WA 116/2012
BEFORE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE P.K.MUSAHARY

(Amitava Roy, J)

The aforementioned appeals in succession, witness assailments of the order dated 27.04.2012 passed in C.M.C. No.39(K)/2012 as well as C.M.C. No.40(K)/2012 and the judgment and order dated 21.10.2011 rendered in WP(C) No.147(K)/2011. The delay in filing the later appeal has been condoned by order dated 27.6.2012 passed in MC No.1373/2012. The learned counsel for the respondents having entered appearance at the admission stage, the appeals were heard on merits in view of the urgency expressed and are being analogously disposed of hereby.

02. We have heard Mr. K.N. Balgopal, learned Advocate General, Nagaland and assisted by Shri S.L. Jamir, Addl. Advocate General, Nagaland, Shri Kakheto Sema, Addl. Advocate General, Shri T. Koza, Advocate and Shri T. Ao Govt. Advocate, Nagaland for the appellants, Mr. C. Gonselves, Senior Advocate assisted by Ms. D. Ghosh, Advocate for the respondent Nos. 1 & 2 and Ms. Y. Longkumer, learned Counsel for the proforma Respondent No.3, the State Election Commission, Nagaland, Kohima (hereinafter for short referred to as the 'SEC').

03. A brief resume of the pleadings would outline the indispensible factual backdrop to appropriately appraise the rival contentions. The Respondents No.1 & 2, introducing themselves to be the members of Naga Mothers' Association, an unregistered body functioning as the Apex Body of Naga Tribe women's Organisations of which the women of the State of Nagaland are members had approached this Court seeking invocation of its writ jurisdiction to annul the decision dated 16.12.2009 of the Nagaland State Cabinet and the consequential Govt. notification dated 11.01.2010, postponing indefinitely the elections to Municipal and Town Councils of the State, dissolving the existing bodies and appointing the concerned Executive Officers of the dissolved Councils as Administrators to discharge their functions until such time, elections are held to constitute the same. A consequential direction to the State respondents and the SEC to hold the elections for all the Municipal and Town Councils in the State of Nagaland in accordance with Section 23A of the Nagaland Municipal (First Amendment) Act, 2006 (hereinafter for short referred to as the Act, 2006) and the Government notification dated 16.11.2009 to that effect was also sought for in this petition registered as WP(C) No.147(K)/2011. The respondents/writ petitioners pleaded, in essence, that as enjoined by Article 243 T(3) of the Constitution of India and mirrored in the Act, 2006, 1/3rd of the seats in the Municipal and Town Councils in the State of Nagaland had been reserved for women and the Government of Nagaland and SEC were obligated in law to hold elections in compliance thereof and that they having failed to do so, judicial intervention for redressal was of imperative necessity . They averred that the State Government initially had by the notification dated 16.11.2009 allowed the wards to be reserved inter alia for women in the election contemplated. As, though, the tenure of all Municipal and Town Councils expired between 19.12.2009 and 09.03.2010, in terms of Section 25(1) of the Nagaland Municipal Act, 2001 (also for short hereinafter referred to as the Act, 2001), elections were not held as required. According to the writ petitioners, though in terms of Section 83 (1) of the Act, 2001 election to a municipality if cannot be held or completed before the expiry of its duration as specified in Section 10 or before the expiry of period of six months of its dissolution due to certain special, emergent or unforeseen circumstances, the Government may by notification appoint a Government Officer to be known as Administrator to exercise, perform and discharge the powers, duties and functions of a municipality, no such eventuality did in fact exist justifying the impugned action. They alleged that the actual reason for delaying the elections is the illogical and unfair opposition to the provision of reservation for women, constitutional and legal mandate to the contrary notwithstanding. That the plea that situation was not cond

ucive to hold such elections was belied by the bye-elections in the State held e arlier in the year 2011 for Aolengden constituency without any hindrance or dis ruption to the peace process was underlined. They imputed as well that after th e expiry of the term of the concerned municipalities in the year 2009, the said authorities illegally invoked Section 23A (5) of Act, 2001 in constituting Commi ttees/Advisory Boards with male members though reservation for women for these W ards had by then been prescribed by Act, 2006. Referring to the speech of Dr. S hurchozelie, Minister of Urban Development, Govt. of Nagaland made on 08.10.2010 , the writ petitioners maintained that Act,2006 heralding reservation for women in Municipal and Town Councils of the State was valid and that the sudden turn around by the State Cabinet on the specious reference to the representations sub mitted on behalf of Naga Hoho and Eastern Naga People's Organisation and othe r bodies voicing their opposition to 33% reservation of seats for women and inde finitely postponing the elections in the context of on going reconciliation and peace process in the State and for maintenance of harmony in the society was nei ther logical nor bona fide.

04. While contending that the reasons cited for the deferment of the elections are wholly irrelevant and illusory and that therefore the Cabinet dec ision dated 16.12.2009 and the consequential notification dated 11.01.2010 are n on est in law, the writ petitioners have also drawn sustenance of their plea fro m the key note address made by the Hon'ble Chief Minister of the State on 08.10. 2010 at the State Level Consultative Meet on Municipal Elections and Women's R eservations endorsing reservation for women to accord equitable and honourable status to them so as to enable them to have a reasonable share in the system of governance of local bodies and thus to enable them to graduate to the State Asse mbly and the Parliament.

The appellants herein arrayed as Respondent Nos.1 & 3 in their affidavit-in-oppo sition affirmed by the Deputy Secretary, Department of Urban Development, Nagala nd raised preliminary objections to the maintainability of the writ petition pri ncipally on the count of want of locus standi of the writ petitioners, their leg al rights not having been infringed by the decisions impugned and further for no n-impleadment of the Administrators appointed following the dissolution of the M unicipal and Town Councils with effect from the expiry of the tenure thereof vid e the government notification dated 11.01.2010. That the Naga Mothers Associatio n admittedly is an unregistered body and thus not a legal entity authorised in l aw to lay the assailment was also highlighted. The answering respondents while referring to the amendment of Act, 2001 by incorporating Section 23A by the Act, 2006 reserving seats in the Municipal/Town Councils of the State for scheduled c astes/scheduled tribes and women averred that the department of Urban Developme nt (for short hereinafter referred to as the Department) thereafter duly notifie d the number of wards to enjoy such reservations as well as the allotment thereo f on rotation basis. It was stated that follow up steps could not be taken in v iew of a number of representations from different quarters opposing the reservat ion for women with a request to withhold the elections to the Municipalities and it was accordingly that the Cabinet decided to defer the elections and constitu tion ad hoc Municipal/Town Advisory Councils to administer the affairs thereof t ill elections were held or until further orders. That representations were rece ived amongst others from Naga Hoho and ENPO, Kohima Chamber of Industries and Co mmerce, All Nagaland Municipal and Town Forum, Mokokhung, Kengsu and Chuyim Pang Villages as well as from the public of Mokokchung Town was mentioned. The answ ering respondents further averred that subsequent thereto, the State Cabinet in response to a Cabinet note dated 15.01.2010 in respect of 33% reservation for wo men put up by the Department, decided on 18.01.2010 that before any final decisi on is taken, the Committee of Secretaries headed by the Secretary of the Departm ent constituted earlier to examine and recommend necessary changes in the Act, 2 001 be required to submit a report by the end of April, 2010.

