

SC favours JACWR on implementation of reservation

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Naga women appear to be on the verge of a victory on the issue of 33 percent seat reservation for women in the municipal councils and town councils – a fight which has been in the court of law for years. In a landmark judgment, the Supreme Court on Tuesday ‘revived’ the 2011 ruling of the single bench Guahati High Court of Kohima which had ruled in favour of the Joint Action Committee on Women Reservation (JACWR) and directed the Nagaland State Government to conduct elections to local bodies with implementation of 33% reservation for women.

The 2011 ruling had quashed the decision of Nagaland Cabinet of postponing the elections in Municipal & Town councils while observing that, “...Issue of reservation of seats for Women in Municipal Councils and Town Councils and the ongoing peace process in the State have, if at all, a tenuous link. There was no material before the Cabinet that if elections are held there will be break down of law and order in the State. The SC has stayed the order of the division bench of Gauhati High Court, Kohima Bench of July 31, 2012 which had challenged the 2011 ruling and asked the state government to set up a committee to look into the claims and directed the municipal elections be suspended till the committee gave its recommendations.

However, Nagaland government had refused to accede to the demands by withholding elections to local bodies, citing Naga customs and possible violence derailing the ongoing peace process. The state counsel had argued in court that the authorities tried to hold elections in one of the 19 councils (Mokokchung Town Council) on May 7, 2011, which was marred by large-scale violence which forced the state to cancel the election.

JACWR then had filed a Special Leave Petition (SLP) in the Supreme Court against the Gauhati High Court Division Bench order, which put elections to the municipal/town councils in Nagaland on hold. Dr Rosemary Dzüvichu, advisor to Naga Mothers Association (NMA) and one of the petitioners, confirmed the news to The Morung Express. “We could not be there in person during the ruling today, however our lawyer Colin Gonsalves informed us of the judgment,” Dr Dzüvichu stated. The hearing was held at Court No-2 of the SC by a three bench judges in New Delhi.

The SC also admitted the petition challenging the Nagaland Legislative Assembly decision that Nagaland should be exempted from the Part IX-A (Municipalities) of the Constitution while stating that it goes against Article 371-A of the Constitution. Dr Dzüvichu while hailing Tuesday’s ruling as a landmark judgment in the fight for implementation of the 33% reservation said the closing judgment into the issue will be revealed once the hearing to the second petition is heard and disposed off. The hearing is expected to in a few days, possibly next Tuesday, the NMA advisor stated.

The JACWR was formed in June 2011 by Naga women organisations of all tribes following the failure of the State Government to hold the long overdue municipal elections and implement 33 percent women reservation as per the Nagaland Municipal Act First Amendment, 2006. Only recently, in what appears to be a reconciliatory gesture, Nagaland Government through the voice of Chief Minister TR Zeliang had appealed to the women folks to accept 25% nomination to the Urban Local Bodies with full voting rights on an experimental basis to begin with.