

Listed on:-
Before Court No.:
Item No.:

SECTION: XIV-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 3607 OF 2016

WITH

INTERLOCUTORY APPLICATION NO. 69269 OF 2023

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 88466 OF 2023

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 141043 OF 2023

(Application for Intervention)

WITH

INTERLOCUTORY APPLICATION NO. 143223 OF 2023

(Application for Intervention)

PEOPLES UNION FOR CIVIL LIBERTIES (PUCL) & ANR

...APPELLANTS

Versus

THE STATE OF NAGALAND & ORS

...RESPONDENTS

REVISED OFFICE REPORT

The appeal alongwith applications in the appeal above mentioned was listed before the Hon'ble Court, on 25th July, 2023 alongwith office report dated 24th July, 2023, when the Court was pleased to pass the following order:-

“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.”

It is submitted that Mr. Mohammed Sadique T.A., Advocate has on 24.07.2023 e-filed application for intervention on behalf of Applicant i.e. “Central Nagaland Women Association’ alongwith affidavit alongwith Vakalatnama/appearance (Registered as I.A. No. 141043 of 2023). Copy of the has been placed with appeal paper books.

It is further submitted that Mr. Arvind Gupta, Advocate has on 25.07.2023 e-filed application for intervention on behalf of Applicant i.e. “Organization Committee for Tenyimia Women Organization, Nagaland’ alongwith affidavit alongwith Vakalatnama/appearance (Registered as I.A. No. 143223 of 2023). Copy of the has been placed with appeal paper books.

Service of notice is complete.

The appeal alongwith applications above mentioned are listed before the Hon’ble Court with this office report.

DATED THIS THE 22nd DAY OF SEPTEMBER, 2023.

ASSISTANT REGISTRAR

Copy to :

1. Ms. Satya Mitra, Advocate
2. Ms. Pinky Behera, Advocate.
3. Ms. K. Enatoli Sema, Advocate
4. Mr. Shantanu Krishan, Advocate
5. Mr. Abhaid Parikh, Advocate
6. Mr. Nishe Rajan Shonker, Advocate
7. Mr. Arvind Gupta, Advocate.

ASSISTANT REGISTRAR

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