The affidavit reveals that by notification MAC/HOME-9/2006 (Pt-I) dated 16.04.20 10, this Committee was re-constituted to be comprised of the Addl. Chief Secreta ry and the Development Commissioner with five members. Contending that as the co nsultative meeting on the issue of reservation for women with the Tribal Hohos a

nd Civil Societies in the State held on 08.10.2010 did not yield any result, it was decided at the highest administrative level that another round of consultative meetings be held by the Department involving the Tribal Hohos, Civil Societies, Women Organisations etc. and recommendations be submitted for the consideration of the Cabinet. According to the State respondents in the series of consultative meetings that followed on various dates, the Tribal Hohos unanimously expressed their dissent to the reservation of seats for women on the ground that the same was contrary to the traditional Naga custom and was presently prematured to be implemented and that if pursued would distort the very fabric of Naga Culture and customs. The State respondents underlined that if elections with the reservation for women were insisted upon without addressing the surging opposition to the issue it might lead to a volatile situation creating serious law and order problems and that thus the postponement of the Municipal elections was not a deliberate act on their part but only a step towards avoiding such an eventuality and in the process evolve some acceptable solution to the impasse.

05. In their additional affidavit, these respondents pleaded with reference to the Nagaland Municipal (Delimitation of Wards) Rules, 2003 (hereinafter for short referred to as the 2003 Rules) framed under the Act, 2001 (as amended) which required that a census has to be conducted, whereafter the number of territorial constituencies i.e. wards in every municipality has to be notified by the State Government on the basis thereof. They stated that though the census operation of 2011 in India has been completed, final approval thereof by the Central Government is still awaited whereafter the revision of electoral rolls has to be undertaken, followed by delimitation of the wards wherever required. According to the respondent, in view of these legally enjoined steps to be obligatory taken, the SEC may not be in a position to conduct of elections to the Municipal & Town Councils of the State before the completion thereof.

06. The State Election Commission, Respondent No.2 in the writ proceedings, averred that by letter No. MTC/BUDG-2/09/07 dated 23.06.2009, it submitted a proposal with the Department for placing necessary funds at its disposal to start the process of elections and to conduct summary revision of the electoral rolls. It affirmed that while the matter rested at that, the Department vide its notification dated 17.11.2009 declared elections to the Municipal and Town Councils of the State to be completed by the early part of January,2010 indicating the time schedule therefor. Reservation of seats for women in the elections was also confirmed. Though, the SEC in response to the notification suggested that the first phase of the election be rescheduled on/or before 29.01.2010, vis- -vis Municipal and Town Councils for Ptutsero and Phek amongst others on the ground of summary revision of electoral rolls, the State Cabinet by the impugned decision decided to indefinitely postpone/defer the elections in general and by the notification dated 11.01.2010 the concerned Municipal and Town Councils on the expiry of their respective tenures were dissolved and Administrators were appointed under Section 83(1) of the Act, 2001. In spite thereof, the SEC submitted a proposal on 26.03.2010 to the State Government to conduct the Municipal and Town Council elections within the stipulated period and a tentative programme therefor was also forwarded, which however did not evoke any response.

07. The learned Single Judge by the judgment and order dated 21.10.2011 sustained the challenge and interfered with the Cabinet decision dated 16.12.2009 and the notification dated 11.01.2010 and directed the respondent State and SEC to hold elections to the Municipal and Town Councils of the State in accordance with law with the reservation of seats for women as required under Article 243(T) of the Constitution of India and Section 23A of the Act , 2006. While observing that as the elections were overdue and that therefore there cannot be any justification to hold the same after the revision of electoral rolls and delimitation of wards based on the final census report of 2011, a deadline of 20.01.2012 was fixed for the completion of the entire process.

08. None of the respondents immediately thereafter did question this adjudication and as the records would reveal decided to act in compliance thereof. In the process, however, according to them, they encountered factors like summary revision of electoral rolls, socio-economic and caste census as well as the Board examinations for which as per the decision taken by the State Government, the present appellant submitted an interim application [(registered as Civil MC No.121 (K)/2001)] before the learned Single Judge seeking extension of the time frame till 30.04.2012. A separate interim application to the same effect was also filed by the State Election Commission, registered as Civil Miscellaneous Case No.122(K)/2011. By order dated 30.11.2011 time as prayed for was granted up to 30.04.2012 with the observation that no request for further extension of time would be considered.

09. It was thereafter, that the present applicants filed another application [(registered as Civil Misc. Case No.39(K)/2012)] asserting that though by notification No. VDD/MAC-14/11/143/12 dated 14.03.2012 in compliance of the judgment and order dated 21.10.2011, general elections to the Municipal and Town Councils in the State were notified to be held under the superintendence, control and supervision of the State Election Commission, Nagaland as per the programme to be published by it and clarifying as well that the reservation of seats for women would be invoked in the said elections, a spate of representations from Naga Hoho, Eastern Naga People's Organisation and different Tribal Organisations poured in airing vociferous opposition to the proposed reservation of 33% seats for women in the elections and urging upon the State authorities to revoke the same. Some of the representations also hinted at contemplated demonstrance as ventilation of such opposition, in case the request was not acceded to as the reservation as proposed was construed to be detrimental to the Naga society. The appellant/applicants in view of such vocal and resilient disposition of the representative tribal organizations entertained serious apprehension of disruption of law and order situation in the State, in case the election process was pursued with the deadline of 30.04.2012. In view to reinforce this plea, the appellant/applicants also adverted to the abortive attempt to hold elections to constitute the Mokochung Municipal Council with 33% reservation for women in the year 2008 due to stiff opposition and resentment of public, Non Governmental Organisations and Civil Societies for which the programme had to be called of by the SEC being left without any alternative.
The appellant/applicants averred that on an assessment of the prevailing agitated orientation of the various cross sections of the public projected through their representative organizations and others, the State Cabinet by reflecting on the note dated 20.03.2012 of the Departmental Minister on 22.03.2012 detailing the prevailing fact situation, unanimously resolved that the Act,2001 be referred to a Select Committee of the House to be nominated by the Speaker for reviewing the same in accordance with Section 484 of the enactment and submission of a report within a period of six months. The Cabinet also unanimously resolved that Part IXA of the Constitution be referred to the Assembly Committee under Rule 221A of the Rules of Procedure and Conduct of Business in Nagaland Legislative Assembly (for short hereinafter referred to as the Rules) to examine as to whether the enactment should be exempted from the application of that Part and to submit its report within six months. It was resolved as well that the statutory process towards conduct of elections to Municipal and Town Councils in the State be suspended till the Select Committee of the House submitted its report. Extension of time beyond 30.04.2012 was thus sought for. A separate interim application was filed by the State Election Commission, reciting the steps taken by it to hold the elections in compliance of the directions of this Court with a prayer to permit it to proceed therewith only after the State Government recalled its decision to suspend the same.

