

ITEM NO.8

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)

([ONLY I.A.NO.69269/2023 IS LISTED UNDER THIS ITEM]
IA No. 69269/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 17-04-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ARAVIND KUMAR

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

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

Mr. K.M. Nataraj, Ld. ASG
Mr. Shailesh Madiyal, Adv.
Mr. Rajat Nair, Adv.
Mr. Vinayak Sharma, Adv.

Ms. Pinky Behera, AOR

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

C.A. No. 3607/2016

The ingenious method adopted to evade the

undertaking given to this Court has been the repeal of the Nagaland Municipal Act, 2001 itself. There is hardly any hesitation on our part to note that what is sought to be done is in breach of the undertaking given to this Court.

Learned ASG is present for Union of India and submits that so far as only reason for which notice was issued was to provide the relevant central force to carry out the panchayat elections. We would like him to assist us and place the stand of the Union of India whether the constitutional scheme of 1/3rd reservation for Municipalities and Town Councils, in the opinion of the Central Government can be violated by the process so adopted by the Nagaland Government. We say so more in the context that in respect of the special provisions with respect of State of Nagaland under Article 371A of the Constitution Of India, nothing has so far emerged to advance a plea that religious or social practices of Nagas or Naga Customary Law and Procedure denies the right of equality to women insofar as the participatory process is concerned in such elections.

Learned ASG is granted two weeks' time to place their stand on record.

IA No. 69269/2023

We direct formal notice also to issue to all the entities described in prayer (a) other than the State Election Commission.

List the matter on 01.05.2023.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)