

THE DEPUTY CHAIRMAN: We shall wait till Monday.

**THE ARMED FORCES  
(SPECIAL POWERS)  
CONTINUATION BILL, 1967**

THE MINISTER OF EXTERNAL AFFAIRS (SHRI M. C. CHAGLA): Madam, I move:

"That the Bill to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period, as passed by the Lok Sabha, be taken into consideration."

SHRI BHUPESH GUPTA (West Bengal): Yes, make your speech.

SHRI M. C. CHAGLA: A short speech.

THE DEPUTY CHAIRMAN: Do you want to say something?

SHRI M. C. CHAGLA: Shall I say now or shall I reply to the debate?

SHRI MULKA GOVINDA REDDY (Mysore): You should say something now.

SHRI M. C. CHAGLA: I am in the hands of the Members of the House. If they are not tired of hearing my voice, I will say a few words.

SHRI BHUPESH GUPTA: You are in the hands of the House all right but you slip out of our fingers.

THE DEPUTY CHAIRMAN: He has changed his mind. He will say something.

SHRI M. C. CHAGLA: Madam Deputy Chairman, I shall be very brief. I will speak when I reply to the debate. Madam, for a change this Bill is a non-controversial Bill. I want to point out that this is an enabling Bill. It enables the Governor to declare any part of Nagaland or the whole of it a disturbed area. It is only when that declaration is made

that the substantive provisions of the Act apply. The substantive provisions are—I do not want to go into details—to support the civil authority with Armed Forces. Some special powers are given to the Armed Forces to deal with the disturbed situation in Nagaland. Let me say a few words about Nagaland. I am convinced as I am sure the House is convinced that you cannot have a military solution in Nagaland. You have to have a peaceful solution. The Army cannot solve this problem. Hardly any problem in this world is solved by a military solution and therefore the Government sincerely believes in a peaceful solution of this Naga problem. We have done many things . . .

SHRI RAJNARAIN (Uttar Pradesh): Is it a fact?

SHRI M. C. CHAGLA: It is a fact and I will try to satisfy you. We have done many things to bring about a peaceful solution. Let me enumerate them. We have, in the first place, conferred upon Nagaland the status of Statehood. It means we have made Nagaland equal with all other States. To us, Nagaland is as much an integral part of India as Punjab, or Kashmir or Maharashtra or Madras or Bengal. We have made no distinction between Nagaland and the other States which constitute our Union. Secondly, we have suspended the operations and you must have heard on the radio to-day and seen in the papers that the suspension of operations were to have come to an end to-day. In other words, from tomorrow the suspension of operations would have ceased but we have extended it further for two months. Thirdly, we have had rounds of peace talks. The Prime Minister has been talking to the Nagas. She has had five rounds and the talks are going on. I am also a great believer in talks. Talks are the lifeblood of democracy. It is a great thing if people with opposing views can sit across a table and understand each other's point of view. I agree that to-day unfortunately we have not arrived at a consensus. The view of the Government is that within the

Indian Union we will consider any suggestion that you have to make tout Nagaland must remain within the Union and must be a part of India. The view of the Naga hostiles is: 'No, we want to be an independent country'. SO' there is this wide gap between the two points of view but I think the gulf is narrowing and the hostiles are beginning to realise that they can derive considerable benefits by remaining within India. Therefore the House might ask me if the peace talks are going on, if the operations are suspended, what is the necessity for this Bill? As I said, in the first place this is merely an enabling Bill. We do not want to take risks in a very vulnerable part of the country. I again say, notwithstanding the suspensions of the operations, there has been some trouble in Nagaland. There has been subversion. Bombs have been thrown, trains have been damaged and the worst is, small numbers of people from Nagaland, the hostiles, escape to Pakistan. From Pakistan they sometimes escape to China, get themselves trained, come back to Nagaland and start their subversive tactics. This is a very serious matter. I would say here that our friendly country, Burma, has been of great assistance to us. They have tried to prevent the Naga hostiles from escaping to Pakistan through the Burmese territory, but the terrain with which we are faced is the worst in the world. It is a terrible, almost impenetrable jungle and no amount of police supervision can prevent any escaping and going over to Pakistan. Today the situation is, Nagaland by and large is very peaceful. There are, as I said, occasional incidents but we cannot take the risk and none will be more happy than I if the Governor was never called upon to bring this Act into operation but any Government which is a responsible Government which is responsible for the safety and security of the country, cannot take risks, cannot afford to take risks and therefore this Bill, which was first passed as a regulation in 1958 and which has been renewed every year, is again being renewed only for one

year and therefore, as I stated, this is a very non-controversial measure and I have the House will carry it.