10. In their counter, the writ petitioners while pointing out that no appeal till then had been preferred against the judgment and order dated 21.10.2011 passed in WP(C) No.147(K)/2011 and that therefore the State authorities an

d the SEC were bound to complete the elections process as ordered by 30.04.2012, they emphasized that the endeavour sought to be made by securing extension of time was one to overreach the determination made by this Court in complete transgression of the constitutional scheme and the legal framework mandated by Section 23A of Act,2006.

To reiterate, by order dated 27.04.2012 the prayer for extension of time for six months beyond 30.04.2012 or till the Select Committee of the House submitted its report was rejected and elections were directed to be held within a month from the date of receipt of the certified copy of the order. The appeal against the judgment and order dated 21.10.2011 passed in WP(C) No.147(K)/2011 understandably followed thereafter.

11. In the above pleaded perspectives, the learned Advocate General, Nagaland has insistently urged that in the singular facts and circumstances of the case bearing on the background of the incorporation of Article 371A, the impugned judgment and order dated 21.10.2011 is patently unsustainable in law and is liable to be interfered with. The rejection of the State Government's prayer for extension of time to revert to the issue of holding elections to the Municipal and Town Councils of Nagaland following the submission of the reports of the Committees in the State Assembly being in disregard of the letter and spirit of Article 371A and the prevailing fact situation arising out of the resentful opposition to the reservation of women, the same being visibly flawed is also liable to be interfered with. Tracing the integration of Article 371A, a special provision vis- -vis the State of Nagaland to the agreement dated 27/29.06.1947 between the then Governor of Assam and the Naga National Council making laws by the Provincial and Central Legislature materially affecting the terms thereof or the religious practices of the Nagas having a legal force in Naga Hills subject to the consent of the Naga National Council as well as the deliberations in these lines at the instance of the Naga People's Convention taken on with the Prime Minister of the country along with the debates conducted in the both Houses of Parliament on the 13th Amendment Bill of the Constitution, Mr. Balgopal has emphatically urged that the Nagaland State Legislature was well within its authority and dominion to adopt the impugned resolutions on an overall evaluation of the prevailing fact situation and in particular the potential thereof in creating a law and order situation, if not, attended to in time. According to the learned Advocate General, Article 371A inheres a mandate of scrutiny of any Act of Parliament in respect of the topics enumerated in Clause - (i) to (iv) of Sub Clause 1(a) thereof as a condition precedent for application thereof in the State of Nagaland. Part - IX A of the Constitution of India having been inserted by such a Central Legislation, namely - Constitution (Seventy forth Amendment) Act, 1992 the impugned resolutions are in valid exercise of its powers and thus can by no means be faulted with or repudiated as wanting in jurisdiction or competence, he insisted. Mr. Balgopal with reference to Rule 221A of the Rules framed in exercise of powers under Article 208 of the Constitution of India contended that the State Legislature was in fact under an obligation to examine the issue of application of Part-IXA of the Constitution to the State of Nagaland in view of the grounds raised in the representations opposing the reservation for women in elections to the Municipal and Town Councils. As the exercise undertaken by the State Legislature is in pursuit on a constitutionally enjoined process, the plea of delay amongst others is wholly inconsequential there being no time limit prescribed by law for the purpose.

Without prejudice to these, the learned Advocate General has maintained that having regard to the composition of the State populace, Article 243(T) even otherwise has no application in Nagaland it being a tribal State with no scheduled caste representation. Mr. Balgopal has thus insisted with reference to Article 243M that the State of Nagaland stand exempted from the purview of Part - IXA of the Constitution of India as conceptually Article 243T and Article 243M cannot be viewed in disharmony with the underlying objective of Article 371A. That it would be appropriate for the petitioners and the likeminded ladies to arrange for adequate representations before the Committees to highlight their views for conside

ration thereof and a proper decision catering to the interest of the State and its people in general was underlined. Emphasizing that the State of Nagaland had never been against the issue of reservation for women in the elections involved and that no repeal and/or amendment of the Act, 2006 has yet been mooted or insisted upon, the learned Advocate General has asserted that in view of the vociferous and intimidating resistance to the issue by various tribal organizations of the State, a scrutiny as envisaged by Article 371A is only being contemplated and thus no misgivings vis- -vis the same is called for. Contending that the situation in the State of Nagaland as on date is by and large peaceful and that in the face of the ongoing peace process, the emotive issue of reservation for women in the present situation ought to be dealt with extreme caution, Mr. Balgopal has implored that the subjective satisfaction of the executive and the legislature to embark upon a process of scrutiny as resolved ought to be accorded due weightage.

12. While criticizing the judgment and order dated 21.10.2011 to be untenable being vitiated amongst others by the erroneous premise that no Act of Parliament was involved to attract Article 371A, the learned Advocate General has sought to distinguish the judgment of the Apex Court in Kishansing Tomar Vs. Municipal Corporation of the City of Ahmedabad and Ors (2006) 8 SCC 352 and in The Matter of Special Reference No.1 of 2002 (2002) 8 SCC 237. He placed reliance on T. Venkata Reddy & Ors -vs- State of Andhra Pradesh, (1985) 3 SCC 198.

