 (2%)	16 (16%)	6 (6%)	18 (18%)	1 (1%)	100 (100%)
Kohima	22 (44%)	1 (2%)	10 (20%)	1 (2%)	16 (32%)	-	50 (100%)
Mokokchung	64 (64%)	5 (5%)	16 (16%)	-	14 (14%)	1 (1%)	100 (100%)
Tuensang	19 (38%)	4 (8%)	7 (14%)	11 (22%)	9 (18%)	-	50 (50%)
Total	162 (54%)	12 (4%)	49 (16.33%)	18 (6%)	57 (19%)	2 (0.66%)	300 (100%)

Of the four districts it was found out that Mokokchung district has more sanitation and cleanliness with 64 percent of the respondents agreeing to this, while Tuensang has less sanitation and cleanliness with only 38 percent of the respondents agreeing to this.

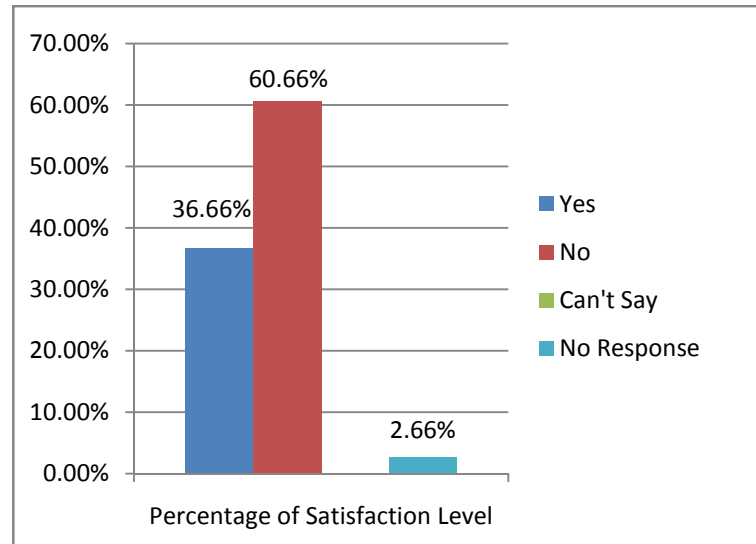
3.4 Effectiveness of municipality

Effectiveness relates to a system's overall ability to produce results, to create and allocate values. A system's capabilities, efficiency or effectiveness can be valued by the functions which it performs. It involves the system of mechanism to ensure that public, officials and political leaders are accountable to its citizens. Effectiveness also includes accountability and transparency in the system. Competence in making and executing appropriate policies and delivering efficient public services is essential and shows its efficiency and effectiveness.

Municipal governance can be said to be effective when it recognizes and acknowledges the contribution of its citizens. Effectiveness of municipal governance does not only mean political efficiency but also social and economic uplift it brings to the citizens it governs. Accountability, control, responsiveness, transparency and participation are important aspects of municipal effectiveness. Municipal governance will be effective only when it is accountable to its citizens. Accountability has specific dimensions: accountable for what, accountable to whom and how accountability is ensured. For effective governance all these have to be considered. Thus, to know the performance of the municipality in Nagaland and to evaluate its effectiveness and a need to make a study on its performance becomes inevitable.

Figure 3.3
Level of satisfaction with effectiveness of municipality

N=300



It was found that 36.66 percent of the respondents opined that municipality is very effective on developmental activities and the respondents are satisfied with their works while 60.66 percent said that municipal is not effective on developmental activities, while 2.66 percent were silent and did not give any response.

Table 3.4
Comparative study on level of satisfaction with effectiveness of municipality
according to districts under study

N=300

District	Effectiveness of municipality			Total
	<i>Yes</i>	<i>No</i>	<i>No response</i>	
Dimapur	38 (38%)	61 (61%)	1 (1%)	100 (100%)
Kohima	20 (40%)	30 (60%)	-	50 (100%)
Mokokchung	40 (40%)	53 (53%)	7 (7%)	100 (100%)
Tuensang	12 (24%)	38 (76%)	-	50 (50%)
Total	110 (36.66%)	182 (60.66%)	8 (2.66%)	300 (100%)

The table clearly indicates that respondents from Kohima and Mokokchung have the highest percentage of satisfaction with effectiveness, 40 percent each, while Tuensang has the lowest percentage of satisfaction with 24 percent respondents and a major percentage 76 percent of respondents are not satisfied with the effectiveness of municipality.

The existing position of the ineffective working of local government is partly due to apathy of local citizens. The cities grow in population and the people dealing in business are expected to play a great role in empowering the civil affairs. The big problems and affairs of the local bodies are entirely left to the political workers. Though the civic problems of our cities are complex yet they can be solved if a planned approach with appropriate machinery is available (R.K Bhardwaj 1970). Services such as services relating to providing educational institutions, health care centres, water supply, fire services remains under the patronage of the state government in Nagaland. For effective municipal service delivery all these services can be looked after by the local government as laid down by the 12th Schedule under the 74th Constitution Amendment Act, 1992.

3.5 Transparency in municipal government of Nagaland

Transparency is the principle of allowing those affected by administrative decision to know about the resulting facts and figures.⁷² Transparency in municipal governance places more power to citizens to increase democratic accountability and make easier for citizens to contribute to the local decision making process and help shape public services. Transparency in municipal governance means that governments officials acts openly with citizens knowledge of the decisions the officials are making availability of information on government policies and actions, a clear sense of organizational responsibility, and an assurance that governments are efficiently administered and free of systematic corruption are important components of transparent governance.⁷³

Transparency and openness in any functioning have a cleansing effect on the operation of public agencies. Disclosure of information should be the role of any governing institutions. Citizens have the right to know the affairs of agencies that govern them. Therefore there is a need for open and responsive government to minimize dispute and misunderstanding between the citizen and public authorities. Transparency is important for efficient and responsive government. As secrecy and lack of openness in any transactions is largely responsible for corruption in any official dealings. Transparency is fundamental element of abolishing corruption. Transparent governance is important to local governments and the communities they serve because corruption threatens good governance and leads to the mis-allocation of resources, harm public and private sector development and distorts public policy. Controlling corruption is possible only when government, citizens, and the private sector co-operate to ensure transparency.

The tools for addressing transparency in local government include adequate information flow, strong civil society, effective and transparent financial management systems, and procurement regulations that keep the bidding process fair and open. There are variety of ways to show this commitment.⁷⁴

⁷² icma.org/en/international/Services/expertise/anti_corruptiontransparency?mobile=false (accessed on 11.03.2017)

⁷³ *ibid.*,

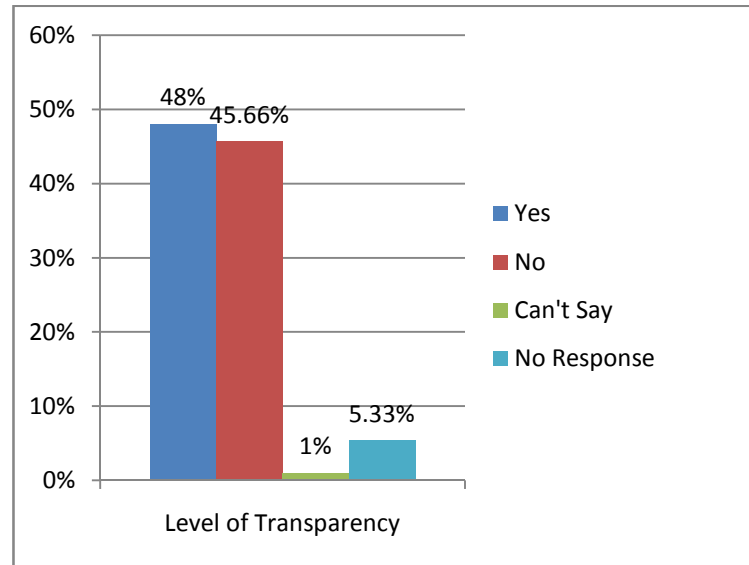
⁷⁴ www.ca-ilg.Transparency-Strategies (accessed on 13.03.2017)

1. Conscientious observance of transparency laws.
2. Concerted efforts to share information with the public about local agency operations and decision making process.
3. Commitment to engaging the public.

Accountability and transparency is the basic requirement of the governance. In many countries people faced problems in getting their goods and services from the government and as a result the World Bank came out with a prescription and it evolved a formula for micro accountability and macro accountability from the external perspective namely the implications of the governance of the people. By building the capacity of the institutions and sound development management principle has been evolved. Today accountability and transparency has become imperative for good governance (G. Palanithurai 2010).

An evaluation of level of transparency which in turn leads to proper performance of municipal government in Nagaland is shown in the figure below:

Figure 3.4
Level of transparency of municipal government in Nagaland
N=300



The findings suggest that from 300 respondents, altogether 48 percent of the respondents (144 respondents) opined that there is transparency in the working of municipal and town council, 45.66 percent (137 respondents) said that there is no transparency, 1 percent of the respondents (3 respondents) under can't say category and 5.55 percent (16 respondents) with no response.

62 respondents of the age group of 17-26 opined that there is transparency, 43 respondents opined that there is no transparency, 1 can't say and 7 no response. From the age group of 27-36 53 respondents said that there is transparency, 72 said there is no transparency, and 6 respondents no reply. 18 respondents said there is transparency, 13 no transparency, and 1 no response from the age category 37-46. Respondents under the age category 47-56, 4 said yes, 5 no, 1 can't say, 2 no response. The respondents from the age category 56 and above, 7 respondents said there is transparency, 4 respondents said there is no transparency, and one respondent can't say.

Table 3.5
Comparative study on level of transparency of municipal government according
to districts under study

N=300

Districts	Transparency of municipality				Total
	<i>Yes</i>	<i>No</i>	<i>Can't say</i>	<i>No response</i>	
Dimapur	44 (44%)	54 (54%)	1 (1%)	1 (1%)	100 (100%)
Kohima	24 (48%)	23 (46%)	-	3 (6%)	50 (100%)
Mokokchung	58 (58%)	33 (33%)	2 (2%)	7 (7%)	100 (100%)
Tuensang	18 (36%)	27 (54%)	-	5 (10%)	50 (100%)
Total	144 (48%)	137 (45.66%)	3 (1%)	16 (5.33%)	300 (100%)

Table 3.5 shows that Mokokchung has the highest percentage of transparency in municipal government with 58 percent of the respondents under 'Yes' category, while Dimapur and Tuensang are less transparent with 54 percent of respondents each under 'No' category.

3.6 Dedication of municipal employees

The legacy of a good municipal governance rests with the dedication and commitment to work of the municipal staff and officials who have made service to the community they serve. An efficient municipal officials/staff motivates and engage residents in innovative programmes and policies and always co-ordinates his work for providing better facilities to the public. Effectiveness of any given system depends greatly on the level of its employee's dedication to work and to the effective performance of the system's employees. Therefore, in order to ascertain whether the employees are dedicated in their works or not the Question, Do you think the Municipal and Town council employees are dedicated in their works was asked to all the 300 respondents.

Table 3.6
Employees' dedication

N=300

Age Structure	Opinion				
	<i>Yes</i>	<i>No</i>	<i>Can't say/undecided</i>	<i>No response</i>	<i>No. of respondents</i>
17-26	54	48	3	8	113
27-36	51	66	2	12	131
37-46	16	13	1	2	32
47-56	4	6	1	1	12
57&Above	6	6	-	-	12
Total	131	139	7	23	300
Percentage	43.66%	46.66%	2.33%	7.66%	100%

It was also revealed that 43.66 percent of the respondents said that the employees are dedicated in their works, 46.33 percent opined that they are not dedicated, while 7.66 percent with no response.

Looking at the percentage of the respondents response 43.66 percent 'Yes' and 46.66 percent 'No', it is difficult to infer a conclusion on employees dedication to their work as we can see that there is only a negligible difference with just 2.67 percent difference between 'Yes' and 'No'.

Table 3.7
Comparative study on dedication of municipal employees according to districts
under study

N=300

Districts	Dedication				Total
	<i>Yes</i>	<i>No</i>	<i>Can't say</i> <i>/undecided</i>	<i>No response</i>	
Dimapur	39 (39%)	57 (57%)	2 (2%)	2 (2%)	100 (100%)
Kohima	26 (52%)	19 (38%)	2 (4%)	3 (6%)	50 (100%)
Mokokchung	49 (49%)	36 (36%)	3 (3%)	12 (12%)	100 (100%)
Tuensang	17 (34%)	27 (54%)	-	6 (12%)	50 (100%)
Total	131(43.66%)	139 (46.66%)	7 (2.33%)	23 (7.66%)	300 (100%)

Table 3.7 shows that municipal employees of Kohima are more dedicated in work with 52 percent respondents, while employees of Dimapur municipal council was found to be less dedicated with 57 percent response to 'No'

3.7 Corruption in municipality

Corruption is a form of dishonest or unethical conduct by a person entrusted with a position of authority, often to acquire personal benefit. Government or political corruption occurs when an office holder or governmental employee acts in an official capacity for personal gain⁷⁵. In short, corruption is the misuse of public powers for private gains. Economist Ian Senior defined corruption as an action to (a) secretly provide (b) a goods or a service to a third party (c) so that he or she can influence certain actions which (d) benefit the corrupt, a third party, or both (e) in which the corrupt, agent has authority. Daniel Kaufman, former Director of the World Bank Institute, extends the

⁷⁵ en.m.wikipedia.org/wiki/corruption (accessed on 13.03.2017)

concept to include ‘legal corruption’ in which power is abused within the confines of the law-as those with power often have the ability to make laws for their protection.⁷⁶

There are many factors that can lead to corruption in local government. Some are more common than others forms of corruption pertaining to money like bribery, extortion, embezzlement and graft are found in local government systems. Forms of political corruptions are nepotism and patronage systems.⁷⁷ These forms of corruptions are found in all local government level. Some factors are inter-related or may lead to other factor and may cause more corruption. In municipalities with an underdeveloped or undeveloped political culture accountability and legitimacy is low and principals of ethics in government are not established. This can encourage corruption to take hold in the local government because citizens do not know what is corrupt, and local officials are not afraid to be corrupt because of the low accountability.⁷⁸

Table 3.8
Level of employees’ corruption

N=300

Age structure	Opinion				
	<i>Yes</i>	<i>No</i>	<i>Can’t say /undecided</i>	<i>No response</i>	<i>No. of response</i>
17-26	23	9	78	3	113
27-36	37	14	78	2	131
37-46	6	6	20	-	32
47-56	2	3	7	-	12
57&Above	2	4	6	-	12
Total	70	36	189	5	300
Percentage	23.33%	12%	63%	1.66%	100%

⁷⁶ *ibid.*,

⁷⁷ en.m.wikipedia.org/wiki/corruption_in_local_government (accessed on 13.03.2017)

⁷⁸ *ibid.*,

23.33 percent of the respondents opined that the municipal and town councils employees are corrupted, 12 percent said no, 63 percent of the respondents can't say/undecided and 1.66 percent of the respondents with no response.

23 respondents from the age category 17-26 said the employees are corrupted, 9 respondents said no, 78 can't say/undecided and 3 respondents no response. From the age group 27-36, 37 respondents said yes, 14 no, 78, can't say/undecided and 2 no response. 6 yes, 6 no and 20 can't say from the age structure 37-46. From the age structure 47-56, 2 respondents said yes, 3 no and 7 can't say/undecided, finally from the age group 57 and above, 2 respondents said yes, 4 no and 6 can't say/undecided.

Table 3.9
Comparative study on corruption of municipal employees according to districts
under study.

