

**The Nagaland Municipalities Community Participation
Act, 2011 (Act No. 8 of 211)**

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An
-Act-

To institutionalize citizens' participation in Municipal functions e.g. settings priorities, budgeting's provisions etc. By setting up of Area Sabha and Ward Committees and to provide for matters connected therewith or incidental thereto relating to the Municipalities in the State of Nagaland.

Be it enacted by the Legislature of the State of Nagaland in the 62th year of Republic of India as follows:

Part-I
Preliminary

Short title extent and commencement

1. (1) This Act may be called the Nagaland Community Participation Act, 2011.
- (2) It extends to the area by a Notification of Government having duly elected Municipalities.
- (3) It shall come into force on an appointed date to be notified by the State Government.
2. **In this Act, unless the context otherwise requires:**
 - (a) Sector- means an area as determined in the manner prescribed in Sub-Section (b) of Section 2;
 - (b) Sector- means in relation to an area, the body of all persons registered in the electoral rolls pertaining to every polling booth in the Area in a Municipality;
 - (c) Budget Year- means the period for which the State Government lays down the "annual financial statement".

Definition

- (d) Chairperson- The Councilor of each ward shall be the Chairperson of that Ward Committee;

- (e) Member-The Sector Representative, elected or appointed in the manner as provided under this Act, shall be a 'Member' of the Ward Committee;
- (f) Municipalities- means an institution of Self- Government constituted under section 8 and Section 20 of the Nagaland Municipal Act, 2001;
- (g) Ward Infrastructure Index- Ward Infrastructure Index means a composite index generated by taking into account the condition of all public infrastructure elements in that Ward;
- (h) Ward Committee- means the Committee constituted under Section 12 of this Act.

PART – II

SECTOR

CONSTITUTION AND GOVERNANCE OF SECTORS

- 3. The State Government shall *as an when deemed fit* by order determine;-
 - (a) The Sectors into which each Ward, and in the absence of Ward, the Municipality may be devided; and

Determination of area

- (b) The territorial extent of each Area which necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Gvoernment so decides; minimum of 4 (four) contiguous Area in a Ward are ordinarily resident.

Sector Representative

- 4. There shall be Sector Representative for each Sector.
- 5. Any registered voter in an Area may file his nomination for the office of Sector Representative, unless he is disqualified for being chosen as, and for being, an Sector Representative.

Disqualifications for being a Sector Representative

- (a) By or under any law for the time being in force for the purposes of elections to the Legislature of the State, or for the purpose of elections to the Municipality:

Provided that no person shall be disqualified on the ground that he is less than 25 (twenty-five) years of age,
if he has attained the age of 18 (eighteen) years; or

- (b) If he is an elected representative under either the Representative of the People Act, 1951 or this Act.
6. (1) Any person eligible for contesting the elections to the office of Sector Representative in that Area may file, in accordance with the procedures that may be laid down under the rules framed in this behalf, his nomination for contesting the election to such post simultaneously with the Notification of Election of the Municipality.

Election of Sector Representative

- (2) Nomination papers for the office of Sector Representative shall be available with State Election Commission.
 - (3) The Election to the Sector Representative in various Area in any Municipality shall be conducted under the aegis of the State Election Commission.
7. (1) In the event of the failure of the State Election Commission for any reasons whatsoever to conduct elections to the office of Sector Representative for the Area in any Municipality. The State Government shall, within a period of 8 (eight) weeks from the last date on which the election 6, call for nominations for the office of Sector Representative for every Area in a ward in accordance with Rules framed in this behalf.
- (2) A “call for nominations,” as described in Sub- Section (1) of the Section 7, may be made by the insertion of an advertisement for the purpose in at least 4 (four) prominent newspapers in wide circulation, of which at least 1 (one) shall be regional language be notified on a prominent Notice Board in every office or building in the Ward.

Procedure for nomination of Sector Representative

- (4) Nomination papers for the office of Sector Representative shall be available with the State Election Commission 8 (eight) weeks from the last date on which the elections, as described in Section 6, ought to have been held.
- (5) In the event of the failure of State Election Commission to call for nominations for the office of Sector for any or all of the Area within

the Ward in the time prescribed, the State Government shall, in accordance with the Rules prescribed in this behalf, nominate such persons as it may deem fit to those offices of Sector Representatives not filled by the State Election Commission.

8. A Sector Representative shall ordinarily hold office for a duration that is co-terminus with that of the Municipality concerned.