13. Per contra, Mr. Gonzalves has stoutly impeached the intervention of the State Legislature in the purported discharge of its role under Article 371A as claimed by it contending that all Acts of Parliament in terms of this constitutional provision would automatically apply to the State of Nagaland unless the State Legislature decides otherwise in the context of the eventualities referred to Clause - (a) of Sub Clause - 1 thereof. He maintained that in absence of even a semblance of any custom prohibiting reservation for women in the elections to the Municipal and Town Councils in Naglanand, the impugned decisions are patently without any authority of law and have been rightly interfered with. According to the learned Senior Counsel, Part- IXA of the Constitution had been introduced in the year 1992 and as in the last two decades, no custom, practice or usage antithetical to the reservation of women as mandated had surfaced or been cited, the justification offered by the State Legislature to examine this issue is wholly illusory and only a ruse to delay the implementation of such provision and the elections for collateral purposes. Maintaining that the pleadings of the State appellant do not refer to any haste in the enactment of the Act, 2006 providing for reservation to women and that such a plea now is clearly an after thought, the learned Senior Counsel has argued that the impugned action deferring the election indefinitely is violative of the basic feature of the constitution. He pointed out as well that the arguments now made in the appeal had not been advanced before the learned Single Judge and that the only plea of stiff opposition in holding the elections had been rightly rejected.
According to Mr. Gonzalves the Municipal and Town Councils of the State on the expiry of the tenure thereof had been dissolved in 2008/2009, whereafter, the State functionaries are administering the affairs thereof by usurping the right of the electorate in outrageous infringement of the constitutional mandate to the contrary. Referring in particular to the decision of this Court rendered in Smt. Khetoli -Vs- State of Nagaland and Ors, (2008) 4 GLR 362, which testified the enactment of the Act,2006 by the State of Nagaland to effectuate the constitutional enjoinment embodied in Article 243T, Mr. Gonzalvas urged that the request for extension of time to comply with the judgment and order dated 21.10.2011 is construable as an endeavour to indefinitely put off the observance of a judicial adjudication. As the State Government in the constitutional scheme of conduct of elections has no jurisdiction to postpone the same, the pleaded instance of the failed attempt of an electoral process vis- -vis the Municipal Council of Mokokchung in the year 2008 can by no means validate the otherwise indefensible decision of a State Legislature interfered with by the learned Single Judge. In absenc

e of any incapability expressed by the State Election Commission, such a course was impermissible for the State Legislature, he argued. Referring to the reservations for women in statutory and constitutional institutions ranging from 33% to 50% in some of the North Eastern States as well as the extracts of speeches of high dignitaries of the State on the empowerment of women, the learned Senior counsel argued that the impugned decision of the State Assembly was apparently a retrograde step. Mr. Gonzalves underlined that with the prayer for extension of time for compliance of the directions contained in the judgment and order dated 21.10.2011, the State Government was estopped in preferring the appeal therefrom. The learned Senior counsel did refer as well to the Village Development Boards Model Rules, 1980 framed under Section 50(1) of the Nagaland Village and Area Council Act, 1978 to contend that as Clause - 4 (b) thereof prescribed that 25% of the members of the Managing Committee of such Board was to be women, the plea of further scrutiny of the issue on the ground of tribal custom and practice was as per se utterly frivolous. It being apparent on the face of the record that as asserted by the State Election Commission that the State Government in spite of being repeatedly requested had not extended its cooperation in consolidating the preparatory steps for holding the elections to the Municipal and Town Council of Nagaland, the appeals ought to be dismissed with exemplary costs, he insisted. The learned Senior counsel relied on the decisions of the Apex Court in the Matter of Special Reference No.1 of 2002, (2002) 8 SCC 237; Abdul Nazar Madani vs State of T.N. & Ors., (2000) 6 SCC 204; Kushangsing Tomar vs. Municipal Corporation of the City of Ahemadabad & Ors, (2006) 8 SCC 352.

14. Ms. Longkumer, on instructions submitted that the State Election Commission is prepared to conduct the process of elections only if the State Government affirms that the situation is conducive therefor.

14.A The learned Advocate General, Nagaland clarified in reply that on the date of the first application for extension of time, the State authorities did not entertain any hesitation to hold the elections in compliance of the judgment and order dated 21.10.2011 and thus the contention of estoppel is misconceived. As the debate in the State Legislature cutting across the party lines demonstrated a pronounced concurrence in favour of a re-scrutiny of the provision for reservation for women in the ensuing elections, in the face of simmering unrest, the insistence to further the process would be wholly inexpedient and at the cost of ensuing law and order situation, he pleaded. According to Mr. Balgopal, the State Legislature is an impartial entity and the impugned decision having been taken, on an overall appraisal of the attendant fact situation, the decision in Kishansing Tomar (Supra) is of no avail to the respondents. Elaborating the provision of Nagaland Village and Area Council, 1978, the learned Advocate General clarified that the Village Development Board is only an unit of the village council, a statutory body under this legislation and thus no analogy from the make up of the Managing Committee thereof (Village Development Board) in endorsement of validity of reservation for women in Municipal and Town Councils of the State is comprehensible in law.

15. The competing pleadings and the arduous arguments have received our anxious consideration. The genesis of the dissension lies in the Cabinet decision dated 16.12.2009 to refer the Act to a Committee of Secretaries appointed by it to examine the shortcomings thereof and to suggest remedial measures in a report to be submitted by it and meanwhile postpone indefinitely the elections to the Municipal and Town Councils of the State otherwise scheduled to be held in January, 2010. This decision, as the related proceedings of the Cabinet as extracted in the Office Memorandum dated 21.12.2009 would indicate, was prompted by a perceived touchy situation in the State and the on-going reconciliation and peace process warranting a sustained need to maintain harmony in the society. That the elections have the potential of creating tension and undesirable situations in the State was also recorded. As a corollary, the Notification No. UDD/MAC-12/2009 dated 11.1.2010 was issued dissolving the Municipal and Town Councils in exercise of the powers of the Government under Section 10 of the Act with effect

from the date of tenure thereof and appointing the concerned Executive Officers of the dissolved Municipal/ Town Councils as Administrators to perform and discharge the functions of the Municipal/ Town Councils until such time elections were held to constitute the same as contemplated under Section 83(1) of the enactment. The Cabinet decision dated 16.12.2009 and the Office Memorandum dated 11.1.2010 were assailed in WP(C) 147(K)/2011 and as adverted to hereinabove, by the judgment and order dated 21.10.2011 both were interfered with and a direction was issued to the respondent State and the State Election Commission, Nagaland to complete the process of elections to the Municipal and Town Councils of the State on or before 20.1.2012.