N=300

Districts	Employees corruption				Total
	<i>Yes</i>	<i>No</i>	<i>Can't say/undecided</i>	<i>No response</i>	
Dimapur	29 (29%)	12 (12%)	56 (56%)	3 (3%)	100 (100%)
Kohima	11 (22%)	3 (6%)	36 (72%)	-	50 (100%)
Mokokchung	16 (16%)	13 (13%)	70 (70%)	1 (1%)	100 (100%)
Tuensang	14 (28%)	8 (16%)	27 (54%)	1 (2%)	50 (100%)
Total	70(23.33%)	36 (12%)	189 (63%)	5 (1.66%)	300 (100%)

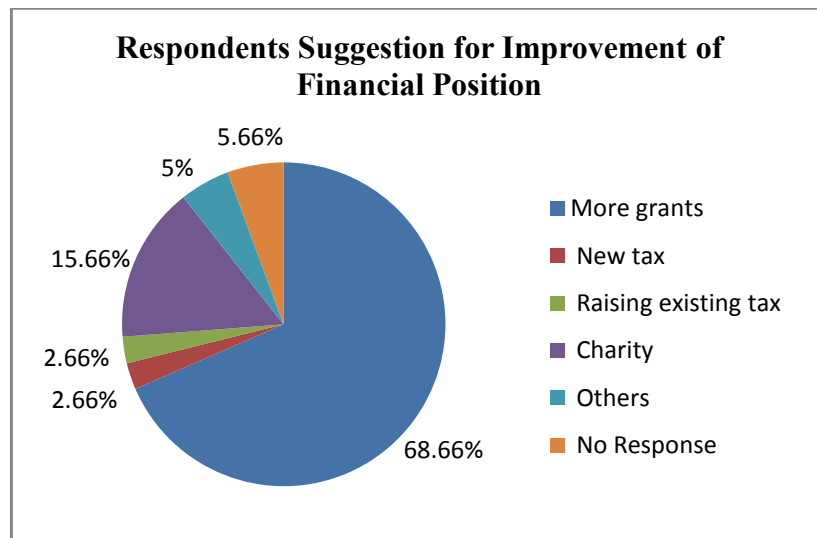
Table 3.9 shows that more than half of the respondents from the above four districts were undecided on the opinion of municipal employees corruption, however looking from the table comparatively Dimapur is more corrupted and Kohima less corrupted.

3.8 Financial position of the municipality

Finance constitutes the major component of every municipality. Without adequate finance all developmental activities will come to a standstill. According to the norm the executives in consultation with the chairman make municipal budget and send it to the state government for its approval but owing to the failure to conduct municipal and town council election the financial assistance provided by the government has come to a standstill and it has hampered many developmental activities to happen. In such a situation, another option for the generation of revenue apart from governmental support becomes necessary. Therefore, opinion from the public was ascertained in order to see their views and suggestion. The response pattern is given below.

Figure 3.5
Respondent suggestion for improvement of financial position of the municipality

N=300



The pie chart shows the suggestion pattern of the respondents, it was found that 68.66 percent of the respondents suggest that more grants should be given from the state government to the municipal government so that there is adequate fund for the development and smooth functioning of municipality in Nagaland. 2.66 percent of the respondents opined that new tax should be levied to enhance its financial position, 2.66

percent of the respondents suggested raising the existing tax, 15.33 percent of the respondents suggested raising finance through charity shows, donations etc. 5 percent opined that municipality should raise funds through other methods and no response 5.66 percent .

68.66 percent opined that more grants should be released from the state government opined that imposing new tax, raising existing tax, raising finance through charity and donations are not conventional ways of improving the financial position of the municipality. This is a remarkable statement of the citizen consciousness towards municipal government in Nagaland.

3.9 Municipal Tax Collection

A tax means to impose financial charges or others levy upon a tax payer by a government or a functional equivalent of a government to fund public expenditure. Such taxes are used to fund a wide range of services from road repair, garbage collection to sewer maintenance.⁷⁹ The amounts of local taxes vary from one municipal jurisdiction to another. Municipalities have to face a constant balancing act with regards to levying local taxes, since raising taxes may lead to “taxpayer revolt”, while low taxation may lead to cut back of essential services.⁸⁰

Taxes are generally an involuntary fee levied on individuals or corporations that is enforced by a government activity, whether local, regional, or national in order to finance government activities. In economics, tax fall on whomever pays the burden of the tax, whether this is the entity being taxed, like a business, or the end consumers of the business’s goods.⁸¹

Municipality in Nagaland imposes various types of tax from its citizens. Such tax includes sanitation tax, trade and licence tax, toll tax parking tax, tax on slaughter house

⁷⁹ en.m.wikipedia.org/wiki/tax (accessed on 13.03.2017)

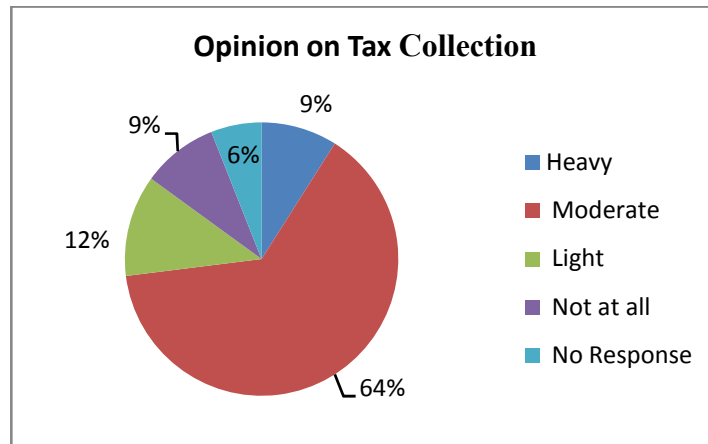
⁸⁰ www.investopedia.com/terms/1/localtax.asp (accessed on 14.03.2017)

⁸¹ ibid,.

etc. Therefore in order to know the burden of municipal the question do you think municipal tax is heavy? Was asked to all the respondents.

Figure 3.6
Opinion on Tax Collection

N=300



It was found that 9 percent of the respondents opined that municipal tax is heavy, while 64 percent opined that municipal tax is moderate, 12 percent said it is light, 9 percent not at all and 6 respondents no response. It was found that most of the respondents 64 percent do not feel municipal tax as a heavy burden, rather they take it only as moderate.

On the other hand, in order to know whether the respondents pay municipal tax regularly, the question do you pay tax regularly? was raised to all the respondents. The reply to this question was found to be unanimous as out of 300 respondents 197 i.e. 65.66 percent said they pay municipal tax regularly; only 37 respondents i.e. 12.33 percent said they do not pay taxes and 66 respondents i.e. 22 percent simply avoided the question.

Thus, from the above data one can infer that since municipal tax is moderate, citizens (respondents) do not find tax very imposing/heavy, this may be one of the reasons why citizens pay tax regularly (it is to be noted here tax include toll tax, vehicle tax-licences, taxes on goods-octroi tax etc and does not include tax on land).

CHAPTER-4

CITIZENS' PARTICIPATION IN MUNICIPAL AND TOWN COUNCILS

CHAPTER 4

CITIZENS' PARTICIPATION IN MUNICIPAL AND TOWN COUNCILS

Participation broadly refers to the role of members of the general public, as distinguished from appointed officials, including civil servant, influencing the activities of the government or in providing for community skills. It may occur at any level- from village to towns, to cities, to the country as a whole. Thus, participation comprises every kind of citizen intervention in administrative action. However, in the real sense of the term participation can only be described when the person who participates is fully conscious of the responsibility he assumes “W.A. Robson observed that local government presupposes the existence of a local authority as well as the participation of the local community in the administration of its own affairs”.⁸² “J.S Mill and Lord Bryce also stressed the importance of local government because of its most important element viz. that it affords the facility of the active participation of people”.⁸³ Citizen’s participation not only enhances the dignity of the individual and sense of community at all levels, but also adds vitality to governments programmes. Citizen’s participation makes the programme more responsive and better adapted to local needs. Citizen’s interest in the local affairs is greater unlike the central and the state government because municipal government is closest to the people, and it is this intimate government –citizen nexus that justifies the existence of local government.⁸⁴

In the past participation as voluntary involvement was valued mostly in infrastructure development projects, self-help housing, (Turner 1976) or in social projects. More recently the emphasis has shifted to people’s participation in governance generally from the participation of beneficiaries in development projects or urban housing. The goal is to make government more inclusive by ensuring increased people’s participation in decision making, the Global Campaign for Good Governance launched

⁸² Robson W.A, *Encyclopaedia of Social Sciences*, Vol. 9 (New York, the Macmillan Co), p. 1 quoted in Pardeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p. 281

⁸³ Harold j. Laski, *Grammar of Politics* (London : George Allen and Unwin Ltd., 1941, pp. 411-29 quoted in Pardeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p. 281

⁸⁴ Pardeep Sachdeva, 2011, *Local Government in India*, Pearson, Delhi, p. 281

by UN Habitat in 1998 and adopted by India and other nations pictures an ideal of urban governance, which is participatory, transparent and responsive; ensuring equity and accountability, and is effective and has strategic vision. Participatory governance does not merely mean participation at the higher level of governance. It means participation of citizens, civil society at the grass root community level.

To achieve better urban governance, the process of democratic decentralisation also stresses citizen's participation in ensuring transparency and accountability in governance. The 73rd and 74th Constitution Amendments Act 1992 also emphasises on citizen's participations at the grassroots to achieve development both at rural as well as urban settings with the active participation of the people, and places responsible local self governments which functions in a transparent and accountable manner. Dr. Bandyopadhy and Bhavita Vaishava (2013) established five reasons why citizens should participate in urban governance: Citizen Participation i) helps municipal authorities understand the needs and requirements of communities, thus helping to develop demand-based and inclusive governance systems/procedures ii) improves citizen-state ULBs by reducing the gap between the demand and supply side iii) enhances transparency and accountability of ULBs iv) creates a greater sense of agency, collective understanding and ownership among citizens on the governance issues that affect their cities/towns v) strengthens local democratic governance as citizens exercise their citizenship rights and engage with local bodies.

People's Participation: Advantages

Somesh Kumar (2006:27), has discussed five advantages of people's participation:

1. Efficiency: Participation can ensure effective utilisation of available resources. The people and other agents work in tandem towards achieving their objectives. The local people take responsibility for various activities. All these improve efficiency and make the project more cost-effective.

There is the danger, however, that the government and other agencies, in the name of people's participation, may assign fewer resources and transfer the burden of project costs on the local people.

2. Effectiveness: Lack of people's involvement has been seen as one of the major causes of the failure of most projects to be effective. People's participation can make the projects more effective by granting them a say in deciding the objectives and strategies, and by participating in implementation, thereby ensuring effective utilisation of resources.
3. Self-reliance: Many development interventions have been seen to create a kind of dependence syndrome. For instance, in India, because of wide spread of government development programmes, people have started looking to the government for every problem they face. If the local resources however- both human and material- are utilised on the basis of decisions taken by the people themselves, the realisation grows that many problems faced by the people have local solutions at their levels. With active involvement of the local people, it is possible not only to break the mentality of dependence but also to increase their awareness, self-confidence, and control of the development process. In fact, the involvement in decision making, implementation, and monitoring helps in developing local human resources.
4. Coverage: Development interventions are directed towards the upliftment of the weaker sections of society. Despite professed target groups and attempt to cover the weaker sections, however most projects have been at best only partially successful. The benefits are concerned off by the non-poor, elite, and the powerful. People's participation can be a potent way of ensuring the flow of the benefits of the target groups. Furthermore, the cost-effective operations can ensure that resources are available for wider coverage of the weaker sections of society than would otherwise be possible.
5. Sustainability: Generally, development interventions are funded either by governments or by donor agencies. Experience has shown that development interventions from the externally assisted project fail to sustain the required level

of development activity once support or inputs are diminished or withdrawn by the funding agencies. People's participation is regarded as an essential pre-requisite for the continuity of the activities. The involvement of the local people and the utilisation of local resources generate a sense of ownership over the development interventions to the people. This sense of ownership is essential for the sustainability of the interventions even after external funds cease to flow.

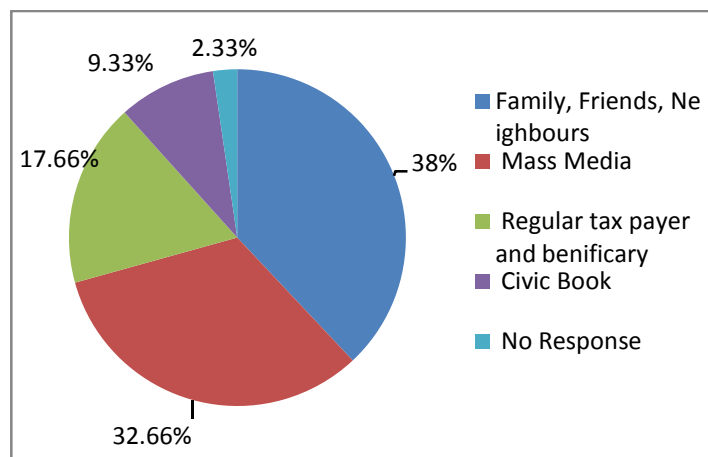
4.1 Awareness on the existence of municipal and town council in Nagaland

Awareness refers to the level of consciousness or the state or quality of being aware of something. Awareness for the purpose of this study refers to the general awareness of the citizens to the knowledge of the existence of municipal system in Nagaland. Source and level of awareness differ from individual to individual. Unless individuals are aware of the system it governs him, he will not be able to involve himself into the social system that revolves around him.

Figure 4.1

Respondent awareness of the existence of municipal and town council in Nagaland

N=300



Studies reveals that all the respondents were aware of the existence of municipal and town council administration in Nagaland. It was found that 38 percent of the respondent i.e. 114 out of 300 opined that they become aware of the existence of municipal /town council through family members, friends and neighbours, 32.66 percent i.e. 98 respondents become aware through mass media, 17.66percent.i.e. 53 respondents become aware of municipal and town council as they were regular tax payer and beneficiaies, 9.33 percent i.e. 28 respondents through civic books and remaining 7 respondents i.e. 2.33 percent with no response.

Awareness of respondents on the existence of municipal and town council in Nagaland can further be analyzed in the following Table 4.1

Table 4.1
Comparative study on awareness of the existence of municipal and town councils
in Nagaland according to districts under study

N=300

District	Variables				
	<i>Family members/Friends/ neighbours</i>	<i>Mass media</i>	<i>Regular tax payer and beneficiary</i>	<i>Civic books</i>	<i>No response</i>
Dimapur	37 (37%)	35 (35%)	14 (14%)	10 (10%)	4 (4%)
Kohima	21 (42%)	18(36%)	9 (18%)	1 (2%)	1 (2%)
Mokokchung	31 (31%)	33(33%)	24 (24%)	11 (11%)	1 (1%)
Tuensang	25(50%)	12 (24%)	6 (12%)	6 (12%)	1 (2%)
Total	114(38%)	98 (32.66%)	53 (17.66%)	28 (9.33%)	7 (2.33%)

The present study revealed that family members, friends and neighbours are found to be quite instrumental for respondents from Dimapur, Kohima and Tuensang districts from whom they became aware of the existence of municipal council in Nagaland. While

in Mokokchung district mass media was found to be the major source from which respondents became aware of the existence of municipal council in Nagaland.