Provided that no person continue to hold office as Sector Representative if, at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of elections to the Legislature of the State concerned:

Term of office

Provided further that no person shall be eligible to continue to hold office as Sector representative if at any time 6 (six) months after his election to such post, he is recalled by a written representation to the Ward Councillor or the Municipality, as the case may be, supported by not less than one-half of the total members of the Sector concerned.

And provide further that no person shall be entitled or continue to be entitled to hold office as Sector Representative of an Area in which he is not ordinarily resident.

9. A Sector may, having regard to its managerial, technical, financial and organisational capacity, and the actual conditions obtaining in the Municipal Area, perform and discharge the following functions and duties, namely-

Functions and duties of the Sector

- (a) to generate proposal and determine the priority of schemes and development programmes to be implemented in the jurisdiction of the Sector and forward the same to the Area Committee, or in its absence, the Municipality, for inclusion in the developmental plans of the Ward Committee or Municipality as the case may be;
- (b) to identify the most eligible person from the jurisdiction of the Sector for beneficiary-oriented schemes on the basis of criteria fixed by the Government and prepare list of eligible beneficiaries in order of priority and forward the same for inclusion in the developmental plans of the Ward or Municipality;
- (c) To verify the eligibility of persons getting various kinds of welfare assistance from the Government such as pensions and subsidies;

- (d) To suggest the location of street lights, street or community water taps, public wells, public sanitation units, and such other public amenity schemes within the area of the Sector.
- (e) To identify the deficiencies in the water supply and lighting arrangements in the Section jurisdiction and suggest remedial measures;
- (f) To assist the activities of Public Health Centres in the area, especially in disease prevention and family welfare and create arrangements to report on the incidence of epidemics and natural calamities;
- (g) To provide and mobilize voluntary labour and contributions in cash and kind for development programmes;
- (h) To undertake and support tax mapping, and to remind Area Sabha members of their obligations to pay Municipal taxes and user charges.

10. A sector may, subject to the procedures that may be prescribed in this regard, exercise the following rights and powers, namely-

Rights and Power of the Sector

- (i) to get information from the officials concerned as to the services they will render and the works they propose to do in the succeeding period of 3 (three) months after the meetings;
- (ii) to be informed by the Ward Committee about every decision concerning the jurisdiction of the Sector and the rationale of such decisions made by the Ward Committee or the Government.
- (iii) to be informed by the Ward Committee of the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha;
- (iv) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;
- (v) to promote harmony and unity among various groups of people in the area of the Area Sabha and arranging cultural festivals and sports meets to give expression to the talents of the people of the locality; and
- (vi) to co-operate with the Ward Committee in the provision of the sanitation arrangements in the area.

PART-III

CONSTITUTION AND GOVERNANCE OF WARD COMMITTEES

Section Representative to be Member of Ward Committee

11. The Sector Representative of any Area shall be a member of the Ward Committee constituted for the Ward within which that Area is situated.

12. (1) There shall be a Ward Committee for each Ward in a Municipality to be constituted within 6 (six) month of the constitution of the Municipality.

Ward Committee

- (2) Each Ward Committee will consist of:-
- (a) The member of the Municipality representing the Ward, who shall be the Chairperson of the Ward Committee.
 - (b) Not more than 4 (four) persons representing the civil society from the Ward, nominated by te State Government;

Provided that if the population of the Ward is not more than 10,000 (ten thousand), the number of nominated members shall be 4 (four), and thereafter, there shall be 1 (one) additional member for every 4,000 (four thousand) population may be ignored;

Provided further that in reckoning the number of additional members of the Ward Committee exceeding 4 (four), any part of less than 2,000 (two thousand) population may be ignored.

Provided further that not less than two-thirds of the members of such Committee shall be the Sector Representatives resident in that ward.

- (c) All Sector Representative of the concerned area.
- (3) A person shall be disqualified for being nominated as a member of the Ward Committee inder Clause (b) of Section 12(2) or to continue as such member, if under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as a member of a Municipality.
- (4) The Executive Officer shall be entitled to take part in the meetings and deliberations of the Ward Committeee. The Chairman of the Ward Committee may request the representatives of the concerned Departments are to be discussed.
- (5) Any official nominated by the Executive Officer of the Municipality shall be the Secretary of the Ward Committee. All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and copy of minutes of the proceedings of each meetings shall be forwarded by him to the Municipal Council.
- (6) The term of office of the Ward Committee shall be co-extensive with the term of office of the Municipality.