16. At the first instance, the State of Nagaland as well as the State Election Commission, Nagaland sometime thereafter filed interim applications being Civil Misc. Case Nos. 121(K)/2011 and 122(K)/2011 seeking extension of the deadline upto 30.4.2012 on the ground of summary revision of the electoral rolls, continuance of socio-economic caste census and the board examinations for compliance of the directions embodied in the aforementioned decision. By order dated 30.11.2011, the prayer was acceded to with the rider that no further time would be granted.

17. Thereafter, by the Notification No. UDD/MAC-14/2011 dated 14.3.2012 the general elections to constitute the Municipal and Town Councils in the State were notified to be held under the superintendence, control and supervision of the State Election Commission, Nagaland as per the schedule to be notified by the latter. That reservation of seats for women as notified by the Urban Development Department’s Notification No. MAC/Home/9-2006 (A) dated 14.3.2012 under Article 243 T of the Constitution of India and Notification No. UBB/MAC/7/09 (Pt. II) dated 14.3.2012 under Section 23 A(1) of the Nagaland Municipal Act, 2001 (amended) would be effected in the said elections was also referred to therein. According to the State of Nagaland, however, though vigorous steps pursuant to the above Notification for holding the elections followed, a litany of representations/ memoranda from the Naga Hoho, Eastern Naga People’s Organization and various other tribal institutions/ organizations were received expressing strong objection and/or remonstrance against reservation of 33% quota for women in the ensuing elections with an emphatic demand to revoke the amendment to the Act providing therefor.

18. Situated thus and comprehending serious law and order situation in case the process of elections was still pursued, the State of Nagaland filed another interim application before this Court at the Kohima Bench which was registered as Civil Misc. Case No. 39(K)/2012 seeking further extension of time by six months or till the Select Committee of the House of the Nagaland Assembly submitted its report as resoled on 22.3.2012. It was detailed in the application that in the recently concluded session of the House the Minister, Department of Urban Development on 20.3.2012 had moved a resolution for suspension of the process for elections and for reference of the Nagaland Municipal Act, 2001 to the Select Committee of the House for the review thereof and that after elaborate deliberations the Assembly on 22.3.2012 unanimously resolved :

i) to refer the Nagaland Municipal Act, 2001 to the Select Committee of the House to be nominated by the Speaker for reviewing the entire legislation in accordance with Section 484 thereof with instruction to submit a report to the House within a period of six months.

ii) to refer to the Assembly Committee under Rule 221 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly to examine whether the State should be exempted from the application of Part-IX A of the Constitution of India and to report to it within a period of six months.

iii) to suspend the Municipal and Town Council elections till the Select Committee submitted its report.

The prayer for extension was, thus, sought to be justified on these grounds and

the liberty of this Court was sought for so as to enable the State Legislative A ssembly to examine the above referred aspects in public interest and to avoid un pleasant consequences that may arise if the process of election as notified was furthered in the face of the pronounced resistance and opposition to the issue o f reservation for women. The representations/memoranda opposing the reservation and the resolutions of the State Assembly were appended to the interim applicati on. The State Election Commission also filed interim application registered as C ivil Misc. Case No. 40(K)/2012 stating, inter alia, the steps already taken by it to facilitate the elections in compliance of the decision of this Court.
The learned Single Judge by order dated 27.4.2012 rejected the State's applicati on for extension of time on the ground that these pleas had been elaborately dea lt with by the judgment and order dated 21.10.2011 and, thus, could not be reope ned for reconsideration. Referring to the decision of the Apex Court in Kishan S ingh Tomar (supra), it was held that this Court by the said decision had conclud ed that the circumstances acted upon by the Cabinet to postpone the elections co uld not be construed to be exceptional, special, emergent and unforeseen to dist ract the authorities from undertaking the process. Vis- -vis the resolutions of the State Assembly, it was observed that the application carrying the same was n ot one for extension of time simpliciter and that it having been made clear by t he earlier order dated 30.11.2011 that no extension of time beyond 30.4.2012 wou ld be granted, the prayer to that effect was not tenable. The learned Single Jud ge while rejecting the request for further extension of time beyond 30.4.2012, d irected the respondent State to hold the elections to the Municipal and Town Cou ncils within a period of one month from the date of receipt of a copy of the ord er.
As aforestated, WA No.116/2012 was instituted by the State of Nagaland against t his order on 10.5.2012. Though delayed, the accompanying appeal against the judg ment and order dated 21.10.2011 rendered in WP(C) 147(K)/2011 was also laid on t he same date.

19. The preliminary objection with regard to the maintainability of the subsequent appeal needs to be dealt with at the threshold. Whereas it has be en assiduously pleaded on behalf of the respondents that the State of Nagaland h aving prayed for time to comply with the directions contained therein, it is est opped from appealing against the same, the sustainability thereof has been sough t to be endorsed referring to the progression of the events triggered by the ste ps taken subsequent to the order dated 30.11.2011 of this Court granting the fir st extension. Reliance as well has been placed by the respondents on the decisio n of this Court in Smt. Khetoli (supra) recording the factum of the amendment of the Act, 2001 by the Nagaland Municipal (1st Amendment) Act, 2006 providing for reservation of Scheduled Caste, Scheduled Tribe and Women for the elections to the Municipal and Town Councils of the State.
The textual facts demonstrate that the State Government initially in compliance of the judgment and order dated 21.10.2011 and on extension of the deadline of t ime granted on 30.11.2011 had in fact issued the Notification dated 14.3.2012 to hold theelections to the Municipal and Town Councils of the State under the sup erintendence, control and supervision of the State Election Commission, Nagaland as per the calendar to be notified by it. Effectuation of the provision for res ervation of seats for women as notified on the very same date in the same electi ons was also assured. Till that point of time the intention of the State of Naga land to hold the elections in deference to the adjudication of this Court and th e consequential directions can by no means be doubted. That by or about the same time several representations/ memoranda by various tribal institutions expressi ng their pronounced opposition and resentment to the proposed reservation of wom en in the elections did start pouring in is a matter of records. Though in cour se of the adjudication of the writ petition, as the records would reveal, a seri es of consultative meetings were held on different dates and at various places i n the State as desired by the State Assembly to elicit the opinion of the tribal institutions and organizations as well as all cross sections of the public whic h witnessed as well formidable opposition to the provision for reservation of wo

men in the Municipal and Town Council elections, the learned Single Judge construed the exchanges thereat to constitute only a healthy debate being an essential attribute of democracy. That no special, emergent or unforeseen circumstance was spelt out thereby as contemplated in Section 83(1) of the Act was, thus, the deduction.

