

ITEM NO.15

COURT NO.2

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3607/2016

PEOPLES UNION FOR CIVIL LIBERTIES (PUCL) & ANR. Appellant(s)

VERSUS

THE STATE OF NAGALAND & ORS. Respondent(s)

IA No. 88466/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 69269/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 25-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Satya Mitra, AOR
Ms. Mugdha, Adv.
Mr. Kamran Khwaja, Adv.

For Respondent(s) Mr. K N Balgopal, Sr. Adv.
Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Vitso Rio, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
Mr. Mahendra Singh, Adv.

Mr. Shiv Kumar Vats, Adv.

Ms. Pinky Behera, AOR
Mr. Davies, Adv.

Mr. K M Nataraj, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Shantanu Krishna, AOR
Mr. Ankit Mishra, Adv.
Mr. Sidharth Sarthi, Adv.

Mr. Animesh Tripathi, Adv.
Mr. Prabhat Raj Ranjan, Adv.
Mr. Gunjesh Ranjan, Adv.

Mr. Abhaid Parikh , AOR

Mr. Ranjith Kumar, Sr. Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In pursuance of order dated 17.04.2023, Mr. K.M. Nataraj, learned ASG submits as per instructions that Article 243T of the Constitution of India unambiguously applies. He says that what is recorded in the order dated 17.04.2023 reflects the correct position that in respect of the special provisions applicable to the State of Nagaland under Article 371 A(1) of the Constitution of India, though customary law may not be recorded in writing, but there is nothing to advance a plea that religious or social practices of Nagas or Naga customary law and procedure deny the right of equality to women insofar as participatory process is concerned in such elections under Article 371 A (1) of the Constitution of India.

Learned Advocate General for the nth time seeks to assure the Court that the constitutional scheme will not be violated and he needs some time to impress upon the relevant political dispensation that the only way forward is to determine the

mandate of the Constitution of having at least 1/3rd reservation of municipalities. He submits that discussions on a new Enactment in conformity with the same is in progress.

We put to the learned ASG that the Central Government cannot wash its hands off this issue where a constitutional scheme is provided and its task is simplified by the fact that political dispensation in the State is in line with political dispensation at the Centre. In view of the impassioned plea of the learned Advocate General we give him one last of the last opportunities.

We may only state that the personal laws of Nagaland and even the special status under Article 371A(1) of the Constitution is not being touched in any manner. This is a state where education, economic participation and social status of women is one of the best. Thus our concern is as to why something as simple as giving them at least the 1/3rd representation in municipal governance should not be welcomed and action should not be taken in that behalf.

List on 26.09.2023.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)