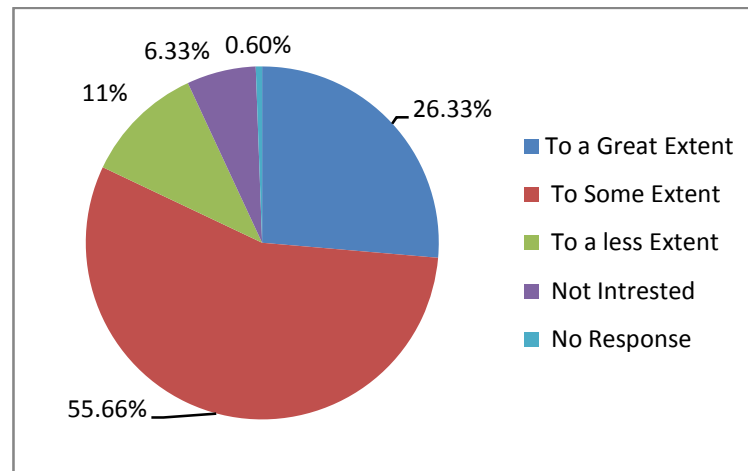
The findings reveal that family members, friends and neighbours are instrumental in disseminating the knowledge of existence of municipal and town council administration. Civic books as a source of knowledge for the existence of municipal and town council in Nagaland occupy a lesser percentage as only 9.33 percent i.e. 28 respondents out of 300 respondents choose this option.

4.2 Interest in municipal/town council administration

Interest and awareness are complimentary to each other. One cannot be interested in any activity without awareness. Interest here refers to citizen's interest in municipal governance. Observing the activities and having an interest in its activities depends to a great extent on the level of citizen's awareness.

Figure 4.2
Opinion on extent of interest in municipal and town council administration

N=300

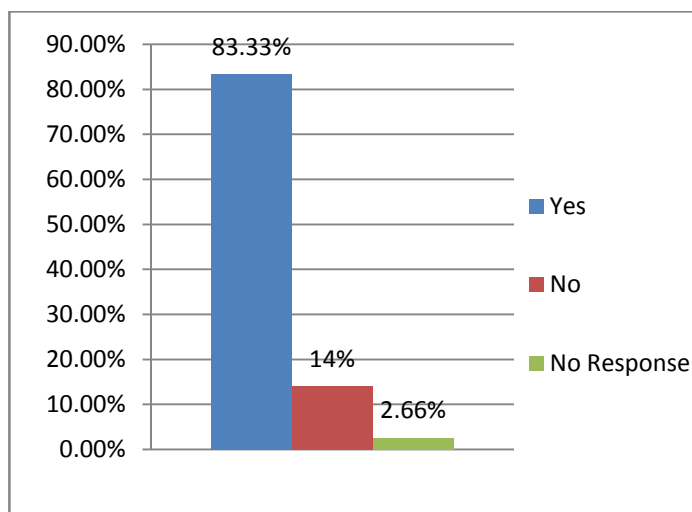


The above charts show that only 6.33 percent of the respondents i.e. 19 out of 300 respondents are not interested in municipal and town council administration, 55.66 percent i.e. 167 respondents are interested in municipal administration to some extent, 26.33 percent i.e. 79 respondents are interested in municipal administration to a great extent. 11 percent i.e. 33 respondents to a less extent and only 0.6 percent i.e. 2 respondents with no response to the question.

The findings show that regardless of the extent on the level of interest of the respondents on Nagaland municipal and town council administration, one cannot deny the fact that respondents are interested in municipal administration in Nagaland. In order to analyze more on their interest in municipal administration in Nagaland a number of follow up question were asked to the respondents regarding their opinion about their participation, whether interest in urban local government stimulates awareness and interest in state and national level politics. The bar chart below (see fig 4.3) shows the response pattern of the respondents on the above query.

Figure 4.3
Opinion on whether interest in local government stimulates awareness and
interest in governance at the state and national level.

N=300



It was found that majority of the respondents, 83.33 percent opined that participation and interest in urban local government stimulates awareness and interest in state and national level politics. Only 14 percent of the respondents opined that interest in local government level does not stimulates awareness and interest in state and national level politics. While 2.66 percent of the sample respondents neither said ‘Yes’ nor ‘No’ to the queries and choose to remain silent. This shows that only some certain sample respondents are not interested in urban politics.

It also becomes pertinent to know respondents about their awareness on mandatory and obligatory functions of the municipal system. Therefore to ascertain their awareness on mandatory and obligatory function, query was made. The response pattern (see 4.2) below gives the citizens’ respondent’s views.

Table 4.2
Awareness on mandatory and obligatory functions

N=300

Category	Age Structure						Percentage
	17-26	27-36	37-46	47-56	57& Above	No. of respondents	
<i>Yes</i>	50	85	19	6	9	169	56.33%
<i>No</i>	60	43	12	6	3	124	41.33%
<i>No response</i>	3	3	-	-	-	6	2%
<i>Can't say</i>	-	-	1	-	-	1	0.33%
<i>Total</i>	113	131	32	12	12	300	100%

56.33 percent of the respondents are aware of mandatory and obligatory functions, nearly a half number of the respondents i.e. 41.33 percent were not aware, while 2 percent no response, 0.33 percent choose to remain silent.

A comparative study of awareness on mandatory and obligatory functions of the districts under study is given below:

Table 4.3

Comparative study of awareness on mandatory and obligatory functions of the districts under study is given below:

N=300

Districts	Awareness on mandatory and obligatory functions				Total
	<i>Yes</i>	<i>No</i>	<i>No response</i>	<i>Can't say</i>	
Dimapur	67 (67%)	32 (32%)	1 (1%)	-	100 (100%)
Kohima	25 (50%)	24 (48%)	1 (2%)	-	50 (100%)
Mokokchung	49 (49%)	47 (47%)	4 (4%)	-	100 (100%)
Tuensang	28 (56%)	21 (42%)	-	1 (2%)	50 (100%)
Total	169 (56.33%)	124 (41.33%)	6 (2%)	1 (0.33%)	300 (100%)

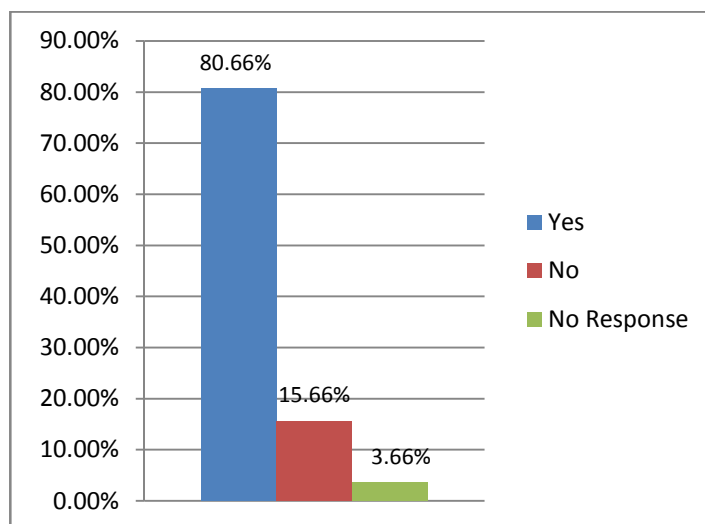
It was found that respondents from Dimapur were more aware of mandatory and obligatory functions of the municipality with 67 percent, while respondents from Kohima were less aware with 56 percent awareness level.

4.3 Participation in the activities of the council

Interest and awareness in the municipal governance stimulates citizen's participation in the local government. Participation in the local government is considered as the civic duty which is a sign of sound political health and a test of grass root democracy. Participation symbolizes political legitimacy and stability of the political system. Participation is an essential component of democracy. Political system is successful because of political legitimacy and citizen's participation.

Citizens' participation in municipal government is as important as the role of municipal government. The local bodies provide the desired amenities for the public and also the day to day services which are essential for the convenience, better standard of living and welfare of the people living in the city. It is therefore in greater interest of the tax payer to realize their responsibilities in order to have interest in the affairs of the local government. The effective and efficient working of municipal bodies and also the standard of services depend not only on the organizational procedures, financial capabilities, tax collection, administrative and technical competence of municipal officers but also the interest, co-operation and understanding of the citizens of the area.⁸⁵ Therefore in order to build up sound and efficient local administration co-operation of the people is a necessity. The figure 4.4 below shows citizens participation in the activities of the municipality in Nagaland.

Figure 4.4
Respondent participation in the activities of the council
N=300



⁸⁵ R.K Bhardwaj, The Municipal Administration on India: A Sociological Analysis of Rural and Urban India, 1970, Sterling Publishers, New Delhi, p.115

It was found that 80.66 percent of the respondents said that they participate in the activities of municipality, while 15.66 percent said they do not participate and remaining 3.66 percent with no response. 80.66 percent of the respondents participates in the activities of the council which is a very promising one.

Since all policies and programmes for urban development can come up to shape only when its citizens actively participates in all the activities of municipality. All programmes can best be organized successfully by citizen's influence and some local initiatives. Since citizen's co-operation is needed in every step of development without the participation of public and some important local individuals, urban local government will not perform its functions effectively.

Since 80.66 percent of the respondent's answer pattern is inclined towards 'Yes', we can clearly conclude that there is active participation of the respondents in the activities of the municipality. It was also found that (see fig 4.3(i) below) 245 respondents i.e. 81.66 percent participates because of one's interest, while 12.33 percent opined that their participation is forced upon and 6 percent of the respondents with no response.

The study also revealed that (see fig 4.3(ii) below) 18 percent of the respondents participate with knowledge of municipality, 77.66 percent of the respondents opined that they participate without any knowledge of municipality, while 4.33 percent avoided the question. The findings show that since many citizens respondents 77.66 percent i.e. 233 out of 300 sample respondent said they participate; but without any knowledge of municipality. Even though respondents are aware of the existence of municipality they are ignorant about the functioning and activities which again reveals that there is a need on the part of the municipality in Nagaland to create general awareness about its functioning and activities, because without the active participation of the general public; without knowledge of the activities of the municipality, the process of democratic decentralization which is one of the processes of democracy will not be successful in Nagaland.

Table 4.4 (i)
Respondent reason for participation

N=300

Category	Age Structure						Percentage
	17-26	27-36	37-46	47-56	57& Above	No. of respondents	
<i>One's interest</i>	92	111	26	7	9	245	81.66%
<i>Forced upon</i>	12	16	4	3	2	37	12.33%
<i>No. response</i>	9	4	2	2	1	18	6%
<i>Total</i>	113	131	32	12	12	300	100%

If was found that majority of the respondents 81.66 percent opined their reason for participation in the activities of the municipal and town councils is because of one's own interest.

Table 4.4 (ii)
Respondent participation in the activities of the council with/without the knowledge of municipality

N=300

Category	Age Structure						Percentage
	17-26	27-36	37-46	47-56	57& Above	No. of respondents	
<i>Yes</i>	16	27	7	3	1	54	18%
<i>No</i>	92	98	24	9	10	233	77.66%
<i>No. response</i>	5	6	1	-	1	13	4.33%
<i>Total</i>	113	131	32	12	12	300	100%

The study reveals that 77.66 percent of the respondents participate in the activities of the municipality without the knowledge of municipality. Only 18 percent of the respondents participate with knowledge of the municipality which is quite dismaying.

Table 4.4 (iii)
Stimulus received for participation of the respondent

N=300

Category	Age Structure						
	17-26	27-36	37-46	47-56	57& Above	No. of respondents	Percentage
<i>Personal attitude</i>	40	68	19	4	8	139	46.33%
<i>Motivated by friends</i>	6	4	-	-	-	10	3.33%
<i>Motivated by parents</i>	8	2	-	1	-	11	3.66%
<i>Stimuli received from environment</i>	54	54	11	7	3	129	43%
<i>No response</i>	5	3	2	-	1	11	3.66%
<i>Total</i>	113	131	32	12	12	300	100%

The study shows that respondents 81.66 percent of the respondents participate in the activities of municipality on one's interest (see table 4.3). It becomes pertinent to ask what stimulated the respondent's interest for participation. The finding shows that 46.33 percent of the respondents opined their stimulation for participation is personal attitude, followed by stimulus received from environment 43 percent respondents, 3.33 percent those motivated by parents and friends.

It was found that 40 respondents from the age group 17-26, 68 from 27-36 age group, 19 from the age group 37-46, 4 from 47-56 age group and 8 from 57 and above years of age i.e. 139 respondents which comes to 46.3% said their stimulation for participation is personal attitude. While 6 respondents from the age group 17-26, 4 from 27-36, i.e. 10 respondents which is 3.3% said their participation are motivated by friends.

It was also found that 8 respondents from the age group 17-26, 2 from 27-36, 1 from 47-56, i.e. 11 respondents which is 3.66% got the motivation for participation from their parents. 54 respondents from age structure 17-26, another 54 from 27-36, 11 from 37-46, 7 from 47-56 and 3 from 57 & above years of age participate because of stimulation received from the environment. 5 respondents from 17-26, 3 respondents from 27-36, 2 respondents from 37-46 and only 1 respondent from the age category 57 & above accounting to 11 in total, consisting of 3.66 percent of the respondent with no response.

Effort has also been made to ascertain the answer pattern for the causes of respondent's developing interest in municipal government in Nagaland (multiple choices). Respondent's answer pattern is shown in the table 4.5.

Table 4.5 (i)

Table shows the distribution of respondents over the answer pattern for causes of developing their interest in municipal government according to Sex

N=300

Variables	Sex		Total
	M	F	
<i>Interest in politics</i>	8(2.66%)	4(1.33%)	12(4%)
<i>Interest in public service</i>	49(16.33%)	25(8.33%)	7(24.66%)
<i>Interest in Development of locality</i>	64(21.33%)	91(30.33%)	155(51.66%)
<i>Persuasion from family members</i>	-	1(0.33%)	1(0.33%)
<i>Parents/relatives are associated with municipal administration</i>	2(0.66%)	2(0.66%)	4(1.33%)
<i>No specific reason</i>	18(6%)	25(8.33%)	43(14.33%)
<i>No response</i>	5(1.66%)	6(2%)	11(3.66%)
Total	146 (48.66%)	154 (51.33%)	300 (100%)

The study revealed that 51.66 percent of the respondents opined their cause of developing their interest in municipality is interest in development of locality while 0.33 percent of the respondents opined their cause of developing interest is because of persuasion from family members.

Of the 300 sample respondents from all walks of life 146 were males and 154 females. Most of the respondents from both sexes were found to be interested in municipal government. However the cause of developing interest in municipal system varies among them. Out of 146 males, 8 males respondents have shown interest in politics, 49 respondents interest in public service, a good number of male respondents in the development of locality, 2 respondents shown interest because parents, relatives are associated with municipal and town administration, 18 respondents with no particular cause of their interest in municipal government, and only 5 respondents with no response.

It was revealed that of all the choice of answers given to male respondents, a total of 64 respondents out of 146 respondents were interested in the development of locality, therefore it can be seen here that there is strong community sentiment and an idea of citizens active co-operation and participation among male respondents. It is also to be noted here that no male respondents has ticked/chosen persuasion from family members from the choice given as the cause of their participation and interest in municipal/town council government.

From among the 154 female sample citizens' respondents, 4 respondents showed interest in politics, 25 interest in public service, 91 respondents in the development of locality, only 1 respondent from persuasion from family members, 2 respondents says parents and relatives are associated with municipal administration, 25 respondents shows no specific reason for their cause of their interest in urban government and 6 respondents with no response.

The study shows that a good number of sex both male and female i.e. 155 respondents out of 300 shows the cause of their development of interest because of interest in development of locality. This is a good indicator that citizens' are interested in development of locality, beautification of the local area, and not forgetting their sense of sanitation and cleanliness too. The findings also reveals that there is not much differences between male and female opinion as regards the cause of their interest in municipal government; as 8 respondents out of 146 male respondents and 4 respondents out of 154 female respondents choose interest in politics as their choice. This suggests that females are as interested as males in urban politics/municipal government in Nagaland.