20. Be that as it may, the representations/ memoranda received on and from 7.3.2012 were not only representative in nature but also sought to consistently emphasize on the negative impact of the reservation for women in the Municipal and Town Councils in the State on the Naga society so as to disintegrate the same and weaken the strong administration of the Naga way of life. It was underlined as well that on issues of this kind any State policy in connection therewith ought to be preceded by consultation with the civic society at large by taking it into confidence. Reference to Article 371A of the Constitution was also made in the perspective of its protective amulet qua religious or social practices of the Nagas and the Naga customary law and procedure etc. That the members of the public of the areas represented thereby would not participate in the Municipal and Town Council elections if reservation for women therein would be insisted upon and instead demonstrations against the process would be staged under compulsion was clearly indicated.

21. In the emerging factual perspective the State Assembly having unanimously and following an exhaustive discussion adopted the aforementioned resolutions, in our comprehension, the initiative of the State Government to seek refuge of this Court for further relaxation of the time frame fixed by it to complete the electoral process cannot per se act as an estoppel against it to impugn the judgment and order dated 21.10.2011. Significantly, the resolutions dated 22.3.2012 of the State Assembly have remained unchallenged. In the appeal preferred against the order dated 27.4.2012 rejecting the State Government’s prayer for extension of time beyond 30.4.2012, the evaluation of the fact situation projected by the representations/ memoranda in the backdrop of the adjudication effected by the judgment and order dated 21.10.2011 would have to be essentially made. The significance as well as tenability of the resolutions of the State Assembly adopted on 22.3.2012 would also be drawn into the ambit of the scrutiny for the limited purpose of examining the legality and the justifiability of the prayer for second extension of time.

The challenge to the judgment and order dated 21.10.2011 has its roots in the amendments to the Constitution of India occasioned by the Constitution (Thirteenth) Amendment Act, 1962 and the Constitution (Seventy-Fourth) Amendment Act, 1992 integrating to the National Charter Article 371 A and Part-IX A respectively. A debate centering around the interpretation of Article 371A as well has surfaced in course of the arguments. The authority of the State Legislative Assembly and its constitutional obligation vis- -vis the Act of Parliament pertaining to the topics/ themes of legislations catalogued in Article 371A (1)(a) has also been deliberated upon. The resolutions of the State Assembly dated 22.3.2012 apart from being unanimous are seemingly based on an indepth appraisal of the prevailing fact situation animated by the pronounced dissentions of several tribal institutions ventilating the feelings and views of the tribal community represented by them. Discernible constitutional overtones, therefore, inform the grounds urged in the appeal assailing the judgment and order dated 21.10.2011.

22. On a consideration of the totality of the factors, we are of the view, having regard to the nature of the issues seeking adjudication and to provide a quietus to the lingering legal discord, that the appeals ought to be heard on merits. The preliminary objection to its maintainability is, thus, rejected.

The decision of this Court in Smt. Khetoli (supra) proceeded on a challenge against the Nagaland Municipal Act, 2001 being repugnant to the mandate of Article 243T of the Constitution of India. This Court having been informed in course of the arguments that vide Nagaland Municipal (1st Amendment) Act, 2006 provision fo

r reservation of Scheduled Caste, Scheduled Tribe and Women had been made in the enactment, the petition was closed as infructuous. This decision, having regard to the enlarged scope of the present adjudication, is not decisive qua any aspect thereof.

23. The above determination axiomatically enjoins an analytical evaluation of the debate pivoted on the factual background of the integration of Article 371A in the Constitution of India by the Constitution (Thirteenth Amendment) Act, 1962 (for short, hereinafter referred to as 'the Act, 1962') to be followed by the insertion of Part-IX A ushered in by the Constitution (Seventy Fourth Amendment) Act, 1992 (for short, hereinafter referred to as 'the Act, 1992') and the alleged unwarranted deferment of the elections to the Municipal and Town Councils of the State on collateral considerations.

24. The historical preface of the creation of the State of Nagaland and the Act, 1962 assimilating Article 371A to the constitutional scheme of democratic governance of the country in bare essentials is thus the desideratum. The records testify that a Nine Point agreement between the Naga National Council and the then Governor of Assam was deliberated upon and inked during 27th to 29th June, 1947 recognizing in unambiguous terms the right of the Naga people to develop themselves according to their freely expressed wishes. It was inter alia agreed upon that no law passed by the provincial or central legislature which would materially effect the terms of the agreement or the religious practices of the Nagas would have legal force in the Naga Hills without the consent of the Naga National Council. It was provided that in case of a dispute as to whether any law did so affect the agreement, the matter would be referred by the Naga National Council to the Governor who would then direct that the law in question would not have legal force in the Naga Hills pending the decision of the Central Government.

25. This consensus echoed in the deliberations between the Naga People's Convention with the Foreign Secretary, Government of India during 27th and 28th July, 1960 and the Sixteen Point agreement arrived at, Clause-7 whereof predicated that no Act or law passed by the Union Parliament affecting the provisions pertaining, amongst others, to the religious or social practices of the Nagas and the Naga customary laws and procedure would have legal force in Nagaland unless specifically applied to it by a majority vote of the Nagaland Legislative Assembly.

26. The Statement of Objects and Reasons of the Constitution (Thirteenth Amendment) Bill, 1962 noticed this agreement under which it had been decided that the Naga Hills-Tuensang Area (Nagaland), then a 'Part B' Tribal Area within the State of Assam was to beformed into a separate State under the Union of India, amongst others, with the aforestated regulation/ restraint on the application of the Acts of Parliament on matters pertaining inter alia to religious or social practices of the Nagas and the Naga Customary Law and Procedure. The Statement of Objects and Reasons further recorded that that these aspects were peculiar to the proposed new State of Nagaland warranting provision in respect thereto to be made in the Constitution itself. The proposed Bill thus sought to amend the Constitution to provide for these matters and those ancillary thereto. The Statement of Objects and Reasons also referred to a separate bill for the formation of the new State relatable to Article 3 of the Constitution of India.

27. The extracts of the debate on the Constitution (Thirteenth Amendment) Bill in the Lok Sabha emphasised upon the assertions of the Prime Minister of the country to extend maximum autonomy to the Nagas in their internal affairs while accepting their demand for a separate State. Vis- -vis Article 371A, the necessity of such a provision was affirmed in view of the special condition that prevailed in the area concerned. While dwelling on the essentiality of the independence and autonomy of the Naga people without interfering in any way in th

eir internal affairs and ways of life as a guarantee to effectuate unity in diversity, the powers, limited though, of the Legislative Assembly as envisaged in the proposed constitutional provision was affirmatively ratified.