*The question was proposed.*

SHRI M. VERO (Nagaland): Madam, the Bill before the House seeking to continue the Armed Forces (Special Powers) Bill is rather unfortunate and very untimely. Immediately after the formation of the new Government at the Centre the people of Nagaland have been anxiously expecting good wishes, greetings and early restoration of peace but instead of doing so, the Central Government has again introduced the Bill to perpetuate the Armed Forces Special Powers in Nagaland. While discussing this Bill I would mention briefly the history of the vast Nagaland and under what circumstances the necessity arose from the beginning. From 1923 the Naga people started demanding separation from the Indian Union. Since then strict measures were taken by the Assam Government and thereby the situation became very tense. In 1955 when the Assam civil administration failed to control the hostile activities, they asked the Army to help the civil authorities. The years between 1956 and 1957 were a period of bloodshed, killings, etc. in Nagaland about which I do not like to go into detail. In order to deal with the hostiles more effectively, the Central Government passed the Armed Forces Special Powers Bill in 1958 but you should remember that it is not the special powers that could help restore normalcy but it is only through the fullest cooperation of the people that the situation can be solved. Some Members in the other House mentioned about the missionary activities, which have nothing to do with the political situation at present in Nagaland. Secondly, some Members have even suggested in the other House that in addition to the special powers of the Army more powers should be given to the Army to liquidate the hostile elements from the soil. This is something strange. I would like to tell them, through this House, that no amount of force can

[Shri M. Vero.] crush the spirit of the people, whether it is the Nagas or any other people on the earth. After 11 years of fighting, the people of Nagaland have started enjoying peace beginning from the historic day of 6th September, 1964. During these four years of peace in the area, the underground leaders have had several rounds of talks with the Government of India for a satisfactory political settlement of the Naga problem. Whether they demand independence or otherwise, they have started putting their viewpoints across the table which is indeed a great development in the situation and the people are acclimatised with peace. These powers are not needed so far as Nagaland is concerned. If the people of India really mean what they say, that they should treat the Nagas as one of them and not as foreigners it is really repugnant to use army against one's own people and that also by giving special powers. In Nagaland there is no trouble now. So the Members should not be talking as if the Nagas are creating trouble. Let us remember that India is one of the greatest democracies in the world. We should therefore live up to our democratic principles in all our dealings.

With these few words I would like to conclude my speech, by telling the Minister of External Affairs that this Bill, which has been introduced in this august House, may not be a welcome guest in Nagaland. If there are other areas for which any special powers are needed, the Nagas should not be made the main cause for the special powers. The Nagas are now at peace. We should, therefore, give serious thought to this matter before it is put to vote.

Thank you, Madam.

SHRI B. K. P. SINHA (Bihar): Madam Deputy Chairman, this Bill is no doubt non-controversial. Whether there is a necessity for the extension of the Act by one year or not is a matter on which only the executive, which is in full possession of the facts, can shed light. Now the

Government of India feel that this measure has to be extended so that power remains with the Government of India or the Government of Nagaland, so that this Bill or this weapon could be made use of if the situation demands it. The mover has made it abundantly clear that he would be happy, that the Government of India would be happy if the situation does not necessitate the assumption of these powers by the army authorities, or the conferment of these powers on the army authorities by the Government under this Bill.

Madam, we are all anxious that there should be a solution to the Naga problem. We all know that that solution cannot come by the force of arms. But then I find that not only the Nagaland issue but many issues of a similar type are being befogged by certain clichés or phrases. One of these clichés is "No solution by force of arms; 'no armed solution'". We agree that there can be no solution to such problems by force of arms. What shall be the solution then? That is the more important question. I know, Madam, that nobody can rule by sword alone. Nobody, I go further, should rule by sword alone. But sometimes it becomes necessary to use force if one has to govern. I am for treating the Naga people on the same level as the people of any other territory of India are treated. Our Constitution has delineated a certain pattern for the functioning of the great democratic institutions of this country. Certain rights have been conferred on the States by that Constitution, and certain rights have been reserved for the Union or the Centre. Now it is expected that this arrangement would satisfy every rational and reasonable mind, that this arrangement would meet the necessities or meet the sentiments of the citizens of this country. But lately I find that from very many areas demands are being made for greater and greater autonomy, and some of the great writers try to impress on us that India is a federal state. They use the word 'federal' and they draw certain

conclusions from that, as if India is federal in the same sense as the United States or Australia. India is not a federal State. It has a constitution of an anomalous character in which the centralising force is predominant.

SHRI M. C. CHAGLA: It is a Union of States.

