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Social Sciences

WOMEN RESERVATION IN URBAN LOCAL SELF GOVERNMENT IN NAGALAND

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ABSTRACT

Naga women are independent and free and their role in the community and family are considerably recognized. As far as customary law is concerned she has no right to participate in the decision making at the village administrative unit. From time immemorial to till date one cannot trace any women as its members. Women do not participate in the administration of the village irrespective of who they are. Traditionally they are not entitled to membership in the village administrative system and hence have no say in the decision making process. This view with its roots in tradition has also taken its sway in the urban local self government and which has become a much debated and serious issue in Naga society today. The study analyzes obstacles to women reservation in urban local self government in Nagaland vis-a-vis customary laws and practices.

Introduction

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 concerned Naga women are not allowed to participate in community debates or discussions. This practice continues till date. Hence women in every tribe are unrepresented at the village administrative unit. In urban local self government too this tradition of excluding women from decision making bodies has taken its sway and which has become a much debated and serious issue today. Therefore, Naga woman 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 clings in the way of women reservation.

Objective: To examine women reservation in urban local self government in Nagaland and the reason for the failure of its implementation.

Methodology: Both primary and secondary sources have been used. The study is based on purposive random sampling. Out of 11 (eleven) districts in Nagaland, 4 (four) districts covering 3 (three) municipal councils and 3(three) town councils were selected. A random number of 300 (three hundred) respondents was used to cover the sample universe using questionnaire method. Fifty (50) each sample respondents from the six samples municipal and town council areas was taken as the universe of the study.

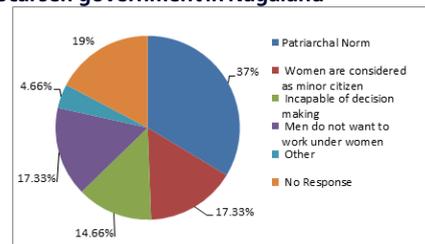
Women reservation in municipal government in Nagaland

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 Nagaland Legislative Assembly 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 state Election Commission on 21st December 2016, through a notification fixed 3rd to 7th January 2017 as the date of nomination of candidature which was later

extended to 9th January 2017. 1st February 2017 was fixed as the date for the municipal and town council election with 33 percent reservation of seats for women. However the decision of the state government to hold municipal and town council election with 33 percent reservation of seats for women was resented by almost all the Naga tribes and tribal bodies and municipal election was postponed indefinitely.

Figure 1.1 Hurdles for failure to implement women reservation at urban local self government in Nagaland



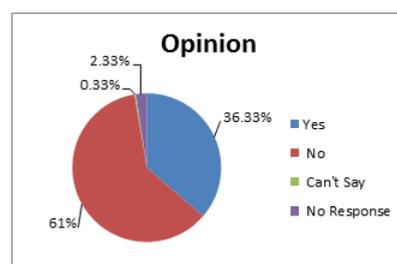
It was found that 37 percent (111 respondents) opined patriarchal norm as the hurdle for failure to implement 33 percent reservation, 17.33 percent (52 respondents) opined women are considered as minor citizens, women are incapable of decision making was chosen by 14.66 percent (44 respondents), 17.33percent (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 can be inferred from the above figure that patriarchal norm is the main reason for the failure to implement women reservation at urban local self government in Nagaland.

It becomes necessary to analyze the opinion of the respondent on whether 1/3rd reservation of seats for women in municipality under Article 243T will affect norms of patriarchy in Nagaland. The response pattern is given in the figure 1.2 below.

Figure 1.2 Opinion on whether 1/3rd reservation of seats for women in municipality under Article 243T will affect norms of patriarchy in Nagaland.

N=300



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.

The above figure can be discussed in detail according to the response given by gender wise.

Table 1.1 Study on whether 1/3rd reservation of seats for women in municipality under Article 243T will affect norms of patriarchy in Nagaland according to gender

Variables	Yes			No			Can't say			No response			Total
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	
Total	52	57	109	92	91	183	-	1	1	2	5	7	300
Percentage	17.33%	19%	36.33%	30.66%	30.33%	61%	-	0.3%	0.33%	0.66%	1.66%	2.33%	100%

N=300

M=male, F=female

It was found out that 183 respondents (61%) which consisted of 92 (36.33%) males and 91 (30.33%) females opined that 1/3rd reservation of seats for women in municipality under Article 243T will not affect norms of patriarchy in Nagaland.

and this will have a greater political impact on Naga society as a whole.

Table 1.2 Inclusion of women in municipal bodies

N=300

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

The study found that 95.66 percent said that women should be included in municipal bodies, 3.66 percent said women should not be included in municipal bodies and 0.66 percent with no response.

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).

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 in 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

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.

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. In an equalitarian society like Nagaland where there is no gender bias, reservation of seats for women is not at all required.
4. 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

Conclusion

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 having seen the above obstacles, election to urban local self-government in Nagaland still remains a lacuna. Women reservation in Nagaland if

implemented, prior chance should be given to those women who are politically active 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 out 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 electing women candidate. Women who have strong public figure must be considered.

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 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 old customs and traditions a chance for modification and adjustment to suit modern ways of life.

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