28. The debate on this Bill in the Rajya Sabha too recalled the history of the Nagas, their traditions and cultural background to merit a different treatment. The Constitution (Thirteenth Amendment) Bill, 1962 and the State of Nagaland Bill, 1962 were construed to be an yield of the realization of exigency of justice to these tribal brethren of the nation who had their own form of democracy governing their respective tribes being guided by their customs and religious beliefs and practices demanding safeguard thereof through conferment of autonomy deserved by them.

29. Article 371A (1) is substantially a replica of the corresponding clauses of the agreements referred to hereinabove qua the application of the Acts of Parliament to the State and reiterated in the Statement of Objects and Reasons of the Constitution (Thirteenth Amendment) Bill, 1962. This constitutional provision having occupied the centre stage of the arguments on this aspect of the lis, it is apt to extract the relevant excerpt thereof:

371-A. Special provision with respect to the State of Nagaland-

(1)Notwithstanding anything in this Constitution,--

(a) no Act of Parliament in respect of-

(i) religious or social practices of the Nagas,

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources,

shall apply to the State of Nagaland unless the Legislative Assmebly of Nagaland by a resolution so decides;

30. A bare perusal of the contents of the above quote in conjunction with the eventful background thereof does not, in our opinion, admit of the interpretation suggested on behalf of the respondents that every Act of Parliament, to start with, is applicable in the State of Nagaland on its enactment unless the Legislative Assembly of the State by a resolution decides otherwise. Not only the text of Article 371-A (1) does not endorse this elucidation, the prefatory sequence of events does not sanction the same lest those stand obliterated and enciphered. In contradistinction, the proposition that an Act of Parliament in respect of the themes set out in Article 371-A(1)(a) would apply to the State of Nagaland only if the Legislative Assembly of the State by a resolution so decides not only accords with the tenor, temper and sentiment of the architects of this constitutional provision with the singular outlook of ensuring maximum autonomy to the Naga community and the tribal State comprised of it, but also the language applied in harmony with the spirit and psyche thereof. The plea that in this unique contextual premise the framers of the Constitution had visualized the innate obligation of the Legislative Assembly of the State of Nagaland to scrutinize every Act of Parliament bearing on the fields of the legislation envisaged in Article 371-A(1)(a) commends for acceptance.

31. Significantly, apart from the interpretation of this constitutional provision as adverted to hereinabove, neither any reservation had been expressed qua the competence of the State Legislative Assembly in this regard nor any prohibition to debar an exercise by it to conduct a review of such an enactment once examined and cleared for application in unforeseen and exigent eventualities warranting a re-survey has been hinted at. The impugned resolutions of the Nagaland Legislative Assembly to this effect, therefore, in our view, cannot be repudiated to be incompetent and/or constitutionally barred.

32. In terms of Article 208 of the Constitution of India, the Nagaland Legislative Assembly had framed and adopted its Rules of Procedure and Conduc

t of Business (for short, hereinafter referred to as 'the Rules') and had publis hed the same in the Nagaland Gazette dated 30.9.1964. Under Rule 221-A, the Spea ker of the House at the commencement of every Legislative Assembly is required t o constitute a Committee for scrutinizing every Act of Parliament to see whether any or all provisions thereto affect any or all matters enumerated in Article 3 71-A(1)(a) of the Constitution of India and, if it is so, to recommend the proce dure for application thereof as is contemplated in the said Article of the Supre ma Lex. The explanation incorporated in Rule 221-A(1) clarifies that an Act of P arliament includes a Constitution Amendment Act. The said Rule apart from provid ing the composition of the Committee, prescribes the term thereof to be co-termi nus with that of the Legislative Assembly. It enjoins further that the Committee while submitting its report following the scrutiny of every Act of Parliament w ould indicate in clear terms whether the same affects any or all the provisions in Article 371-A(1)(a) or not and further if the enactment does so, whether it h as to be applied to the State of Nagaland or not. That the House by a motion can accept or reject the recommendations of the Committee is predicated by sub-Rule (7). The power of the Speaker to give special guidance and directions to the Co mmittee is contained in sub-Rule (9).

33. The efficacy of this provision of the Rules framed in exercise o f power constitutionally endowed is irrefutably traceable to the mandate of Arti cle 371-A(1)(a) making it incumbent in unequivocal terms for the Committee to di scharge its constitutionally assigned role in the perspective of the unique fact ual background of its incorporation vide the Act, 1962. The authority and domini on of the Legislative Assembly to constitute a Committee in terms of Rule 221-A and the function thereof, thus, does not admit of any ambiguity or doubt.

34. Be that as it may, following the incorporation of Part IX-A in t he Constitution by the 1992 Act, the Nagaland Municipal Act, 2001 (also referred to as 'the Act, 2001') was amended by the Nagaland Municipal (First Amendment) Act, 2006 (for short, also referred to hereinafter as 'Act, 2006') enacted by th e Nagaland Legislative Assembly which received the assent of the Governor on 30. 8.2006 and was subsequent thereto published in the Nagaland Gazette Extraordinar y on 13.9.2006. Thereby, amongst others, Section 23A and Section 23B were insert ed in the Principal Act i.e. Act, 2001 in the following terms:-

23A. Reservation of seats in Municipalities

(1) Seats in every Municipality shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, including women from the Scheduled Castes and t he Scheduled Tribes, in accordance with the provisions contained in clauses (1) to (3) of article 243-T of the Constitution.

(2) Within 90 days from the commencement of this Amendment Act, the Governme nt shall notify in the official gazette the number of seats in every Municipali ty that ought to have been reserved for the categories of persons included in cl ause (1) in the first elections to the Municipalities held in the State in Decem ber, 2004.

(3) Within 180 days from the commencement of this Amendment Act, the Govern ment shall notify in the official gazette the allotment of seats to be reserved for the categories of persons included in clause (1) by rotation in different wa rds in a Municipality.

(4) All members not belonging to the Scheduled Castes and the Scheduled Tri bes who were directly elected from those wards in the Municipalities which have become reserved for the Scheduled Castes and the Scheduled Tribes, and all male members who were directly elected from those wards in the Municipalities which have become reserved for women, including women belonging to the Scheduled Caste s and the Scheduled Tribes, under clauses (1) to (3) of article 243-T of the Con stitution, shall be deemed to have vacated their seats upon notification of the reservation of seats under clause (3).