Table 4.5 (ii)

**Respondents causes of developing interest in municipal government according to
Educational Qualification**

N=300

Variables	Educational qualification						
	UM	M	HS	G	PG	PG & Above	Others
<i>Interest in politics</i>	- (0.33%)	1 (0.33%)	3 (1%)	5 (1.66%)	2 (0.66%)	2 (0.66%)	1 (0.33%)
<i>Interest in public service</i>	4 (1.33%)	2 (0.66%)	6 (2%)	37 (12.33%)	17 (5.66%)	4 (1.33%)	2 (0.66%)
<i>Interest in development of locality</i>	1 (0.33%)	6 (1.66%)	32 (10.66%)	65 (21.66%)	41 (13.66%)	6 (1.66%)	4 (1.33%)
<i>Persuasion from family members</i>	-	-	-	-	1 (0.33%)	-	-
<i>Parents/relatives are associated with municipal administration</i>	-	1 (0.33%)	2 (0.66%)	-	1 (0.33%)	-	-
<i>No specific reason</i>	-	1 (0.33%)	5 (1.66%)	23 (7.66%)	10 (3.33%)	3(1%)	1 (0.33%)
<i>No response</i>	-	1 (0.33%)	1 (0.33%)	4 (1.33%)	3 (1%)	2 (0.66%)	-
Total	5 (1.66%)	12 (4%)	49 (16.33%)	134 (44.66%)	75 (25%)	17 (5.66%)	8 (2.66%)

UM=under matric, M=matriculate, HS= higher secondary, G=graduate, PG=post graduate

It was found out that 51.33 percent of the respondents participate because of interest in development of locality.

As regard respondents opinion on cause of interest, there observe a difference in choice according to the educational attainment of the sample respondents. Out of 5 respondents from under martic category 4 respondents show interest in public service, 1 respondent shows interest in development of locality, from martic category out of 12 respondents 1 shows interest in politics, 2 interest in public service, 6 interest in development of locality, 1 each says parents/relatives are associated with municipal administration, no specific reason and no response. Respondents who attained higher secondary education level are 49 from these, 3 respondents shows interest in politics, 6 respondents interest in public service, 32 interest in development of locality, 2 respondents says parents/relatives are associated with municipal government; 5 respondents shows no specific reason for the cause of their interest and 1 with no response. Out of 134 graduate respondents 65 respondents shows interest in development of locality and the remaining number of respondents their choice is scattered as given in the table above. Similar is the case with post-graduate respondents; many of the respondent choice is inclined towards interest in development of locality as the choice of answer i.e. 41 out of 75 respondents. This case is also similar with respondents who have post-graduate and above qualification and respondents who have other qualifications.

Table 4.5 (iii)

Respondents causes of developing interest in municipal government according to Age

N=300

Variables	Age Structure					Total
	17-26	27-36	37-46	47-56	57& Above	
<i>Interest in politics</i>	4 (1.33%)	2 (0.66%)	5 (1.66%)	-	-	11 (3.66%)
<i>Interest in public service</i>	25 (8.33%)	31 (10.33%)	6 (2%)	5 (1.66%)	7 (2.33%)	74 (24.66%)
<i>Interest in locality</i>	57 (19%)	75 (25%)	13 (4.33%)	6 (2%)	4 (1.33%)	155 (51.66%)
<i>Persuasion from family members</i>	1 (0.33%)	-	-	-	-	1 (0.33%)
<i>Parents/relatives are associated with municipal administration</i>	2 (0.66%)	2 (0.66%)	-	-	-	4 (1.33%)
<i>No specific reason</i>	21 (7%)	18 (6%)	7 (2.33%)	1 (0.33%)	-	47 (15.66%)
<i>No response</i>	3 (1%)	3 (1%)	1 (0.33%)	-	1 (0.33%)	8 (2.66%)
Total	113 (37.66%)	131 (43.66%)	32 (10.66%)	12 (4%)	12 (4%)	300 (100%)

It was found out that from 113 respondents under the age category 17-26, 57 respondents are inclined towards interest in development of locality, followed by 25 respondent interest in public service, 21 no specific reason, 4 interest in politics, 3 no response and 1 persuasion from family members. From the age group 27-36 (131 respondents), the answer pattern is similar with the above age category, 75 interest in

development of locality, 31 interest in public service, 18 no specific reason, 3 no response and only 2 interest in politics. With the advancing age of the respondent so is their opinion differ slightly, interest in development of locality seems to be the most ticked option here too under 37-46 age category, followed by no specific reason, interest in public service, interest in politics and finally no response. Under 47-56 interest in development of locality is the highest, followed by interest in public service, and no specific reason. Finally, under 57 & above age category interest in public service seems to dominate the answer pattern, followed by interest in development of locality and 1 respondents with no response.

Table 4.5 (iv)

Respondents causes of developing interest in municipal government according to Occupation

N=300

Variables	Occupation					Total
	Govt. Employee	Private employee	Self- employed	Students	Others	
<i>Interest in politics</i>	7 (2.33%)	1 (0.33%)	-	3 (1%)	1 (0.33%)	12 (4%)
<i>Interest in public service</i>	27 (9%)	23 (7.66%)	5 (1.66%)	11 (3.66%)	9 (3%)	75 (25%)
<i>Interest in development of locality</i>	43 (14.33%)	43 (14.33%)	18 (6%)	41 (13.66%)	9 (3%)	154 (51.33%)
<i>Persuasion from family members</i>	-	1 (0.33%)	-	-	-	1 (0.33%)
<i>Parents/relatives are associated with municipal administration</i>	1 (0.33%)	1 (0.33%)	1 (0.33%)	1 (0.33%)	-	4 (1.33%)
<i>No specific reason</i>	16 (5.33%)	11 (3.66%)	3 (1%)	10 (3.33%)	3 (1%)	43 (14.33%)
<i>No response</i>	4 (1.33%)	2 (0.66%)	-	3 (1%)	2 (0.66%)	11 (3.66%)
Total	98 (32.66%)	82 (27.33%)	27 (9%)	69 (23%)	24 (8%)	300 (100%)

The present study revealed that 14.33 percent of the government employees develop their interest in municipal government because of interest in development of locality. Of an average interest in the development of locality is found to be the most preferred response.

Since interest in development of locality is the most dominant answer pattern of all the choices given here too out of 98 government employee 43 respondents answer is inclined towards this option, followed by interest in public sector, no specific reason, followed by interest in politics, no response and parents/relatives are associated with municipal administration. 82 respondents employed in private sector, the highest is interest in the development of locality, followed by interest in public service, no specific reason, no response, interest in politics and one each choose persuasion from family and parents/relatives are associated with municipal administration. 27 self-employed respondents also has chosen interest in development of locality as the majority answer pattern, followed by interest in public sector, no specific reason, and parents/relatives are associated with municipal administration. Out of 69 student respondents majority responded interest in development as their option, followed by interest in public service like the above three category, also like the three above answer pattern is followed by no specific reason, interest in politics and no reason have been responded by same number of respondents. 9 each out of 24 respondents who do not fall on the above category of employees responded interest in development of locality and interest in public service, followed by no specific reason, no response and interest in politics.

Table 4.5 (v)

**Respondents causes of developing interest in municipal government according to
Residence**

N=300

Variables	Residence		Total
	Permanent	Non- permanent	
<i>Interest in politics</i>	5 (1.66%)	7 (2.33%)	12 (4%)
<i>Interest in public service</i>	57 (19%)	17 (5.66%)	74 (24.66%)
<i>Interest in development of locality</i>	121 (40.33%)	34 (11.33%)	155 (51.66%)
<i>Persuasion from family members</i>	-	1 (0.33%)	1 (0.33%)
<i>Parents/relatives are associated with municipal administration</i>	4 (1.33%)	-	4 (1.33%)
<i>No specific reason</i>	31 (10.33%)	12 (4%)	52 (17.33%)
<i>No response</i>	7 (2.33%)	4 (1.33%)	11 (3.66%)
Total	225(75%)	75 (25%)	300 (100%)

It was found out that 40.33 percent respondents of permanent residence choose interest in development of locality as the main reason for the cause of developing their interest in municipal government. The number of percentage is also high among the non-permanent residence 11.33 percent who choose this option.

Of the total 300 respondents, 225 respondents who are permanent resident 121 respondents chose interest in the development of locality; 34 out of 75 non-permanent resident respondents chose the same option, followed by 57 and 17 permanent and non-permanent respondents chose interest in public service, 31 and 12 permanent and non-permanent respondents no specific reason. The answer pattern seem to vary where 7 respondent from permanent resident kept themselves silent on the given choices, 5 interest in politics and 4 parents/relatives are associated with municipal administration. 7 respondents of non-permanent resident respondent choose interest in politics, 4 no response and 1 persuasion by family members.

From the above data, the study reveals that interest in development of locality is the most choice for the cause of developing their interest in municipal government which accounts to 51.33 percent (154 respondents), followed by interest in public service with 25 percent of respondents (75 respondents), 14 percent (42 respondents) with no specific reason, 4 percent (12 respondents) opted for interest in politics, 3.66 percent (11 respondents), 1.33 percent (4 respondents) parents/relatives are associated with municipal administration, 0.33 percent (1 respondent) persuasion by family members.

4.4 Women and reservation in municipal government in Nagaland

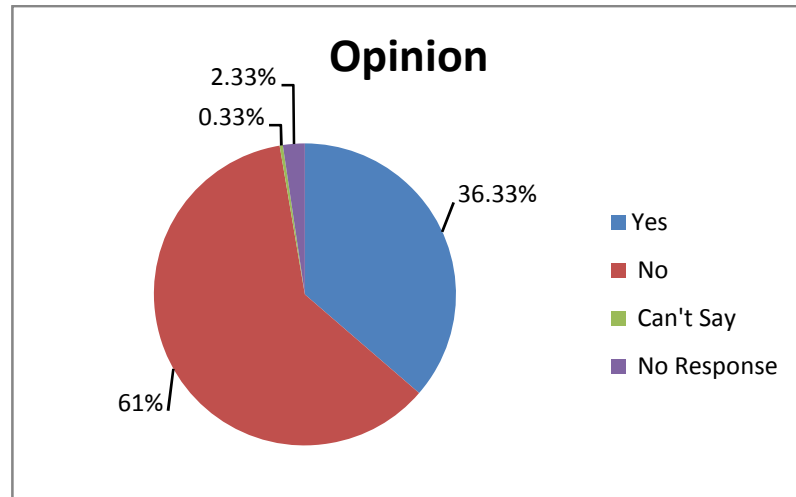
Naga society being a traditional society, their custom, beliefs and practices in fact the over-all aspect of their society is based on tradition and culture. In such a close and tightly knitted society women have no place in the decision making process as far as customary law is concern. Therefore women in every tribe are unrepresented at the village administrative unit. Naga women struggle to find herself a place at the urban local self government. Women reservation and its implementation in urban local self government is very dismaying in Nagaland. The traditional patriarchal norm still clings in the way of women reservation today at the urban local government level. Election of the municipality has not been held because of this reason. In Nagaland, urban areas were administered through town committee which gave way to municipal council through

Nagaland Municipal Act 2001. According to 74th Constitution Amendment Act 1994, 1/3rd of the seats are reserved for women in every municipality, but to the opinion of many Nagas, the applicability of this norms of reservation is not valid, because according to them Nagas are protected by a special article, Article 371(A) of the constitution and that on the basis of this, they opined that 33 percent reservation cannot be implemented and that such protective rights should not be undermined by the courts. However, Joint Action Committee on women reservation (JACWR) has been voicing its concern over the issue of implementation of 33 percent reservation which led to the Amendment of Nagaland Municipal 2001 in the year 2006 and a provision for 1/3rd reservation was finally incorporated through the Nagaland Municipal Amendment Act 2006.

But on 22nd September 2012 NLA passed a resolution under Article 371A which exempted Nagaland from the applicability of Article 243T Part IX A. However after much debate this decision was revoked by voice vote by the 12th NLA on 24th November 2016.

The pie chart below shows the response pattern on whether 1/3rd reservation of seats for women in municipality under Article 243 T will affect norms of patriarchy in Nagaland.

Figure 4.5
Opinion on whether 1/3rd reservation of seats for women in municipality under Article 243T will affect norms of patriarchy in Nagaland



The study revealed that 36.33 percent of the respondents are of the opinion that 1/3rd reservation of seats for women in municipality will affect norms of patriarchy in Nagaland, while 61 percent which is more than half of the respondents opined that reservation will not affect norms of patriarchy in Nagaland.

In order to have a clear picture of the above discussion, a comparative study of the four districts under study is shown in table 4.5 below.

Table 4.6
Comparative study on whether 1/3rd reservation of seats for women in
municipality under Article 243T will affect norms of patriarchy in Nagaland
according to four districts under study

N=300

Variab- les	Yes			No			Can't say			No response			Total
District	M	F	Total	M	F	Total	M	F	Total	M	F	Total	
Dmr	17 (17%)	18 (18%)	35 (35%)	34 (34%)	31 (31%)	65 (65%)	-	-	-	-	-	-	100 (100%)
Kma	9 (18%)	11 (20%)	20 (40%)	13 (26%)	15 (30%)	28 (56%)	-	1 (2%)	1 (2%)	-	1 (2%)	1 (2%)	50 (100%)
Mkg	16 (16%)	21 (21%)	37 (37%)	23 (23%)	34 (34%)	57 (57%)	-	-	-	2 (2%)	4 (4%)	6 (6%)	100 (100%)
Tsg	10 (20%)	7 (14%)	17 (34)	22 (44%)	11 (22%)	33 (66%)	-	-	-	-	-	-	50 (100%)
Total	52 (17.33 %)	57 (19 %)	109 (36.33 %)	92 (30.66 %)	91 (30.33 %)	183 (61%)	-	1 (0.3 %)	1 (0.33 %)	2 (0.66 %)	5 (1.66 %)	7 (2.33 %)	300 (100%)

Dmr=Dimapur, Kma=Kohima, Mkg=Mokokchung, Tsg=Tuensang, M=male, F=female

34 percent of male respondents from Dimapur district opines that reservation will not affect norms of patriarchy in Nagaland even 34 percent female respondents from Mokokchung district opined the same. Of all the districts, highest percentage of opinion where reservation will affect norms of patriarchy are male respondents from Tuensang district with 20 percent respondents and Mokokchung recorded the lowest percentage with 16 percent male respondents on the same.

The debate on women and reservation is an ongoing process in Nagaland because of which municipal election in Nagaland has not materialized so far. Therefore it becomes necessary to know and evaluate the opinion of the respondents on the issue of 33 percent reservation of seats for women. 17.33 percent male (52 male) and 19 percent female (57 female) i.e. 36.33 percent respondents have said reservation will affect norms

of patriarchy while 30.66 percent male (92 male) and 30.33 percent female (91 female) which is 61 percent of the respondents said reservation will not affect norms of patriarchy, 0.33 percent i.e. 1 female respondent can't say, while 0.66 percent male (2 male) and 1.66 percent female (5 female) respondents which is 2.33 percent of the total respondents chose to remain silent on the question.

It is to be noted that 45.66 percent (137 male) and 50 percent female (150 female) which is 95.66 percent of the total respondents (287 respondents) have said women should be included in municipal bodies with or without reservation in general. While 2.66 percent male (8 respondents), 1 percent female (3 respondents) respondents which is 3.66 percent (11 respondents) of the total respondent said women should not be included in municipal bodies. With 0.33 percent male respondent (1 male) and again another 0.33 percent female respondent (1 female) which is 0.66 percent (2 respondents) with no response. This response pattern can be summarized in the following table 4.5 below.

Table 4.7
Inclusion of women in municipal bodies

N=300

Sex	Opinion							Total
	Yes	%	No	%	Can't say	No response	%	
<i>Male</i>	137	45.66	8	2.66 %	-	1	0.33	146
<i>Female</i>	150	50	3	1%	-	1	0.33	154
<i>Total</i>	287		11		-	2		300
<i>Percentage</i>	95.66		3.66		Nil	0.66		100

The study reveals that 95.66 percent said that women should be included in municipal bodies with or without reservation in general, 3.66 percent said women should not be included in municipal bodies and 0.66 percent with no response.

