

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.3607/2016

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

VERSUS

THE STATE OF NAGALAND &amp; ORS. Respondent(s)

([FOR DIRECTIONS])

IA No. 5/2017 - Application for impleadment

IA No. 4/2017 - Application for withdrawal of the Civil Appeal

IA No. 3/2016 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 22-02-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESHFor Appellant(s) Mr. Colin Gonsalves, Sr. Adv.  
Ms. Olivia Bang, Adv.  
Mr. Satya Mitra, AORFor Respondent(s) Mr. K. N. Balgopal, Sr. Adv./AG  
Mrs. K. Enatoli Sema, AOR  
Ms. Nitya Nambiar, Adv.  
Mr. Vitso Rio, Adv.  
Mr. Amit Kumar Singh, Adv.  
Ms. Chubalemla Chang, Adv.  
  
Ms. Pinky Behera, AORUPON hearing the counsel the Court made the following  
O R D E R

We have perused the note/ synopsis filed by respondent No.3, the Nagaland State Election Commission. The report is once again reflection on the lackadaisical attitude of the State Government even in furtherance of assurances given to this Court apart from the fact of the legal mandate which they are required to follow. The following are issues reflected by the State Election Commission:

(a) No response having been received in pursuance to the office letter dated 11.11.2020 requiring changes in legislation to adopt the electoral rolls of the Parliament in the Assembly Election for use in local body election and the Election Commission would provide requisite additional fields in existing rolls to enable ward wise segregation of voters. Subsequently, vide letter dated 10.3.2021, request was made to take up amendment of relevant sections of the Nagaland Municipal Act, 2001 (Section 33 and 34) in line with the observations of Department of Justice and Law.

(b) Proposal was for conduct of summary revision of E-rolls for 3 Municipal Councils, 29 Town Councils and fresh E-rolls for the newly created Town Councils in the State with reference to the Office letter dated 15.2.2021 and 17.8.2021. It is pointed out that the last summary revision was done in the year 2016 after which no summary revision has taken place till date leading to a huge gap in the old available datas in the office as opposed to the present day figures have not been updated for five years. Apart from this, 7 new Town Councils were created vide Government Notification dated 13.11.2019.

The grievance made is that the State Government is not responding to the request of the Election Commission. We may also note that as per the State Election Commission the aforesaid processes may require six months time before taking up the election exercise.

We note with great regret that an important aspect of gender equality seems to be getting postponed and a decade has passed in that behalf. We had accepted the assurances of the learned senior counsel that they were at a threshold of completing the exercise and that a Committee had been formed to further the object of holding elections in terms of the mandate sought in prayer (b). He had submitted on behalf of the State that they will amend the mandate of the Act in the conspectus of the aforesaid and a report of the Committee is expected in about a month's time. It was in these circumstances that we had kept the matter for directions.

Learned counsel for the State submits that the Committee has completed the exercise. Learned counsel for the appellants express some reservation as to the result of the deliberation as according to him the recommendations are that the men will nominate the women, something naturally not acceptable. We can only say it is reassuring for us that learned counsel for the State submits that it is not so because such a proposal to be made or accepted, it would not take us much time to quash the same.

Learned counsel for the State submits that due to his indisposition he could not visit Nagaland and would like to be part of the final deliberations before the State Government. At his request, we grant six weeks' time for the said purpose.

We make it clear that a date has to be pointed out to us on the next date for completing the exercise and within the next two weeks the letters of the Election Commission must positively be responded to and we direct the Chief Secretary to do so. Any non-compliance would be treated as a violation of the Order of this Court.

List for directions on 12<sup>th</sup> April, 2022.

(RASHMI DHYANI)  
COURT MASTER

(POONAM VAID)  
COURT MASTER