(5) Upon vacation of seats under clause (4), the Government shall constitute , under Article 243-S(5) of the Constitution, by notification, as many number of single member Committees as are equal to the number of such members who have va

cated their seats, and designate them as Chairman of such Committees with specif ic functions. The Chairman so designated shall thereupon be deemed to have becom e members of the respective Municipality under article 243-R(2)(a)(iv) of the Co nstitution.
(6) The provisions contained in clauses (4) and (5) shall cease to have effe ct with the dissolution of the Municipalities constituted out of the first elect ions to the Municipalities held in December, 2004.

23B. Reservation of offices of Chairpersons to Municipalities for SCs, STs and w omen.
The offices of the Chairpersons shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, as nearly as may be, in proportion to the number of seats reserved for them in the Municipalities and the allotment of such offices shall be made by rotation. .

35. In substance, thereby reservation of seats in every municipality for the Scheduled Castes, Scheduled Tribes and women including women from the S cheduled Castes and Scheduled Tribes in accordance with the provisions containe d in Clause (1) to (3) of Article 243-T of the Constitution was proclaimed. The State Government was thereby enjoined to notify in the official gazette the numb er of seats in every municipality that ought to be reserved for the aforemention ed categories of persons as well as the allotment of seats for them by rotation to different wards. The offices of the Chairpersons were also to be reserved for the Scheduled Castes, Scheduled Tribes and women, as nearly as may be, in propo rtion to the number of seats reserved for them in the municipalities and the all otment thereof was to be made by rotation. The power of the State Government for appointment of Administrator in special or emergent circumstances in the face o f inability to hold election in such eventualities as envisaged in Section 83 of the parent Act, however, remained unchanged. Having regard to the formidable be aring of this statutory provision, the same as well is extracted hereinbelow:
83. Appointment of Administrator in special or emergent circumstances,--
(1) Notwithstanding anything contained in this Act, where due to certain spe cial, emergent or unforeseen circumstances, election to a Municipality cannot be held or completed before the expiry of its duration specified in section 10 or before the expiry of a period of six months of its dissolution, the Government m ay, by notification, appoint a Government officer to be known as Administrator t o exercise, perform and discharge the power, duties and functions of a Municipal ity subject to such directions, as may be given in this behalf by the Government .
(2) All powers and duties of a Municipality, Chairperson or Deputy Chairpers on, when election to constitute a Municipal Council or a Town Council as the cas e may be, cannot be held or completed and the committees thereof, shall subject to such directions as the Government may from time to time, give in this behalf , be exercised and performed by such Administrator.
(3) All properties vested in the municipality, shall during the period, when elections are not held or completed, vest in the Government.
(4) The government shall fix the remuneration of Administrator appointed und er sub-section (1), and may direct that such remuneration shall be paid out of t he Municipal Fund. .

36. In terms of Article 243-T (2) of the Constitution which deals wi th reservation of seats, not less than one-third of the total number of seats re served under clause (1) has to be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. seats, as contemplated in clause (1) of this Article, have to be reserved for the Scheduled Castes and Sch eduled Tribes in every Municipality and the number of seats so reserved has to b ear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the Schedul ed Castes and Scheduled Tribes in the Municipal area bears to the total populat ion of that area and such seats may be allotted by rotation to different constit

uencies. Article 243-U predicates that every Municipality, unless sooner dissolv ed under any law for the time being in force, would continue for five years fro m the date appointed for its first meeting and no longer. Clause (3) of this Art icle enjoins that an election to constitute a Municipality has to be completed-
(a) before the expiry of its duration specified in clause (1); or
(b) before the expiration of a period of six months from the date of its dis solution.

37. In the State of Nagaland, admittedly, elections to the Municipal and Town Councils under the Act, 2001 was held for the first time in the year 2 004 and the term of the office thereof has since expired between 19.12.2009 and 9.3.2010. In between, the Act, 2006 was enacted and enforced with effect from 13 .9.2006. In other words, admittedly, no election to the Municipal and Town Counc ils of the State has been held thereafter. It is, however, on record that an ele ction thereto for the Mukokchang Municipal Council though had been notified on 2 3.7.2008 and a calendar therefor was also published by the State Election Commis sion for the different stages of the process, namely, nomination, scrutiny, with drawal, date of poll etc, no nomination paper was received due to stiff opposit ion and resentment from public, NGOs and civil societies against 33% women reser vation as pleaded by the appellants for any of the 15 wards, for which eventual ly the elections had to be called off. The cavil was essentially to the effect t hat the Act, 2006 introducing the provision for reservation for women impinged u pon the customary and traditional practices of the Naga community.

38. Vis- -vis the on-going exercise that was initiated but stands de ferred in view of the resolutions dated 22.3.2012 of the State Legislative Assem bly, undeniably by the Notification dated 16.11.2009 the Government of Nagaland in the Urban Development Department had allotted the wards and fixed the number thereof to be reserved for the Scheduled Castes, Scheduled Tribes and women in t erms of the Act, 2006 for the ensuing elections. It was thereafter that on recei pt of several representations from the tribal institutions objecting to the rese rvation for women, the State Cabinet on 16.12.2009 decided to postpone indefinit ely the elections to the Municipal and Town Councils scheduled to be held in the month of January, 2010 and to constitute ad-hoc Municipal/ Town Advisory Counci ls to run the affairs of the Municipal/Town Councils till the elections were hel d or until further orders. In deciding thus, the Cabinet in the context of the r epresentations so received was of the opinion that in view of the on-going recon ciliation and peace process in the State, the need to maintain societal harmony was paramount. While entertaining the apprehension that the Municipal and Town C ouncil elections in the face of the dissensions aired in the representations, if held, would generate tension and undesirable situations in the State, the Cabin et decided to postpone the process noticing further that the Committee appointed by it to examine the perceived shortcomings of the Municipal Act and to suggest remedial measures was yet to submit its report. The Notification dated 11.1.201 0 in deference to this Cabinet decision was thereafter published whereby the Mun icipal and Town Councils of the State stood dissolved with effect from the date of expiry of the tenure and the Executive Officers of such dissolved bodies were appointed as Administrators to perform and discharge the functions thereof unti l such time the elections were held. Reference to Section 83(1) of the Act, 2001 was made in endorsement of this interim arrangement.

39. The records demonstrate that in view of these developments a ser ies of consultative meetings were hel