According to a resolution of the Nagaland Legislative Assembly (NLA) dated September 22, 2012 the NLA resolved for exemption of 33 percent women reservation in civic body polls in Nagaland, as Nagaland Municipal Amendment Act 2006; for 33 percent reservation of seats for women infringes upon Article 371A of the Constitution. Even before 12th September 2012, the NLA cabinet dated 21st December 2009 decided to postpone indefinitely the municipal election vide order dated 21st October 2011. In these regard representatives of NMA/JACWR filed a petition at the Gauhati High court for holding of municipal election with 33 percent reservation of seats for women. The case was again taken to the Supreme Court in the form of Special Leave Petition (SLP) with regard to holding civic polls. While granting leave the Supreme Court also stayed the implementation of the impugned judgement and order dated July 31st 2012 passed by the Gauhati High Court. (The High Court order passed by a Division Bench, stayed the October 2011 order passed by a single bench court directing the government of Nagaland to hold municipal and town council elections on or before 20th January, 2012). However when municipal and town council in Nagaland was about to go for polls with 33 percent reservation various organisations submitted representation against reservation; such as Naga Hoho and ENPO submitted their Joint representation on 16th March 2012, public of kiphiri Town, dated 7th March 2012, Gaon Burah Union, Jalukie Town dated 5th March 2012, Sumi Hoho dated 15th March 2012, Kohima Village Council dated 29th February 2012, Kyong Hoho dated 12th March 2012, and the survey report of the Naga Hoho with their (then) Constituent Units Rengma Hoho dated 10th June 2011, Ao Senden 10th June 2011, Kyong Hoho dated 11th June 2011, Pochury Public Forum dated 16th June 2011, Chakesang Public Organisation dated 17th June 2011, Zeliang Rong Baudi dated 30th June 2011, Sumi Hoho dated 9th August 2011, Naga Council Dimapur (sub-ordinate body) dated 16th August 2011 and the Angami public Organisation dated 18th August 2011. These resentment and representations of various NGOs and Tribal Hohos led to the Select Committee on Government Resolution on the Nagaland Municipal Act 2001. A Select Committee on Government resolution on the Nagaland Municipal Act, 2001 was constituted on 22nd March 2012 under the chairmanship of T.R Zeliang, Dr. Shurhozelie as member, I.Imkong L Imchen as member, C Kipili Sangtam as member, KL Chishi as member, KV Pusa as member and C Apok Jamir as member. Following are the extracts

of the speeches of the member of the Select Committee on 20th March 2012 in the Nagaland Legislative Assembly session. Quotation of the Chairman of the Select Committee. Quote.⁸⁶

“from time immemorial, Naga as a society have developed their social , cultural and other ethnic practices without the aid of any law. Law is an artificial instrument which intruded into tribal society and altered the natural evolution of the tribal society. The 33 percent reservation is a legally propounded idea which will permanently alter the natural evolution of the Naga society. Any demand for any such thing must come from within our society in view of our unique history and not thrust upon us from external forces. This is the reason why we have constitutional filter of 371A to screen the parliamentary laws including constitutional amendments Acts so that the innate nature of the Naga society is prodded forever. Some may say that why should we not tune ourselves to modernity. We are modern without losing touch with our tradition, our way of becoming modern is little different with non-tribal societies becoming modern. We have our umbilical cord always fetter to our tradition, our ethnic and cultural practices. Naga society can never be severed from our unique cultural norm and that is the reason why constitution makers made Article 371A ... the Municipal Act Amendment was done in 2006 because of the court order to the state Government to enact 33 percent reservation for women. But to my mind, no court of law can enforce any Act of parliament in the State of Nagaland under special provision of Article 371A.”

The outcome was that, the cabinet decided to indefinitely postpone municipal and town council election citing law and order problem.

With the Special Leave Petition of the NMA/JACWR, the Supreme Court stayed the implementation of the impugned judgment and order of Gauhati High Court and passed the order on April 5, 2016, to hold municipal and town council election, however several senior advocates both in Kohima and Dimapur opined that the Supreme Court order on April 5, 2016 was not final.⁸⁷ With regard to this Nagaland government on 8th October 2016 issued a notification for holding municipal and town council polls with 33 percent reservation for women. The resolution which was passed on 22nd September 2012

⁸⁶ Nagaland Post dated 26th October 2016

⁸⁸ Nagaland Post dated 10th, 25th, 26th , 27th October 2016

NLA under Article 371A which exempted Nagaland from the applicability of Article 243T Part IX A was however revoked after much debate by voice vote by the 12th NLA on 24th November 2016.

Once again civil societies from various tribes have started to voice their opinion not to implement 33 percent women reservation. To cite the opinion of the Ao Senden,⁸⁸ “...voting rights may be granted to women nominee without contesting the election to the municipality in order to let the social, custom and usages of the Nagas intact by amending the existing provision of law. As for Aos there is no distinction between man and woman in our society.”

Reacting to the state government notification on 8th October 2016 for holding municipal and town council polls, the Kohima Village Council re-affirmed their decision against 33 percent reservation for women in municipality. It opines women who stand for open election and succeed should be welcomed and encouraged because women these days were proving themselves to be better than menfolks.⁸⁹

The government of Nagaland issued notification dated 4th and 18th November, 2016 to the State Election Commission for holding municipal election, and in exercise of the powers conferred by section 25(1) of the Nagaland Municipal Act 2001, directed the State Election Commission to hold the general election to constitute municipal and town councils in Nagaland with 33 percent reservation of seats for women. The State Election Commission on 21st December 2016, through a notification fixed 3rd to 7th January 2017 as the date for nomination of candidature which was later extended to 9th January 2017 in some areas where nomination could not be done due to opposition and bandh from civil societies, and 1st February 2017, as the date for Municipal and town councils election all over Nagaland with 33 percent reservation of seats for women. The decision of the state government to hold municipal and town councils polls was resented by almost all the Naga tribes and tribal bodies. Joint Co-ordination Committee (JCC) of the Central Naga

⁸⁸ Nagaland Post dated 1st November 2016

⁸⁹ Nagaland Post 10th October 2016

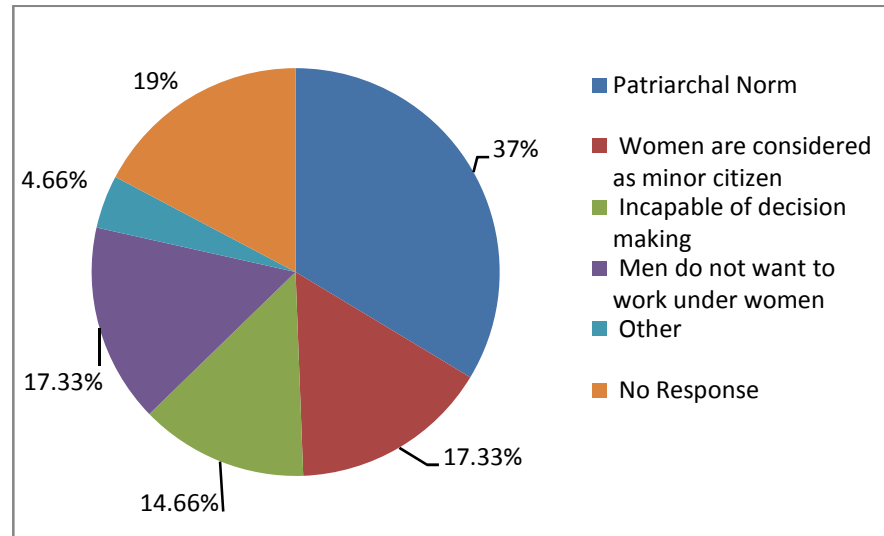
Tribes Council (CNTC) comprising of Ao Senden, Lotha Hoho, Sumi Hoho, was formed on 5th January 2017 to take up issues pertaining to ULBs election. Angami Public Organization, Angami Youth Organization (AYO), Chakesang, Eastern Naga Tribal Organization (ENPO), etc joined the movement against state government to hold the ULBs election with 33 percent reservation. JCC prevented the candidates from filling nominations and declared bandh. Candidates who filed for nomination were asked to withdraw their nomination and candidates who refused to withdraw their nomination were excommunicated by the respective tribal bodies such as; Aos 30 years, Angami 10 years, Sumi 10 years, Chakesang 7 years, etc according to each tribal customs. However 12 town councils area remained unopposed for the polls with 33 percent reservation. Major towns remained on bandh during the filling of nomination and JCC appealed the government to postpone the municipal election so that they will discuss the issue of women reservation in-depth with the public however, state government decided to go ahead for the civic polls with 33 percent seats reservation for women. When the time for municipal election approached the situation became intensified and bandh was imposed all over again in Dimapur, Kohima, Mokokchung, Wokha, Tuensang, Zunhehoto etc. in such tense situation Nagaland Baptist Church Council (NBCC) acted as the mediator between the JCC and the state government and urged both the parties to come to an understanding and let peace prevail in Nagaland. This led to a tripartite agreement on 30th January 2017, the government decided to postpone municipal election and the JCC would make people aware of 33 percent reservation to the concerned tribes. When all things were said and done the very next day, i.e. 31st January 2017, the state government declared to hold municipal and town council election in places where there is no opposition from the citizens. This infuriated fury among the public and protest started against the government the very day in different parts of the towns in Nagaland for breaching the agreement signed between the JCC and the state government. In Dimapur town the police fired at protesters outside Chief Minister T.R. Zeliang's residence which led to the killing of two protesters on the spot. Shooting also took place at Longleng town where police injured 12 protesters, one person succumbed to his injuries in Longkhim weeks later after the incident. While the 12 town councils went on polls on 1st February 2017. All these incidents created a huge law and order problem in Nagaland and added

more fuel to the fire. With so much external pressure the NMA/JACWR on 31st January 2017, withdrew its Public Interest Litigation which was awaiting its final hearing at Supreme Court of India. Following the withdrawal of the Civil Appeal and the writ petition from the Supreme Court of India on 1st February 2017, JACWR of NMA which has been spearheading the fight for 33 percent seats reservation for women stood dissolved and appealed all women organizations to function independently on the issue of women reservation.

A Committee called by the name Nagaland Tribal Action Committee (NTAC) was formed on 2nd February 2017, representing all the tribes of Nagaland to fight against 33 percent reservation of seats for women along with JCC. The NTAC and JCC jointly demanded the suspension of the Dimapur commissioner of police, and stepping down of Chief Minister T.R. Zeliang from his post, and to make the election conducted in 12 town councils null and void. Government fulfilled only one demand of NTAC and JCC by declaring the election conducted in 12 town councils null and void, Dimapur Commissioner of police was not suspended but transferred and Chief Minister refused to step down as he said, he holds support of majority of the legislators. Both these organizations declared indefinite bandh throughout the state of Nagaland starting from 13th February 2017, till their demands were fulfilled. The incumbent Chief Minister T.R. Zeliang stepped down on 20th February as a result bandh was lifted and normalcy was returned in the entire state.

Women and reservation in urban local self government is a much debated issue in Nagaland as we have seen above. Therefore, to know more on the opinion of citizens' respondents on reason for failure to implement reservation for women in Nagaland, the question what in your opinion is the major reason for the failure to implement reservation policy in Nagaland? Was asked to all the sample respondents (multiple choices). Below figure 4.16 gives a very clear picture.

Figure 4.6
Hurdles for failure to implement women reservation at urban local self government in Nagaland



It was found that 37 percent (111 respondents) opined patriarchal norm as the hurdle for failure to implement 33 percent reservation, 17.33 percent (52 respondents) opined women are considered as minor citizens, women are incapable of decision making was picked by 14.66 percent (44 respondents), 17.33percent (52 respondents) choose men do not want to work under women. 4.66 percent (14 respondents) opined there are other reason, 19 percent (27 respondents) did not give their opinion.

It becomes necessary to analyze the opinion of respondents on the failure to implement women reservation in detail according to the response pattern of four districts under consideration. To have a clear picture an attempt has been made here to analyze the opinion of respondents comparatively according to district in the following manner.

Table 4.8

Hurdles for failure to implement reservation for women at urban local self government in Nagaland according to four districts under study

N=300

District	Hurdles for failure to implement reservation for women						Total
	Patriarchal norm	Women are considered as minor citizens	Women are incapable of decision making	Men do not want to work under women	others	No response	
Dimapur	35 (35%)	18 (18%)	14 (14%)	26 (26%)	1 (1%)	6 (6%)	100 (100%)
Kohima	26 (52%)	6 (12%)	8 (16%)	5 (10%)	2 (4%)	3 (6%)	50 (100%)
Mokokchung	29 (29%)	21 (21%)	13 (13%)	14 (14%)	11 (11%)	12 (12%)	100 (100%)
Tuensang	21 (42%)	7 (14%)	9 (18%)	7 (14%)	-	6 (12%)	50 (100%)
Total	111 (37%)	52 (17.33%)	44 (14.66%)	52 (17.33%)	14 (4.66%)	27 (9%)	300 (100%)

It was found that Kohima district has the highest number of respondents with 52 percent on the opinion hurdles for failure to implement reservation for women because of patriarchal norm, Mokokchung district leads with 21 percent on the opinion Women are considered as minor citizens, Tuensang district has the highest percent 18 percent on the opinion Women are incapable of decision making, Dimapur district leads on the opinion Men do not want to work under women with 26 percent of the respondents comparatively according to the above findings.

This finding revealed that huge number of respondents 37 percent opined patriarchal norms as the main reason for failure to implement women reservation in Nagaland. Followed by 17.33 percent each respondent said hurdles for failure to implement reservation for women are; women are considered as minor citizens and men do not want to work under women respectively. 14.66 percent of the respondents opined that women are incapable of decision making.

Therefore, it can be inferred from the study that patriarchal norms is the main reason for the failure to implement 33 percent reservation in urban local self government in Nagaland. However, it is to be inferred that there are also other reason for its failure as seen from the above figure.

In the year 2012, the State Election Commission, Nagaland: Kohima prepared the electoral roll for all the municipal and town council wards in Nagaland. The list are given below, however if fresh elections of municipality are held as per state government notification dated 8th October 2016, the state election commission has notified that a revision of the electoral roll for all the municipal and town councils wards would be taken up by way of Special Revision with reference to January 2016 as the qualifying date.

Table 4.9
STATE ELECTION COMMISSION, NAGALAND: KOHIMA
MUNICIPAL/TOWN COUNCIL 2012

		Polling Stations				Total Electors			
Sl. No	Name of Municipal /Town Council	Total No. of Wards	No. of polling Station	No. of Auxiliary Polling Station	Total No. of polling Station including Auxiliary	Male	Female	Total Voters	Wards reserved for women for ensuing Election
Col. 1	2	3	4	5	6	7	8	9	10
1	Dimapur Municipal Council	23	102	23	125	66934	47121	1,14,055	
2	Kohima Municipal Council	19	56	6	62	32074	27339	59413	
3	Mokokchung Municipal Council	15	23	6	29	12542	12275	24817	
4	Jalukie Town Council	9	9		9	3301	3142	6443	
5	Kiphire Town Council	11	11	3	14	6863	5291	12154	
6	Peren Town Council	9	9		9	1895	1937	3832	
7	Phek Town Council	11	11		11	4989	3894	8883	
8	Tsemyu Town Council	9	9		9	2065	1958	4023	
9	Tuensan Town Council	13	31		31	13620	11464	25084	
10	Zunheboto Town Council	13	21		21	8428	7817	16245	
11	Mon Town Council	11	17	3	20	9328	7307	16635	
12	Longleng Town Council	11	11		11	4228	3285	7513	
13	Pfetsuro Town Council	11	11		11	3643	3709	7352	
14	Medziphema Town Council	9	9		9	2571	2319	4890	
15	Chumukidema Town Council	11	13	7	20	10888	9003	19891	
16	Nagimora Town Council	9	9		9	2391	2068	4459	
17	Changtongya Town Council	11	11		11	4103	3658	7761	
18	Tuli Town Council	9	9		9	3991	3683	7674	
19	Wokha Town Council	15	30		30	12706	10901	23607	
Total		229	402	48	450	206560	168171	3,74,731	

Source: State Election Commission

Table 4.10

Municipal Affairs Department, Government of Nagaland through Nagaland Post dated November 10th 2016 notified the reservation of seats for women in different wards for municipal and town council Polls in Nagaland.