PART-IV

RIGHT AND DUTIES OF WARD COMMITTEES

13. The Committee shall discharge the following functions, namely:-
- (a) Provide assistance in solid waste management in the Ward;
 - (b) Supervision of sanitation work in the Ward;
 - (c) Provide assistance for the preparation and encouragement of the development scheme for the Ward;
 - (d) Encourage harmony and unity among various groups of people in the Ward;
 - (e) Mobilize voluntary labour and donation by way of goods or money for social welfare programmes;
 - (f) Provide assistance in the implementation of development schemes relating to the Ward;
 - (g) Provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;
 - (h) Encourage art and culture activities and activities of sports and games;
 - (i) Ensure people's participation in the voluntary activities necessary for successful implementation of the development activities of the Municipality;
 - (j) Assist in the timely collection of taxes, fees and other sums due to the Municipality;
 - (k) Ensure maintenance of parks in the Ward;
 - (l) Ensure maintenance of street lighting in the Ward;
 - (m) Perform such other functions as may be assigned to it by the Municipality.
14. (1) The Chairman and the members of the Ward Committee shall have the right to seek information from the Executive Officer regarding Officer regarding any matter relating to the Ward.

Rights of the Ward Committee

- (2) The Committee shall make Periodical Reports to the Municipality in respect of the matters specified.
- (3) Every Ward Committee shall have the right to:-
 - (a) Obtain full information about Municipality Plas;
 - (b) Obtain the full Municipal Budget, within such time as may be reasonable to verify, seek clarifications and suggest changes that need to be incorporated;

- (c) obtain the requisite financial and administrative support from the Municipality in managing Bank accounts.
- (d) Be consulted in the development of land use and zoning regulations within its jurisdiction;
- (e) Obtain full details on all revenue items including taxes and budgetary allocations which should be presented in a simplified manner which is manageable by the Ward Committee;
- (f) Retain upto 50% of the Ward Revenues for local development until a predetermined minimum level of Ward Infrastructure Index, which shall be notified by the State Government, has been created in the Ward;
- (g) Have a proportionate claim on Municipal Development expenditures based on the Ward Infrastructure Index of that Ward compared to the other Wards in the Municipality;

15. Every Ward Committee shall have the duty to;

Duties of the Ward Committee

- (a) Produce the Ward Plans in a manner consistent with the Municipal Plans and complete this exercise within the time specified by the State Government.
- (b) Prepare the Ward Budget in accordance with the Ward Plans and complete this exercise within the specified by the Municipal/Town Council;
- (c) Encourage local-level alternatives for implementation in all the areas that the Ward Committee has responsibility for;
- (d) Ensure optimal collection of all revenue sources as specified in the Schedule.
- (e) Map the Ward Infrastructure Index for that Ward.

PART- V

ACTIVITIES OF THE WARD COMMITTEE

16. This Section mentions the activities to be performed by the Ward Committees. These activities are:

Activites of the Ward Committee

- (1) Preparation of a Calender- At the first Meeting of the Ward Committee for each budget year, the Ward Committee shall decide the upon specific obligation agenda for each of the monthly meetings Ward

Committee of the Ward Committee, remaining in that calendar year, in addition to the specific obligation agenda for the First Meeting of the following budget year.

Nothing in Sub- Section (1) of the Section 16 shall prevent:

- (a) The convenor of a Ward Committee from adding additional agenda meeting of the Ward Committee;
 - (b) Any other of the Ward Committee may, at the meeting of the Ward Committee, move a decided upon for the meeting in question or any subsequent meeting.
- (2) Preparation and compilation of plans- The Ward Committee shall prepare the Annual Ward Plan and forward the same to the concerned Municipality for its integration with the Annual Municipal Plan.
- (3) Preparation of Ward Budget-
- (a) A Ward- Level Budget calendar shall be prepared annually in accordance with Schedule I. The Ward Committee shall ensure that the Budget for their Ward 6 (six) week before the Municipality may suggest changes that may be affected into the Ward- Level Budget after discussion with the Ward Committee.
 - (b) The Municipality budget shall
 - (i) aggregate all the Ward budgets which have been prepared in accordance with Sub- Section 3 (a) of this Section
 - (ii) have additional account heads for specific receipts and expenditures at the municipality level.
- (4) Maintenance of Accounts:-**
- (a) Constitution of the Ward Finance Committee-
A Committee of 3 (three) persons shall be constituted in every Ward as Ward Finance Committee.
 - (i) The constitution of the Ward Finance Committee shall be through nomination held within 1 (one) month of the constitution of the Ward Committee. The Chairperson shall nominate the Ward Finance Committee.
 - (ii) The Ward Finance Committee shall also appoint from amongst themselves, one person as the Chairman, who shall be the authorised signatory for maintenance and use of Accounts.
 - (b) Functions and Duties of the Ward Finance Committee:-
 - (i) The Ward Finance Committee shall prepare the Annual Budget for the Ward and place it before the meeting of the Ward Committee which

will deliberate upon and approve the Budget. The Budget shall be presented by the Ward Finance Committee within 7 (seven) months from the closure of the previous financial year.

