

**Bill No. LXVI of 2010**

THE ACTS OF PARLIAMENT (APPLICATION TO NAGALAND)  
BILL, 2010

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*to provide for procedure for effectuating article 371 A (1)(a) of the Constitution of India  
in relation to the State of Nagaland.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Acts of Parliament (Application to Nagaland) Act, 2010. Short title and  
commencement.

(2) It shall come into force at once.

5 2. In this Act, unless the context otherwise requires,— Definitions.

(a) "Act means an Act made by Parliament in exercise of its ordinary and constituent powers of legislation and includes an Ordinance promulgated by the President of India under article 123 of the Constitution of India;

10 (b) "Committee" means the Joint Government's Committee constituted under section 4 of this Act;

(c) "Government of Nagaland" means the Governor of Nagaland acting on the aid and advice of the Council of Ministers of Nagaland; and

(d) "Report" means a report of the Joint Governments' Committee.

Declaration to be contained in all Acts.	<p><b>3.</b> All Acts enacted hereafter, shall contain a declaration that such Acts shall apply to the State of Nagaland subject to article 371A(1)(a) of the Constitution of India read with this Act.</p>	
Joint Governments' Committee.	<p><b>4.</b> All Acts enacted hereafter, shall, within Sixty days of their enactment, be referred to a Joint Governments' Committee comprising such number of Ministers and officers both from the Union Government and the Government of Nagaland, as may be determined, by notification, by the Union Government in consultation with the Government of Nagaland:</p> <p>Provided that the representatives of the Government of Nagaland to the Committee shall be nominated by the Government of Nagaland.</p>	5
Report of the Joint Government's Committee.	<p><b>5.</b> The Joint Governments' Committee shall examine the question whether an Act, so referred, requires a resolution of the Legislative Assembly of Nagaland for applying its provisions, partly or fully, to the State of Nagaland or not, and present a report in that behalf concurrently to the Union Government and the Government of Nagaland within sixty days of reference of the Act to the Committee.</p>	10
Actions on Report.	<p><b>6.</b> (1) If the report recommends that a resolution of the Legislative Assembly of Nagaland is required for application of the Act to the State of Nagaland, then the necessary resolution shall be passed by the Legislative Assembly within sixty days of the receipt of the report by the Government of Nagaland and,—</p> <p>(i) upon passing of the resolution, the Act shall be deemed to have applied to the State of Nagaland from the date of its enactment;</p> <p>(ii) upon failure to pass a resolution or failure of a resolution to be carried when moved in the Legislative Assembly within the aforesaid period, the Act shall be deemed to have applied to the State of Nagaland from the date on which the said period of sixty days expires.</p> <p>(2) If the report recommends that a resolution of the Legislative Assembly of Nagaland is not required for application of an Act to the State of Nagaland, then the Act shall apply to the State of Nagaland at the expiration of sixty days from the date of receipt of the report by the Government of Nagaland:</p> <p>Provided that the report may be referred back to the Joint Governments' Committee for further examination by a resolution of the Legislative Assembly of Nagaland passed within sixty days from the date of receipt of the report by the Government of Nagaland:</p> <p>Provided further that the resolution of the Legislative Assembly so passed shall enumerate the disputed points on which the Act is referred back to the Committee.</p>	15 20 25 30
Action on reconsidered report.	<p><b>7.</b> (1) A report referred back to the Committee by a resolution of the Legislative Assembly of Nagaland, shall be reconsidered by the Committee in the light of points enumerated in the resolution within sixty days of receipt of the resolution.</p> <p>(2) If the revised report recommends that a resolution of the Legislative Assembly of Nagaland is required for application of the Act to the State of Nagaland, then the procedure outlined in section 6(1) shall be followed.</p> <p>(3) If the revised report recommends that a resolution of the Legislative Assembly of Nagaland is not required for application of the Act to the State of Nagaland, then the Act shall apply to the State of Nagaland at the expiration of sixty days from the date of receipt of the revised report by the Government of Nagaland, unless the Legislative Assembly of Nagaland passes a resolution before the expiration of the said period, directing that the Act shall not apply to the State of Nagaland and upon passing of such a resolution, the Act shall not apply to the State of Nagaland at any point of time.</p>	35 40 45

#### STATEMENT OF OBJECTS AND REASONS

Article 371A(1)(a) of the Constitution of India accords Nagaland a special place in regard to application of Acts of Parliament to the State.

2. Ever since the creation of the State on the 1st December, 1963, neither the State Government nor the Union Government had paid due attention to the working of that special provision in relation to Nagaland.

3. This Bill seeks to lay down a procedure for putting into effect article 371A(1)(a) in relation to the State of Nagaland.

Hence this Bill.

KHEKIHO ZHIMOMI

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 4 of the Bill gives power to the Central Government to issue notification naming the Ministers and Officers who would constitute the Joint Governments' Committee for carrying out the purposes of this Bill. The notification will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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*(Shri Khekiho Zhimomi, M.P.)*