Sl No	Name of Municipality	No. of Wards	Wards Reserved for Women	Total women
1	Kohima Municipal Council	19	3, 6, 9, 12, 15 & 18	6
2	Dimapur Municipal Council	23	3, 6, 9, 12, 15, 18, 21 & 1	8
3	Mokokchung Municipal Council	18	3, 6, 9, 12 & 15	5
4	Mon Town Council	11	3, 6, 9 & 1	4
5	Tuensang Town Council	13	3, 6, 9 & 12	4
6	Zunheboto Town Council	13	3, 6, 9 & 12	4
7	Wokha Town Council	15	3, 6, 9, 12 & 15	5
8	Kiphire Town Council	11	3, 6, 9 & 1	4
9	Phek Town Council	11	3, 6, 9 & 1	4
10	Peren Town Council	9	3, 6, & 9	3
11	Longleng Town Council	11	3, 6, 9 & 1	4
12	Chumukidema Town Council	11	3, 6, 9 & 1	4
13	Medziphema Town Council	9	3, 6, & 9	3
14	Tseminyu Town Council	9	3, 6, & 9	3
15	Pfutsero Town Council	11	3, 6, 9 & 1	4
16	Tuli Town Council	9	3, 6, & 9	3
17	Changtongya Town Council	11	3, 6, 9 & 1	4
18	Jalukie Town Council	9	3, 6, & 9	3
19	Nagimora Town Council	9	3, 6, & 9	3
20	Shamator Town Council	Newly formed Town Council		
21	Noklak Town Council			
22	Aboi Town Council			
23	Meluri Town Council			

Source: Department of Municipal Affairs

4.5 Arguments in favour of women reservation in Nagaland municipal government

1. Egalitarian socio-political order is a necessity. Constitutionally in all political spheres, the constitution of India proclaims equality of opportunities for both sexes. But this is yet to achieve in the state of Nagaland. Nagaland does not have Panchayat raj system therefore reservation of seats does not apply here. Women constitute nearly half of the total population but they are unrepresented in political sphere. Reservation of seats for women in Nagaland municipalities will lead to an equalitarian political order.
2. There are various areas where Naga women can be empowered. However political empowerment of women is above all the most important. Political empowerment of women will help them to have more access to the various level of authority. This will again give them chance to enrich their capacities and thus attain empowerment at various levels.
3. Although Naga women enjoy equal opportunities in many fields; be it in education, administration, social work, etc. But Naga women do not get equal chance to participate in political activities. The social and cultural set up is mainly responsible for this. If provision for women reservation can become a reality, women will get opportunities to participate in political activities too and the role of decision making power can be widened. Since women problem is best understood by women, empowerment of women through political participation will have a positive impact on solving problems which are specific to women. Women's perception towards socio-economic problems and their attitudes relating to political matter will change. This is expected to have a great impact in the process of women empowerment.

4. Since women orientation and outlook towards life situations are entirely different from that of men folk, women inclusion in urban politics will achieve a new outlook. Social issues and social problems which are basic to human life are best understood by women more. Interest will be emphasised on solving such basic problems rather than solving political problems. Division of labour according to one's interests and capabilities between men and women will be clearly defined and this will have a greater political impact on Naga society as a whole.
5. The argument with regard to reservation for women and customary practices and laws vis-à-vis Article 371(A) should be understood in the Constitutional context. Article 371(A) is in relation to the Acts framed by parliament and its ambit does not cover the Article of the Constitution itself. By the incorporation of Part XIA and Article 243T, in the Constitution of India through the 74th Amendment Act, the issue of women reservation in Urban Local Bodies (ULBs) is no longer debatable in relation to Article 371(A). With the incorporation of Article 243T in the Constitution of India, the debate to include women in ULBs has been removed from the preview of Article 371(A). Therefore reservation of seats for women does not infringe Article 371(A).
6. Naga customary laws are still in practice in every Naga village and have institutions set up to practice such laws. Nagaland Village Council Act of 1978 takes care of the village administration with customary laws and practices in intact which is protected under Article 371(A). Therefore, administration of village and town councils are different. Reservation of seats for women is not a subject covered by Article 371(A) of the Constitution and that 33 percent reservation of seats for women in ULBs will not affect customary laws and practices. It is perhaps time for attitudinal change in Naga mindset.

4.6 Argument against women reservation in Nagaland municipal government

1. It is a common notion that women take decision from their heart rather than from their head. Women have more emotions than men. It is believed that their emotions will affect and control them when handling serious issues.
2. There are many women in Nagaland who are very successful in public administration, educational institutions, Non-Governmental Organizations, etc who entered such profession purely on the basis of merit on equal footing with men. Therefore, reservation in political institution is not a compulsory requirement to empower them. It is believed that women in Naga society are no different to men in many fields, therefore, can enter into politics without reservation.
3. If empowerment of women through reservation becomes a reality in Nagaland, it is believed that it will only lead to formal empowerment and women will only be a mere member with no power for decision making. Experience also shows that women in Village Development Board (VDB) are not included during the meeting; they hold their membership only to take care of trivial things with no major decision making power. Women in municipal politics in Nagaland if entered with or without reservation will be no better than the women VDB.
4. In an equalitarian society like Nagaland where there is no gender bias, reservation of seats for women is not at all required.
5. Reservation infringes Article 371(A). Article 371(A) reads, the 13th Amendment of the Constitution shall apply to the state of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides give special provision for the state of Nagaland in regard to:

- a) The religious and social practice of the Nagas
- b) The customary laws and procedure
- c) Administration of a civil and criminal justice involving decision according to Naga customary laws
- d) Ownership and transfer of land and its resources

On considering the interpretation of customs, traditions and usages it is clear that the word customary denotes the traditional way of behaving or doing something that is specific to Naga society. Women were always highly regarded in traditional Naga society without any distinction, although they were never allowed to participate in the decision making process but women greatly influenced and shaped men in every decision taken both at the public and private spheres. Therefore, 33 percent reservation is contrary to the customary practices of the Nagas. Thus, it is important to understand the social and traditional practices of the Nagas.

CHAPTER-5

CONSTRAINTS AND PROSPECTS OF MUNICIPAL AND TOWN COUNCILS

CHAPTER 5

CONSTRAINTS AND PROSPECTS OF MUNICIPAL AND TOWN COUNCILS

5.1 Constraints of municipal system in Nagaland

Urban local self government in Nagaland faces many problems and constrains and these problems and constrains are common in every municipal and town councils. These problems can be taken as a challenge and as an opportunity. It is also seen that these problems are self created and evolved from within and not imposed from outside. The most familiar problem is what everyone knows i.e. the absence of election or failure to conduct election. Lack of timely support from the state government, complete lack of training of the employees in urban governance, in management, in accounts, in project planning, in implementation, in monitoring; lack of exposures of municipal employees; lack of awareness programmes to the tax payers on importance of taxpaying; no serious thoughts given to amend municipal act according to local needs and local conditions etc.

- i) **Defective recruitment and retirement policies :** It was found that Recruitment and promotions of the municipal staff were not based on any definite policy, it is necessary that municipal staff recruitment should be made by independent municipal service commission on the basis of competitive examinations to weed out the inefficient and protect the interest of the qualified.

It has been found that according to the opinion of municipal and town council labourers and sweepers there is no age limit for their retirement and are less paid. Since there is no pension scheme, as far as possible a legislation be made so that after retirement from their service an honorarium should be given as such labourers are often from economically poorer sections of the community.

It is important that the directorate of Municipal Affair should formulate service rules; rules and regulation for the superannuation or age of retirement for all the municipal and town council staff whether ministerial, administrative staff or labourers.

- ii) **Lack of training facilities for municipal staff:** Adequate training facilities should be provided to the employees along with promotional opportunities. It was found that there is no regular, systematic and planned arrangement of imparting training to the employees. There is very limited exposure especially in training on urban development. Only in rare case there was instance in Kohima Municipal Council where Superintendent and his staff got the opportunity for exposure to see how other municipality in the country and abroad are performing, apart from that no other municipal and town council in Nagaland has done such trip. Such training facilities will provide for maintaining harmonious relations between municipal staff both within and outside. Today it has become pertinent to send selected municipal employees for training purpose to municipal training institute in Guwahati, Kolkata, Delhi or Mumbai.
- iii) **Absence of relationship with other urban local self government:** It was found that apart from Kohima and Dimapur municipal councils there is no relationship established among municipalities in Nagaland and with other municipality outside the state. For better development activities to be achieved, it is important that exchange programmes where ideas are disseminated and shared be held occasionally with the advanced municipalities and metropolis and these new ideas be implemented within its town jurisdiction if possible if it is within its municipal fund.

- iv) **Lack of proper town council office buildings:** It was found out that many town council office establishments are in worn out dilapidated conditions where complete renovation is needed or a new structure be build. Studies reveal that revenue generated can hardly pay for its employee's salary in some town; town council employees are unable to even face-life or white wash its offices. If election to the municipal and town council is not conducted at the earliest renovation and construction works will be a far away unfulfilled dream because such grants for development of towns would not be forthcoming if municipal and town council election not is held (as per the recommendation of 14th Finance commission).
- v) **Unstable financial position of municipality in Nagaland:** Like any other government establishment municipal staff follow all the government working and non-working days. But since they are paid only through monthly collection of revenue. Through a group discussion with the council employees, it has been found that in Tuensang Town Council due to irregularities in payment of taxes and revenues the staff suffered delay in payment of salaries. Sometimes they said their salaries were bending for 2-3 months in the last 3-4 years back (August 2014 fieldwork). They also opined that if municipal and town council elections were held then such problems would not arise, because they said such incident never happened when there were elected representatives. This is just a case of one town, but similar incident might be happening elsewhere in other towns too. Therefore, if government fail to conduct municipal and town council election, appointment of Administrator under Municipal Act 2001 section 82 Appointment of an Administrator when election cannot be held and section 83 Appointment of an Administrator in special or emergent circumstance and powers and duties of such administrators should be fully utilised as according to the Municipal Act 2001, so that such incidents should not occur in the future. Because basically, ill-paid and un contented staff will not only fail to raise resources but also cannot exploit well whatever has been raised. Therefore studies reveal that

municipal civil service is a neglected field in Nagaland as important aspects like services, recruitment, promotion, training, timely election for recruitment of municipal and town council representatives are always delayed and often a matter of great debate today. It is necessary that there should be a strong personnel system that needs to be evolved if municipality as a system of democratic decentralisation is to function in Nagaland.

- vi) **Failure to conduct municipal and town council election:** Through contacts, fieldwork and interaction with municipal staff they opined that there are many loopholes because of the absence of elected municipal council members. They said there is a great difference with the presence and absence of elected representatives. If it is found that lack of leadership or authoritative figure to command its staff and reign the town towards development, retards its growth and missed many opportunities that come along. As it has been found out that the 14th Finance Commission has recommended that grants for development of towns would not be forthcoming if municipal and town council election is not held in Nagaland.

The study also revealed that all the staff of municipal and town council have a strong desire that municipal and town council election should be held at the earliest and that its powers and functions be diffused at the earliest for progress and development.

- vii) **Necessity of state government's timely intervention:** Because of inability of the state government to address the issue of municipal and town council election with regard to 33 percent seats reservation for women in municipality; with this issue/debate going on for nearly a decade, this study found that timely interference of the state government in the affair of the municipality is important. Since municipal government is a part of the process of democratic de-centralisation at the grass root level, interference of the state

government is unavoidable. Therefore, timely intervention by the state government and attention to solve its various issues becomes a necessity.

- viii) **Lack of town planning:** Congestion of towns of Nagaland is another major problem. There is complete lack of town planning. In Kohima the capital of Nagaland traffic congestion is the order of the day, even Mokokchng town today is not free from traffic congestion. It is the duty of municipality to look into such matter. With proper management traffic congestion can be minimised and reduced. Roads can be widened and broadened as far as possible where there is no settlement, along with it demolition of illegal construction like that of Dimapur should be considered as an option for proper space. This will not only widen roads but proper drainage system and public foot path can be build. However this will be possible only when citizens fully co-operate.

- ix) **Land ownership issue:** Another problem is with regard to development and beautification of town and locality v/s ownership of land. The study reveals that there have been many instances where development activities were hampered due to land owner issue. To cite an example, officials of Kohima Municipal Council (KMC) were of the opinion that they had to buy the same plot of land twice or thrice, as the land owner claimed (supposed to be brothers/relatives) they were not aware of such transactions or that the share of money was not equally divided and therefore claiming that the land still do not belong to KMC or is not the property of KMC. KMC official said, with no option left they have to pay and buy the same plot of land again. Another instance is the side of scientific land fill at Lirie in Kohima for waste management. The boundary lines demarcated during purchase and now (August 2015, fieldwork) seemed to alter. The owner claimed certain part of land towards the boundary was never sold while KMC claimed it was part of the land during the initial measurement. According to KMC a small part of the land has been encroached by the land owners. This kind of issues regarding

land and ownership has been often encountered by KMC and which hampers developmental activities. It is to be noted that such instances was not seen with other municipal and town councils. Therefore this does not lead to the general conclusion that there is such issue throughout the state.

- x) **Problems with Municipal tax:** Nagaland land holding system being entirely different from the rest of the country. Nagas are of the opinion that taxation on land and building was a serious issue and unacceptable which they felt it was a direct infringement of Article 371A. There is a notion that Nagaland Municipal Act 2001 is defective as some of the provisions in the Act are not applicable to the state of Nagaland. Ao Senden the apex body of the Aos through Nagaland Post on 1st November, 2016 under the caption “*Civic polls without amendment to Municipal Act 2001: Ao Senden*” and “*Ao Senden appeals to Chief Minister for amendment of Municipal Act, 2001.*” The Ao Senden appealed the government to delete section 120(1) (a) of the Municipal Act that deals with “a tax on lands and buildings.” According to Ao Senden this section of the Municipal Act would “snatch away ownership of land and building from the Nagas” within areas covered by municipal and town councils. The Ao Senden also pointed out that under various clauses of section 120/123/144/182/194 of the Nagaland Municipal Act 2001 would eventually render Nagas landless/slave in their own land. The Ao Senden also opined that regarding reservation of seats for women, voting rights may be granted to women nominee without contesting the election to the municipality in order to let the social, custom and usages of the Nagas intact.

xi) **Problems of Administration:** In the evolution of Municipality in Nagaland, the Nagaland Municipal Act 2001 provides for elected chairman of municipality and its executives who will be responsible to the urban citizens it governs, but unfortunately its executive functioning has been paralysed due to failure to conduct municipal election and such powers and duties have been vested over to government officer who is known as Administrator. Usually in

every district headquarters the Additional Deputy Commissioner (ADC) takes additional charge for the administration of the municipality in the town in which he is posted, and the remuneration of the Administrator is to be paid out of the municipal fund according to Section 82 (2) of the Nagaland Municipal Act 2001. Dimapur and Kohima municipalities have full time ADC attached to the municipal offices. In towns which have town councils the charge is taken over by SDO (Civil). The real problem here is, these government officials are not posted longer than 1 or 2 years or sometimes for shorter period and often get replaced by new ones, studies have revealed that even though there are permanent municipal staff, the often in and out of the administrator affects the normal routine as the new administrator usually takes time to absorb fully into the working of the municipality to which he is posted or attached to. Practically, it is understood that if heads of municipal administration belong to the state cadre and serve the municipality on deputation the administrator would not be able to exercise full and satisfactory control over their staff. If municipality in Nagaland can achieve political accountability political leadership will become meaningful and the municipal management can be made proactive and responsible.