- (ii) The Ward Finance Committee shall also maintain Ward- Level Bank Accounts for all the Receipts and Expenditure activities of the Ward.
- (iii) The Ward Finance Committee shall ensure that all out of funds transferred shall be made out of this Account to appropriate Account Heads of the Municipality.
- (iv) The Ward Finance Committee shall present Accounts every 3 (three) months at the meeting of the Ward Committee.
- (v) The Ward Finance Committee shall prepare a Quaterly Report of the financial transactions of the Ward Committee which shall include details of its Receipts and Expenditures and also its projections and suggestions for the next quarter. This Report shall be made available to every member of the Ward Committee 1 (one) week prior to the designated meeting for discussion of the Report.
- (vi) The Report of the Ward Finance Committee shall be made available for public scrutiny.

(c) Penalties-

- (i) Non- compliance of the provisions in 16 (4)(b)(i)-(vi) above would incur penalty for the concerned member in default.
- (ii) The Chairperson of the Ward Committee shall take appropriate action including penalty to the Ward Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the nominee;

Provided that if the Chairperson of the Ward Committee deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward committee:

Provided further that the power to impose penalty shall not extend to the dismissal of the concerned Ward Committee member.

(d) Perusal of Bills:-

- (i) For every expenditure, the members of the Ward Committee shall requisition the required amount from the Chairperson and will present bills for the expenditure incurred.
- (ii) The Chairperson shall make available the sum so requisitioned in keeping with the budgetary allocation.

- (5) Supervisory Mechanism:
 - (a) The Municipality shall take up the responsibility of providing administrative and infrastructure support to the Ward Committee for its proper function.
 - (b) The Ward shall create mechanisms for Checks and Balances over the Government personnel in their Ward. Ward Committees shall have the power to recommend to the competent authority for imposition of penalties in respect of a Government employee for misconduct and negligence of duties.

(6) Ward Development:

There shall be Ward Information and statistics Committee which shall be formed for various Development and planning works. The constitution and functions of the Committee are given below.

- (a) Constitution of the Ward Information and Statistics Committee:
 - (i) A committee of 3 (three) persons shall be constituted in every Ward as the Ward Information and Statistics Committee.
 - (ii) The Constitution of the Ward Information and Statistics Committee shall be through nomination by the Chairperson held within (one) month of the constitution of the Ward Information.

Provided that members of the Ward Finance Committee shall not be members of the Ward Information and Statistics Committee.

- (iii) The Ward Information and Statistics Committee shall also appoint from amongst themselves 1 (one) person as the Presiding member who will preside over the meetings of the Ward Information and Statistics Committee.
- (b) Duties of the Ward Information and Statistics Committee.
 - (i) It shall be the duty of the Ward information and Statistics Committee to compile, maintain and update annually the following information about the Ward in the format prescribed by the concerned Municipality for this purpose. Such information shall include:
 - (A) Economic Information including the number and nature of commercial establishments in the Ward and employment data in these establishment.
 - (B) Information relating to Land Use includes the changes in patterns of land use, data relating to public spaces and civic amenity sites, traffic patterns and public transportation hubs and preservation and restoration of environment, natural resources and heritage sites.
 - (C) Infrastructure Index including the extent of Infrastructural development, current and pending projects, and the infrastructural requirement of the Ward.

- (ii) The Report prepared in accordance with Sub-Section (6) (b) (B) shall be used by the Ward Committee in determining and enforcing the Zoning provisions. It shall be made available on a quarterly basis to the meetings of the Ward Committee, reflecting changes since the presentation of the previous Report.
- (iii) The Report prepared in accordance with (6) (b) (C) above shall be used by the Ward Committee in allocation of development expenditure by the Ward Finance Committee. It shall be made available on a quarterly basis to the meetings of the Ward Committee, reflecting changes since the presentation of the previous Report.
- (iv) Spatial planning : The Ward Committee shall:
 1. Participant in all Development Plans of the city
 2. Enforce Zoning and Land Use Regulations
 3. Participate in the creation and enforcement of the new instruments like Transferable Development Rights, etc.

