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STATE OF ASSAM
v.
UNION OF INDIA & ORS.
(Original Suit No. 2 of 1988)

B

AUGUST 20, 2010

[MARKANDEY KATJU AND T.S. THAKUR, JJ.]

Constitution of India, 1950:

C

Article 131 – Boundary dispute between States of Assam and Nagaland – Suit – Interlocutory application – HELD: Apart from the proceedings before the Local Commission appointed earlier by Supreme Court, an attempt should also be made to resolve the dispute between the two States by mediation – Accordingly, two of the foremost experts in mediation in India, appointed to be the Co-mediators – They may also take the help of experts and may also have one assistant each for the process of mediation – Guidelines given as regards the sittings for mediation and the procedure to be followed – It is to be ensured that the report of the mediators reaches the Court by 6.12.2010 – It is made clear that this process will not in any way affect the proceedings before the Local Commission where the State of Nagaland will file its evidence preferably within two months and co-operate with the Local Commission to enable it to complete its assignment as early as possible – Alternative Disputes Resolution by mediation.

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CIVIL ORIGINAL JURISDICTION : Original Suit No. 2 of 1988.

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Krishnan Venugopal, Krishna Sarma, Navneet Kumar, Vartika Sahay (for Corporate Law Group) for the Appellant.

Mohan Jain, ASG, K.N. Balgopal, Kailash Vasdev, D.K. Thakur (for P. Parmeswaran), Gopal Singh, A.P. Mukundan, Edward Belho, Timikha Koza, P.A.R. Naga, G.K. Bhart, Sanjay

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Sandilya, Anil Srivastav, Meenakshi Arora, Mohit D. Ram, Kumar Mihir, Sanjeev Kumar (for Khaitan & Co.) A.S. Bhasme, Sanjeev Kumar for the Respondents. A

The following order of the Court was delivered

ORDER B

Heard learned counsel for the parties.

The Interlocutory Application No.19 of 2010 in original Suit No.2 of 1988 (for modification of the order dated 12th January, 2010) is dismissed. C

As regards the Original Suit No.2 of 1988 under Article 131 of the Constitution of India filed by the State of Assam against the State of Nagaland, we are of the opinion that apart from the proceedings before the Local Commission appointed earlier by this Court, an attempt should also be made to resolve the dispute between the State of Assam and State of Nagaland by mediation. D

The present dispute is for determining the boundary between the State of Assam and State of Nagaland. The State of Nagaland was created by an Act of Parliament of 1962 out of the territories of Assam, but the exact boundary between the two States is yet to be determined. E

We, therefore, appoint Mr. Sriram Panchoo, Senior Advocate, High Court of Madras at Chennai and Mr. Niranjan Bhat, Senior Advocate High Court of Gujarat at Ahmdabad, who are two of the foremost experts in mediation in India, to be the co-mediators. They may also take the help of experts and may also have one assistant each for the process of mediation. The two mediators will decide who the expert should be in the mediation and the representative of the Union Home Ministry shall also be associated with the process of mediation. The two mediators may fix their own emoluments and expenses and also of their assistants, which shall be borne equally by the two States. F G H

A We are of the opinion that the two mediators and their assistants will first have three sittings with the Chief Secretaries of Assam and Nagaland and other officers whom the Chief Secretaries may like to associated with them. After these three sittings, a preliminary Report will be submitted by the two

B meditors regarding the progress made and whether in their opinion it is possible to resolve the dispute between the parties by mediation. This case will be listed after the receipt of the preliminary Report from the two mediators. If a positive report is received, we may consider extending the period for

C mediation with the consent of the parties. The first meeting of the mediators and their assistants with the Chief Secretaries and other officers whom the Cheif Secretaries may like to associate with them will be held on Saturday and Sunday, 18th and 19th September, 2010 at New Delhi at a place determined by the Union Home Ministry. The Union Home Ministry will

D arrange for the air tickets, accommodation, transport etc. of the two meditors and their assistance. The other two dates and the venue will be fixed by the two meditors in consultation with the Chief Secretaries of the two States concerned but the second meeting should not be four weeks later than the first meeting

E and the third meeting should not be four weeks later than the second metting to ensure that the report of the mediators reaches this Court by 06th December, 2010.

List this case on 13th December, 2010.

F We make it clear that this process will not in any way affect the proceedings before the Local Commission where the State of Nagaland will filed its evidence preferably within two months from today and co-opertate with the Local Commission to enable the Commission to complete its assignment as early

G as possible.

Let a copy of this order be sent forthwith to the two mediators appointed by us, Chief Secretaries of the Two States and Union Home Ministry.

H R.P.

Matter adjourned.