However problems of municipal administration are many and complicated and it can be remedied only when the much awaited municipal and town council election is conducted with or without reservation. It is observed that state government should find a solution as early as possible because delay in municipal and town council election will only delay developmental activities to take place, as it is already seen that central government grant in aid and funds are not availed to the state because of lack of elected town councillors.

5.2 Prospects of Municipal system in Nagaland

Looking from the perspective of its initial set up, municipality and municipal governance in Nagaland have made great progress and development. However municipality in Nagaland have still a long way to go in making democratic decentralisation at the grass root possible. Nagaland state according to 2011 census has percentage of 80.11 literacy rate. This huge human resource can be utilised to the fullest possible extend. From the beginning Nagas are democratic in their approach towards village administration and this democratic nature along with education can be a strong binding force in cementing modern democracy along with local needs and aspirations in urban local governance level. Therefore it is felt that the prospect of urban local self government in Nagaland is not at all doubted to be implemented fully only if its citizens are willing. Urban local self government though have long past, but its working in its true sense has a very short history in Nagaland. Therefore prospect of municipal governance in Nagaland will largely depend on the political will and on the politics of interference by the state government. However with all possibility conflict of interest between state politicians and municipal personnel should be prevented, if this can be done then the prospect of municipality in Nagaland can be ushered in, in development, good governance, in the process of democratic decentralisation, maintenance of cleanliness and sanitation, protection of property, etc .

In order to serve its citizens better and for the sake of good governance and transparency municipal grievances cell can be established in all municipal and town council offices where a designated section officer or a separate cell for the redressal of grievances of the public can be taken up like in other state's municipal system. Citizen can seek redressal of their grievances through application addressed to the superintendent or municipal/town council chairman in case if there is such elected representative.

In spite of the fact that an illustrative list of functions have been laid down by the twelfth Schedule of the Constitution of India such as water supply for domestic and industrial and commercial purposes, public health, fire services, education such functions have been well taken care of by the state government. Like any other municipality in India, municipality in Nagaland, can have its own educational institute (school) managed

solely by municipality, its own hospitals and dispensary, water supply within its municipal jurisdiction, which is now under state government's patronage. This will be possible only when there is strong personnel system for its management and a good source of revenue for its initial set-up; once it is well established the concern department itself will be able to generate enough revenue for its maintenance and further development. It is hoped that when municipality in Nagaland become a full fledged municipality with elected representatives such services can be taken care of slowly by the municipality along with financial aid from the central and state government to serve its citizens better.

Nagaland state can also be developed like the state of Sikkim with lots of revenues generation through inflow of tourist both domestic and international; their towns are clean and well developed and have a strong municipal system. Towns in Nagaland can also be like the towns of Sikkim because both come under small states category and are easily manageable as compared to other large metropolis or municipalities. This will be possible only when citizens' of Nagaland are aware of their responsibilities as a citizen and their co-operation at the fullest possible extent and municipality in turn serve its people by making them aware of its policies and programmes, because municipality exist because of its citizens and municipality without its citizen will cease to exist as it is a two way process.

Another area where municipality can improve its services for its citizens can be; municipality can build pay and use toilets both for male and female taking into consideration locations, distance between such toilet and population. There have been traces of such new buildings coming up in Dimapur and Kohima municipality otherwise no town in Nagaland have such facilities except in shopping complex constructed by that municipality concerned. This will not only relieve the people but can generate revenue for its maintenance, and minimising fowl smells and contributing to cleanliness and breathe of clean air.

Towns or main towns are often located far from homes even for those living within the municipal jurisdiction. If it is within the limit of municipal fund, municipal and town council can run city buses plying from the main town to a particular location and

back again with a minimum fare than private taxis. This is hoped to reduce traffic congestion and pollution. Or for that matter from one municipality to the nearest municipality in another town as many towns are still not well connected by proper transport facilities, as it is seen only major towns are covered by Nagaland State Transport (NST). If this system is introduced it is hoped that it will also foster trading communities to introduce their commodities in the nearby town which will improve their economy and living conditions too.

All of north eastern states including Nagaland are earth quake prone area. Almost all the structures in Nagaland that have been constructed are not planned and supervised and executed by experts and are not safe if earth quake of high magnitude like that of Nepal (2015 earth quake in Nepal) occurs in Nagaland. Municipal government should have mobile laboratories to access the seismic safety of buildings. Till today the citizens of Nagaland have not seen any outbreak of major epidemic diseases, but with advancement of society comes along with it serious health issues. Therefore it is high time for each local government to be equipped with such facilities so that response to such disaster and its management is quick, if any such untoward incident/disaster/outbreak happens.

Town planning is another very important aspect. Proper town planning is not implemented in Nagaland so far. In such case, it is high time to bring Experts from other states having experiences to solve problems or in locating problems and improving urban management and local area planning and governance.

To foster exchange of thoughts and ideas municipal employee representing every municipal and town council can have joint meeting frequently and the venue of the meeting selected on rotational basis. This will help municipal and town council employees to encourage one another, to exchange thoughts and share problems each municipality faces and try to bring solution to each problems will be a very nice effort. There is an urgency to have such meeting for institutional co-ordination and internal co-ordination. Such is in practise in the state of Assam, and their experience shows that such frequent meetings and exchange of thoughts and ideas in Assam have been very helpful in locating problems and improving urban management and local area planning.

Exchange visit to other states having better urban governance will be very effective and forth coming. This will help the municipal officials to learn from those states which have better urban governance and the ideas learnt can be brought and implemented in the state's urban local government. In Bangalore according to Shyam B. Medhi head of the municipal administration department Guwahati, Assam, (2006) there is a 24 hour call centre introduced for effective clearance of garbage in the city. Residents of all 100 wards can register complaints in a call centre or HELPLINE-through phone or email. Such programme can also be introduced on pilot basis in one of the three municipal councils in Nagaland, and if found to be successful can be implemented in other towns.

Kohima Municipal Council from the year 2011 gives award for best inter-ward cleanliness to encourage wards and the general public for awareness and better management of waste at the household, wards, colonies and has been found to be very successful according to KMC officials. Such programme can also be implemented in towns of Nagaland where there is municipal and town council establishment. Along with that awards can also be given to dedicated municipal workers and labourers. This will create awareness to citizen on cleanliness, sanitation and waste management.

CHAPTER-6

SUMMARY AND CONCLUSION

CHAPTER 6

SUMMARY AND CONCLUSION

Like any other municipality, municipality in Nagaland faces various problems as we have seen in the preceding chapters. The case of decentralisation of power and responsibilities of urban local government which have been enshrined in the 74th Constitutional Amendment 1992 has become formidable today. The process of democratic de-centralisation and political autonomy of municipal bodies would be meaningless unless elected municipal leadership has control over the municipal personnel. In view of fast growing urban areas, management of urban development has become an urgent task and a necessity. All these can be achieved only when municipal personnel and staff are all accountable and transparent and its citizens' proactive, responsive and co-operate in all the activities of the municipality.

- Coming to the first hypothesis, introduction of municipal and town councils in Nagaland initiates better developmental activities is found to be partly true, as major developmental works cannot be done from the meagre revenue generated through toll tax, trade license fee, hoarding, parking fee, import/export coupon as these revenue are mostly used to pay employees salary, building and repairing of drainage, waiting shade, urinals, maintenance of sanitation vehicles etc. No doubt municipality has ushered in much progress and development in a Nagaland, however extent of change of towns after introduction of municipality is found to be slow (see chapter 3 figure 3.1)
- The second hypothesis lack of transparency and accountability leads to poor performance of the council is found to be true. Respondents' opinion from chapter 3 figure 3.4 which shows level of transparency and accountability in municipal government in Nagaland is in support of this statement.

- The third hypothesis citizens' participation and co-operation bring greater achievement in the work carried out for progress and development is also found to be true (see chapter 4 figure 4.4). Urban political system becomes successful because of political legitimacy and citizens' participation. Urban local bodies provide the desired services which are essential for the convenience, better standards of living and welfare of the people living within its jurisdiction. Therefore the more citizens' participate; the greater is the achievement of Urban Local Self Bodies in the work carried out for progress and development.

6.1 Suggestions and recommendation

The 74th Constitutional Amendment set provision for institution of self-government at the urban local level with regular election. The state election commission has been given the power to conduct fair and regular election to these bodies. However election to urban local self-government still remains a lacuna in Nagaland. The 12th Amendment (Article 243W) provides a list of 18 functions to be carried out for promotion of welfare and administration of the governed. But as we have seen many functions are not performed by municipalities in Nagaland as water supply for domestic, industrial and commercial purposes, public health, fire services, promotion of cultural and educational and aesthetic aspects are all taken care by the state machinery. It is expected that when municipality in Nagaland becomes well established, all these functions can be carried out along with the state machineries. Thus, it is believed that the greater the power of municipality, the better it will be able to serve its people. The devolution of all these functions to the municipality will help the municipality to serve and perform its duties and functions effectively.

The much talked about women reservation in Nagaland if implemented, prior chance should be given to those women who are politically active in state politics and not to new comers in politics. Studies conducted by Archana Ghosh on Women's Reservation and Electoral Politics in Urban Local Bodies; An Analysis of Chennai Municipal Corporation Election, 2001 found that, "majority of the elected women occupied seats vacated by their male relatives, therefore they are not real decision makers

but proxies.” If this kind of trend is followed in Nagaland municipality will face real danger and women will just be a puppet at the hands of male, therefore ample care should be taken while nominating a women candidate. Women who have strong public figure must be considered. A critical understanding of the Naga patriarchy has to be made, there is a need to deeply relook at the complexities of the issues because claims of Nagas claiming Naga society to be traditionally equalitarian and women exist in equal footing with men is a delusion in the case of women participation in politics. Had the NMA/JACWR not taken the case to the Supreme Court to implement 33 percent women reservation in Urban Local Bodies in Nagaland, the situation would have been different and the opposition from various Hohos (bodies) against reservation and the violent turn of events that Naga society faced as a result of government decision to hold municipal and town councils election with 33 percent reservation would have averted. Naga women chance of entering into politics with 33 percent reservation could have achieved if women group had not been too adamant to file a court case against state government at the Supreme Court for 33 percent reservation. If NMA/JACWR on women reservation had approached Naga male through negotiation and dialogue and not appeal through court case, Naga male could have been convinced if not now immediately but later. Today the long fight (6years) of NMA/JACWR have been pushed aside and the much talked about women reservation have become a delusion.

Today Naga society is at a juncture where Naga needs to preserve traditional values and practices on one hand and on the other to embrace development and its associated modern machinery that comes along with modernity even embracing modern method of governance where women political participation has become a paramount importance. However in the dialectic between tradition and modernity Nagas should be careful to preserve traditional values and practices, and even give room for aged old customs and traditions a chance for modification and adjustment to suit modern ways of life.

Arrangement can be made not to infringe upon Naga traditional values and rights protected under Article 371(A) of the Constitution of India. In Nagaland, in place of Panchayati Raj, Nagas have Village Council guaranteed under Nagaland Village Council

Act 1978 so reservation of seats for women does not apply here. However in the structural arrangement of Village Development Board (VDB) in each village representatives both males and females are nominated and not elected with 25 percent women as board members. Similar arrangement can also be introduced in the case of urban local self-government in Nagaland which will work in tune with modernity but retaining Naga tradition and if found that women councillors are working effectively then 33 percent reservation can be implemented simultaneously because with dialogue and understanding everything is possible and Nagas can have reservation in an amicable form.

For a Naga land is everything, land is very dear to him, he derives his identity from land, and he fights for land. Thus his life revolves around land. Therefore to part from land is like giving away his identity and rights. It is in this context that it is unimaginable for a Naga to pay 'tax on land' as according to Nagaland Municipal Act 2001. Nagas do not accept the very notion to pay 'tax on land' even by the most educated and honourable men. Nagas have fought many battles (headhunting) for land in the past, are fighting for land now and will continue to guard their land even in the future. The Nagas contentions of refusing to pay 'tax on land' is that since time immemorial Nagas have been living in their own land and never had they paid anything in the form of 'tax on land' to anyone.

However this has to be understood from a broader perspective. For good governance sake, it becomes necessary for every ULBs to function and perform its duties effectively. In order to perform these functions ULBs needs resources for which they need the contribution of the people it governs, because it is a known fact that revenues generated are not able to meet the basic needs for the survival of the municipal system. Development and beautification of town areas these ULBs govern remain unfulfilled and more so due to absence of election funds from the centre and the state remain untapped. All these will be possible only when elections are conducted and urban leadership becomes well defined. The public on the other hand needs to be pro-active and dynamic in their approach and in understanding of the problems. Nagas need to understand that paying 'tax on land' to the municipality does not mean selling away ownership rights of

land as Nagas claim but it has to be understood that their contribution and participation in the form of paying tax on land in municipal area is to achieve more development and their contribution will ensure the governed for the smooth governance making democracy possible because mobilization of the public and their participation at the grass root democracy will only ensure their participation at the state and national level politics.

It is to be noted here that Nagas have traditional institutions and its applicability which strongly adhere to traditional customs and practices in the form of village administration in every village and every village administration functions as a guardian and an interpreter of traditional values and continue to guard those values which have made Naga society and culture unique of its own. Every Naga should put their heads together and resolve that the applicability of traditional customs and practices do not find place in Urban Local Bodies because there is difference in administrative arrangements and machineries between rural and urban administration. Municipal body is a constitutional body and that their functions are quite different from traditional village administration. Thus, D.P. Mukherji's ideas on tradition and modernity should find place in Nagaland i.e. traditionally modern. Tradition performs the role of conserving or preserving unity and solidarity it is not 'conservative' because traditions changes by adapting itself to new situations. Tradition and modernity can never be together since they are complete opposite. However, a dialectics between tradition and modernity is possible which can be achieved through conflict and synthesis.

The late Lokmanya Tilak once observed that it was his firm belief that unless the local representatives were given full powers to govern their institutions there would not be true Local Self-Governments and without the creation of the real Local Self-Governments the true spirit of citizenship would not develop and democracy would not flourish. For the development of democracy and the creation of democratic socialistic society a firm foundation of Self- Government governed by local institutions is quite essential without which one cannot expect citizen's participation on a big scale and cannot evolve a creative society. While addressing the first conference of the Local Self Government Minister the late Pandit Jawaharlal Nehru observed as under:-

“Local Self Government is and must be the basis of any true system of democracy. The democracy may not succeed until it is build on the foundation from below.”

6.2 Implication of the study

The research studies the general workings, effectiveness and citizens' participation in municipal and town councils in Nagaland. This will provide a base for policy deliberations and bring positive change to the challenges that Urban Local Bodies in Nagaland faces today. The finding of the study is expected to help the state as well as the local governments to find out ways for various policy guidelines and directives to bring about positive and lasting changes and overall improvement in urban local self government.

The findings of the study will constitute not only valuable insight and attract the attention of the various policy framers but also provide a tentative starting point towards the greater understanding of the need and importance of the municipal governance as that of the provider of services to local communities and as a mechanism for democratic self-government.

It is expected that the outcome of the study will help the Council's officials, workers and the public to assess their performance on the contributions they made. This too will strengthen the decision making process. The findings of the study are expected to help in minimising problems of municipal governance in Nagaland.