(D) Penalties

- (i) Non- compliance of the provisions in 16 (6) (b) (i)- (iv) above would incur penalty for the concerned member in default.
- (ii) The Chairperson of the Ward Committee shall take appropriate action including penalty to the Ward Committee.

Provided that, if the Chairperson of the Ward Committee deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward Committee.

Provided further that the power to impose penalty shall not extend to the dismissal of the concerned Ward Committee member.

(7) Comprehensive intervention for urban poor activities:

The Ward Committee shall be responsible for:

- (i) Integrating all existing activities undertaken by the Government;
- (ii) Preparing and maintaining beneficiary list for all the programmes and schemes undertaken by the Government in co-ordination with the relevant Government agencies;
- (iii) Preparing a Report on the Hosing with the relevant and Public Distribution System in each Ward.

(8) Ensure Universal access for selected public services:

The Ward Committee shall be responsible in ensuring universal access in selected public services likes Education, Health Care, Water Supply and Sanitation.

(9) Alternative options

Without prejudice to the generality of the foregoing provision,

- (a) Ward Committee shall be responsible for decentralized management of the following functions:
 - i. Primary collection of Solid Water Management and decentralized management of Solid Waste;
 - ii. Desilting of drains;
 - iii. Maintenance of street lights;
 - iv. Maintenance of park;
 - v. Deweeding of paths;
 - vi. Road works including construction, maintenance and restoration of and
 - vii. General beautification of the locality.
- (b) The Ward Committee shall be specifically empowered to examine various alternative implementation options in the above mentions areas;

The proposal with respect to the alternative implementation options by the local communities and shall be submitted to the Ward Committee and shall be taken up for discussion at the next meeting of the Ward Committee.

**PART – VI
FUNCTIONING OF WARD COMMITTEES**

Additional Meetings of Ward Committees

17. It shall be the duty of the Ward Committee's to Additional conduct Ward Chairperson to conduct Ward Committee Meetings of meetings at least annually for consutation on the following Ward Committees subjects:
- I. Preparation of Ward Plan;
 - II. Preparation of Ward Budget;
 - III. Preparation of Ward Maps, Ward Infrastructure Index and other alternate functions.

Agenda

- 18 The Chairperson shall set the agenda for each Ward Committee meeting;

Preparation of Ward Budgets

19. To facilitate the proper preparation of the Budget, a Ward Committee meeting shall compulsorily be held at least 3 (three) weeks before the preparation of

the Ward Budget. All Reports presented by the Ward Finance Committee for the past year shall be discussed.

20. Following procedure shall be followed while conducting meetings of Ward Committee;
- (i) Reasonable notice of the Ward Committee meetings should be given at least 1 (one) week in advance and placed in the Notice Boards of all Municipality officers in the Ward.
 - (ii) All residents of the Ward shall be entitled to participate in the Ward Committee. The media will be encouraged to actively participate in the proceedings.
 - (iii) Minutes of the Ward Committee meetings shall be maintained. These minutes shall be made available to the general public for perusal. They shall be kept at the office of the Ward Committee.

Procedure for Conducting Ward Committee Meetings

- (iv) These Minutes shall be presented at the meeting of the Ward Committee and this information shall be made Committee use of by appropriate Sub-Committees in their Meetings functions.
 - (v) Grievances of not holding or improperly conducting Ward Committee shall be addressed to the Chairperson of the Ward Committee. The Chairman shall take appropriate action including penalty to the Ward Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the nominee.
Provide that, if the Chairperson deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward Committee;
Provided further that the power to impose penalty shall not extend to the dismissal of the concerned Ward Committee member.
21. (i) Subject to the provisions of this Act, the State Government may make Rules to provide for any matter which is to be or may be prescribed by Rules made under this Act.
- (ii) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for all any of the following matters, namely:-
 - a) Procedure for election of the chairperson of the Area Sabha;
 - b) Convening and conducting the meetings of the Area Sabha and Ward Committee;
 - c) Preparation and compilation of Development Plans for the Ward;
 - d) Preparation of Annual Budget of the Ward; and

e) Maintenance of Accounts.

Power to Remove Difficulties

22. (1) If any difficulty or doubt arised in giving effect to the provisions of this Bill, the State Government may be Order publish in the Nagaland gazette, make such provisions not inconsistent with the purposes if this Bill appears to it to be necessary or expedient for the removal of the difficulties and doubt, the Order of the state in such cases shall be final.