6.3 Suggestion for further Research

Having examined the functioning of municipality in Nagaland, it was found out that there are some areas which need to be researched in this field. Some of the areas can be as:-

1. The present study was conducted in four districts out of 11 districts. Therefore similar studies can be conducted on a larger scale and carried out in all districts in Nagaland.
2. A study can be planned out to find out more indicators on land holding system for carrying out more activities on developmental process.
3. A study can also be done on participation of women in decision making bodies starting from grass root level such as village organisational level and why implementation of women reservation in urban bodies are not taking place like in other states of India.
4. Research in municipal Accounting can be done so that it will serve as a valuable guide for municipal auditors and officials.

Appendix

APPENDIX I

THE NAGALAND MUNICIPAL ACT (THIRD ANENDMENT) ACT, 2016

AN ACT

further to amend the Nagaland Municipal Act, 2001

Be it enacted by the Nagaland Legislative Assembly in the fifty-seventh year of the Republic of India as follows:

Short title and commencement:

1. (1) This Act may be called the Nagaland Municipal (Third Amendment) Act, 2016.
- (2) It shall come into force at once.

Amendment of Sections 23A and 23B

2. In section 23A and 23B of the Nagaland Municipal Act, 2001(as inserted by the Nagaland Municipal First Amendment Act, 2006), the words “Scheduled Castes” and the connected phrases and provisions relating to reservation for Scheduled Castes, shall be omitted.

Omission of Section 120(1)(a)

3. (i) Entry (a) in sub-section (1) of section 120 of the Nagaland Municipal Act shall be omitted:
- (ii) All references and operative provisions relating to “tax on land and buildings”, wherever these occur in the Nagaland Municipal Act, 2011, shall be deemed to have been omitted.

Amendment of Section 120(3)

4. In sub-section (3) of section 120 of the Nagaland Municipal Act, 2001, the words “be specified by the Government, by notification”, shall be substituted by the words “be proposed by the Municipality and approved by the Government which is to be conveyed by notification”.

Omission of Sub-sections (4) and (5) of Section 120

5. Sub-sections (4) and (5) of Section 120 of the Nagaland Municipal Act, 2001 shall be omitted.

Amendment of Sub-section (7) and (8) of Section 121

6. In Sub-sections (7) and (8) of section 121 of the Nagaland Municipal Act, 2001, the words “sanction” and “sanctioned” shall be substituted by the words “approve” and “approved” respectively.

Amendment of Sub-sections (2) of Section 123

7. In sub-section (2) of Section 123 of the Nagaland Municipal Act, 2001, the word “determined” shall be substituted by the word “approved”.

Omission of Sections 143, 144, and 145

8. Section 143, 144 and 145 of the Nagaland Municipal Act, 2001 shall be omitted.

Omission of Section 182(d)

9. (i) Entry (d) in Section 182 of the Nagaland Municipal Act, 2001 shall be omitted.
(ii) All references and operative provisions relating to “attachment and sale of a defaulter’s immovable property”, wherever these occur in the Nagaland Municipal Act, 2011 shall be deemed to have been omitted.

THE NAGALAND MUNICIPAL (THIRD AMENDMENT) ACT, 2016

(As passed by the Nagaland Legislative Assembly on the 24th November, 2016)

This Act was passed by the Nagaland Legislative Assembly on 24.11.2016

Kohima

The 24th November 2016

Sd/-

CHOTISUH SAZO

Speaker

Nagaland Legislative Assembly

I assent to this Act

Kohima

The 28th December 2016

Sd/-

P.B. ACHARYA

Governor

APPENDIX II

Omission of sections in Municipal Act 2001 by third Amendment Act 2016

Section 120(1)(a). a tax on lands and buildings

Section 120(4) The Government may, by general or special order, direct a Municipality to levy any tax referred in to sub-section (1) if not already levied, at such rate and within such period, as may be specified in the order and the municipality shall thereupon act accordingly.

Section 120(5) If the municipality fails to carry out any order referred to in sub-section (4), the government may, by an order published in the Official Gazette, levy the tax at such rates as may be specified in the order, and the order so passed, shall operate as if the tax has been levied by Municipality under sub-section (1) or sub-section (2), as the case may be.

Section 143. Incidence of tax on lands and buildings-

- (1) The tax on lands and buildings shall be primarily leviable,-
 - (a) if the land or building is let, upon the lessor;
 - (b) if the land or building is sublet, upon the superior lessor, who has sublet such a land or building, as the case may be; and
 - (c) if the land or building is unlet, upon the person in whom the right to let such land or building
- (2) If any land has been let for a term exceeding one year to a tenant and such tenant has build upon the land, the tax on lands and buildings assessed in respect of the land and the building erected thereon, shall primarily be leviable upon the said tenant, whether the land and building are in the occupation of such tenant or a sub-tenant of such land.

Explanation- The term “tenant” includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer inter vivos.

- (3) The tax on any land or building, which is the property of the Municipality and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licensee, as the case may be.
- (4) The liability of the several owners of any land or building constituting a single unit of assessment, which is or purports to be severally owned in parts or flats or rooms for payment of the tax or any instalment thereof, payable during the period of such ownership, shall be joint and several:

Provided that the Chief Officer of the Municipality may, apportion the amount of the tax on such land or building among the co-owners.

Section 144. Recovery of taxes on lands and buildings from occupiers-

- (1) On the failure to recover any sum due on account of the taxes on any land or building from the person primarily liable therefor under section 143, the Chief Officer of a Municipality shall, notwithstanding anything contained or in any other law for the time being in force, recover, from every occupier of such land or building, by attachment of the rent payable by such occupier, a portion of the total sum due, which bears, as nearly as may be, the same proportion of that sum, as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of such land or building.
- (2) An occupier, from whom any sum is recovered under sub-section (1), shall be entitled to be reimbursed by the person primarily liable for the payment of such sum, and may, in addition to having recourse to other remedies that may be open to

him deduct the amount, so recovered from the amount of any rent becoming due, from time to time, from him to such person.

Section 145. Taxes on lands and buildings to be a first charge on premises-

The taxes due under this Act in respect of any land or building shall, subject to the provisions of section 181, be a first charge-

- (a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable for such taxes and upon the goods and other moveable properties, if any, found within or upon such land or building and belonging to such person; and
- (b) in case of any other land or building, upon such land or building and upon the goods and other moveable properties, if any, found within or upon such land or building and belonging the person liable for such tax.

Section 182(d) by the attachment and sale of a defaulter's immovable property.

Annexure

ANNEXURE

Sl.No: _____

Ph.D QUESTIONNAIRE

“A Study of Municipal and Town Councils in Nagaland”

Objective: The purpose of this questionnaire is purely an academic data collection. Therefore respondents are requested to give their frank judgement without any hesitation on the study of Municipal and Town Councils in Nagaland.

Note: Before the main operation of data collections begin a pilot study was conducted testing the questionnaire from 10 respondents in Mokokchung Town. After which the questionnaire was used to collect data from 300 respondents from the study areas which was discussed and analyzed in the body of the thesis.

Personal Details of the respondents

Name of the respondent:

Age:

Sex: a) Male ☐ b) Female ☐

Tribe:

District:

Religion.....

Denomination:

Educational qualification:

a) No formal education ☐ b) Under matric ☐ c) Matriculate ☐

d) Higher Secondary ☐ e) Graduate ☐ f) Post-graduate ☐

g) Post-graduate and above ☐ h) Others (specify)

Occupation:

a) Government employee ☐

b) Private employee ☐

c) Self-employed ☐

d) Student ☐

e) Others (specify)

Residence:

a) Permanent ☐

b) Non-Permanent ☐

Information about Municipal and Town Councils

1. Is Municipal/Town Council an advantage for its citizens?

a) Yes ☐ b) No ☐

2. Does Municipal/Town Council bring progress and development in your town?

a) Yes ☐ b) No ☐

If Yes/No give comments.....

3. Is Municipal/Town Council important in your town?

a) Agree ☐
b) Strongly agree ☐
c) Disagree ☐
d) Cannot say/Undecided ☐

4. Are you interested in Municipal/Town council administration?

a) Yes ☐ b) No ☐

5. How do you know about the existence of Municipal/Town council in your town?

a) Family members/ friends/ neighbour ☐
b) Mass media ☐
c) Regular tax payer and beneficiary ☐
d) Civic books ☐

6. What is your extent of interest in Municipal/Town council administration?

a) To a great extent ☐
b) To some extent ☐
c) To a less extent ☐
d) Not interested ☐

7. To what extent has your town changed after the introduction of municipality?

a) Changed a great deal ☐
b) Change is slow ☐
c) Same as before ☐

8. Do you agree that your town is clean, tidy and developed because of Municipal/
Town Council?

- a) Agree ☐
- b) Strongly agree ☐
- c) Disagree ☐
- d) Strongly Disagree ☐
- e) Cannot say/Undecided ☐

9. Do you think that the Municipal/Town Council is responsible for social and
economic development in your town?

- a) Yes ☐
- b) No ☐

10. Is awareness and knowledge of citizens enhance participation in Municipal/Town
council activities?

- a) Yes ☐
- b) No ☐

11. Do you believe our culture and traditions (attitudes, values, beliefs, etc) support
the municipal system?

- a) Yes ☐
- b) No ☐

12. Do you think interest in local government stimulates awareness and interest in
governance at the state and national level?

- a) Yes ☐
- b) No ☐

13. Are you aware of the different mandatory and obligatory functions of
Municipal/Town council?

- a) Yes ☐
- b) No ☐

14. In the previous years when elections were held for selection of Municipal/Town
Council members, do you think it was conducted fairly?

- a) Yes ☐
- b) No ☐
- c) Cannot say/Undecided ☐

15. Are you interested in the election of the Municipal/Town Council?

- a) Yes ☐
- b) No ☐
- c) Cannot say/Undecided ☐

16. Is the ruling party of the state has direct influence in the election for the Municipal/Town Council members?

- a) Yes ☐
b) No ☐
c) Cannot say/Undecided ☐

17. Do you think that knowledge of politics and citizen participation mutually interdependent for effective municipal governance?

- a) Yes ☐ b) No ☐

18. Do you think the state government interfere with the local administration?

- a) Yes ☐ b) No ☐

19. Is the state government interference with the local administration essential?

- a) Yes ☐ b) No ☐

20. Do you participate in developmental works like road construction, construction of footpath, bridge, cleanliness drive, etc organized by the Municipal/Town Council?

- a) Yes ☐ b) No ☐

21. Do you participate in the activities of the Municipal/ Town council?

- a) Yes ☐ b) No ☐

22. Is your participation out of your interest or forced upon?

- a) One's interest ☐
b) Forced upon ☐

23. Do you participate without any knowledge of the municipality?

- a) Yes ☐ b) No ☐

24. What stimulates your interest and participation in the activities of Municipal /Town council?

- a) Personal attitudes ☐
b) Motivated by friends ☐
c) Motivated by parents ☐
d) Stimuli received from the environment ☐

25. What is the reason that creates interest for your participation in Municipal/Town council governance?

☐

- a) Interest in politics ☐
- b) Interest in public service ☐
- c) Interest in development of locality ☐
- d) Persuasion by family members ☐
- e) Parents/relatives are associated with municipal administration ☐
- f) No specific reason ☐

26. Are you satisfied with the developmental activities brought by the Municipal/
Town Council?

- a) Yes ☐ b) No ☐

If No, can you please give three reasons

- a.
- b.
- c.

27. Do the public have a role to play in the activities of the Municipal/Town council?

- a) Yes ☐ b) No ☐

If yes, what is it?
.....

28. Are you satisfied with the distribution of performance of the council?

- a) Drinking water ☐
- b) Education ☐
- c) Health ☐
- d) Sanitation ☐
- e) Recreation ☐
- f) Communication ☐
- g) Housing ☐
- h) Beautification of town ☐

29. Do you think that there is transparency in the working system of the Municipal/
Town Council?

- a) Yes ☐ b) No ☐

If No what are the problem areas?

- a)
- b)
- c)

30. Is effective leadership of the chairman has a direct bearing for bringing development programme in your town?

a) Yes ☐ b) No ☐

If Yes/No give reason.....

.....

31. Is Municipal/Town Council members/officials dedicated in their works?

a) Yes ☐ b) No ☐

If No what do you expect from them?

.....

32. Do you agree that Municipal/Town council will function effectively without the council's meeting?

a) Agree ☐
b) Strongly agree ☐
c) Disagree ☐
d) Cannot say/Undecided ☐

33. Do you think that the leaders of the council are corrupted?

a) Yes ☐ b) No ☐ c) Cannot say/Undecided ☐

If yes, can you list at least three statements that will support your answer?

a)
b)
c)

34. Do you think that women should be included in the Municipal bodies?

a) Yes ☐ b) No ☐

If No, give some reason to justify your answer?

a)
.....
.....

35. Do you think that reservation of one-third of seats to women in the municipality under Article 243T will affect the norms of patriarchy in Nagaland?

a) Yes ☐ b) No ☐

36. What do you think are the hurdles for failure to implement reservation for women at the urban local government level in Nagaland? Please write serial number 1,2,3, etc in order of priority according to you.

- | | | |
|----|----------------------------------------|--------------------------|
| a) | Patriarchal norm | <input type="checkbox"/> |
| b) | Women are considered as minor citizens | <input type="checkbox"/> |
| c) | Incapable of decision making | <input type="checkbox"/> |
| d) | Men do not want to work under women | <input type="checkbox"/> |
| e) | Others (please specify) | |

37. Do you think that women participation in the municipal governance will affect the norms of patriarchy?

a) Yes ☐ b) No ☐

Why.....

38. What do you suggest for improving the financial position of the Municipal/Town council?

- | | | |
|----|-------------------------------------------------------|--------------------------|
| a) | More grant from the state government | <input type="checkbox"/> |
| b) | Imposing new tax | <input type="checkbox"/> |
| c) | Raising the existing Municipal/ Town council tax | <input type="checkbox"/> |
| d) | Raising finance through charity shows, donations etc. | <input type="checkbox"/> |
| e) | Others..... | |

39. Are you a tax payer or a beneficiary of the municipality?

a) Tax payer ☐ b) Beneficiary ☐ c) Both ☐

40. If you are a tax payer, do you pay tax regularly?

a) Yes ☐ b) No ☐

41. Do you think municipal tax is heavy?

- | | | |
|----|------------|--------------------------|
| a) | Heavy | <input type="checkbox"/> |
| b) | Moderate | <input type="checkbox"/> |
| c) | Light | <input type="checkbox"/> |
| d) | Not at all | <input type="checkbox"/> |

42. What according to you is the most important role of the Municipal/Town Council?

.....
.....
.....

43. What are your suggestions for the improvement of the Municipal/Town Council?

.....
.....
.....

44. What in your opinion will be the measure to improve/develop your town?

.....
.....
.....

If you have any suggestion/s, please use the space provided below.

Date:

Signature:

Illustration

ILLUSTRATION



Office of the Kohima Municipal Council



Mokokchung Municipal Council Office-cum-shopping complex



Entrance gate to Chumukidema Town Council Office



A partial view of Tuensang Town Council Office



A mega project of Kohima Municipal Council for waste management under the supervision of State Investment Programme Management and Implementation Unit (SIPMIU)



Mass Social work



Way to one of the raw dumping zones (above) raw dumping zone (below)





MMC Official speaking at the Sensitization Programme on sanitation under Swachh Bharat Mission Mokokchung (above) participants (below)





Modern Abattoir under construction



A scene of *watsü* (women's) bazaar at Mokokchung Municipal Council's Office-cum-shopping complex



The Scholar during one of the interactions



During Pre-Submission Seminar

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