' SHRI B. K. P. SINHA: Yes, it is a Union of States, and it is a Union established by the surrender of power, by the devolution of power from one to another, from the Centre to the various States, and that devolution ultimately was sanctified and crystallised in the Constitution itself, and that pattern is sufficient, in my opinion, to meet the situation. That pattern was not developed in one day. All the great minds of India were present in the Constituent Assembly when that Constitution was framed, and it is expected that that framework will suit all the citizens of this country. But then, sometimes demands are made for secession. I am afraid the Government of India, in their great liberalism, a liberalism which is out of date even in the country of its origin, that is, the United Kingdom, start negotiations; they start talks. Talks are good; talks are necessary. But what is your aim? What is your end? Already, Nagaland State has been treated in the Constitution, in masters of Naga culture, their customs, their manners, and certain other matters, on a special plane. A special protection has been given to them. They demand secession; the Government of India say, "Whatever solution you want should be under the Indian Constitution." But when the mover of the Bill, the Minister for External Affairs, says: "The differences are very narrow", I develop, Madam, a suspicion.

SHRI BHUPESH GUPTA: Why should you?

SHRI B. K. P. SINHA: Does he mean that for a solution we shall concede to the State of Nagaland, a territory of less than half a million people, rights which are not enjoyed by other States? If that is what he means, he would be setting a dan-

gerous precedent", and he would be starting the disintegration of this great Union. It is not only in Nagaland that these demands are being made. From many territories which have a population of three, four or five lakhs such demands are being made. If you concede it in Nagaland, there is no reason why you should not concede it in Tamil-nad; there is no reason why you should not concede the special status that you confer on Nagaland, on Kerala on a demand arising from, say, Kerala. And from every peripheral region of India whether it is Kashmir, whether it is the hilly regions of U.P., the hilly regions of N.E.F.A., or Tamilnad or other regions, these demands are being made. In their desire to be all things to all men, in their desire to please everybody, the Government of India start negotiations. But to what purpose? The negotiations should be only to make it clear to the people that the constitutional pattern laid down by the Constitution cannot be changed because, if it is changed for a small territory, it is to be changed for the whole of this country. And I will tell you, Madam, it was not a diplomat of one of the imperialist countries who poked fun at me when he told me, "Mr. Sinha, it seems that in India you are going to have as many States as there are districts in this country." And if this trend continues, a situation will arise in which we will have as many States as there are districts in this country. In my State of Bihar, there are four regions based on dialects. The Mythila people want one State. The Bhojpuris, who are half in U.P. and half in Bihar representing great figures like Jaggivan Babu—and I am told that even the Prime Minister is claimed to be a Bhojpuri by them—want a separate State. The Chota Nagpur people and Adivasis want a separate State. It is only we who come from the 24 districts of Magadh who do not want a separate State. Things should not go on like this. I want to caution the Minister of External Affairs that if any settlement is made, it should be by inspir-

[Shri B. K. P. Sinha.] ing confidence in the people of Nagaland. We want peace. You say peace has been established there. But if peace has been established, as the hon. Member rightly pointed out, why this extension? Peace has not been established. Your sovereignty does not operate there. Sovereignty means that the power of the sovereign body or sovereign organ extends and operates to the exclusion of other powers. What is it that we see in Nagaland to-day or in other areas where you say you have peace? Your tax collectors are operating, but the tax collectors of the underground people are also operating. The Government of Nagaland gives contracts to people for cutting forests, but unless those contractors pay a similar sum or a larger amount to the underground people, they cannot go and operate in the forests. When peace was established, we were given to understand that if peace continues for a number of years, the Naga people will realise the benefits of peace, they will realise that they are part of the Indian people, that they have the same rights and privileges as the people drawn from the other regions of this great sub-continent, and, therefore, in that peace, the Government of India or the Government of Nagaland should be able to operate there in terms of the Constitution. But that peace is not working that way. Why have you abdicated from many areas? Why have you abdicated many functions? Why does your writ run only in name, while in many areas it is the writ of the underground that is running? Those were not the expectations when we agreed to the establishment of peace in Nagaland. Peace is not working to your advantage. Peace is working to the consolidation of the rule of the Naga people—not Naga people, I am sorry, Naga hositiles; it is not all Nagas who want secession.

Nagaland has a strategic location. It is on the borders of Burma and China,

and near Tibet, and, therefore, it is an open secret that some . . .

AN HON. MEMBER: He does not know geography.

SHRI B. K. P. SINHA: I said China and Burma.

SHRI A. P. CHATTERJEE (West Bengal): China is far off.

SHRI B. K. P. SINHA: It is not far off. It is very near.

SHRI A. P. CHATTERJEE: It is near your drawing room?

SHRI B. K. P. SINHA: Well, it is in your drawing room. I will not have it in my drawing room. But then, it may not be bordering on China. But it is near China. It is on the borders of Burma. Therefore, it has a very strategic location. And there are certain foreign powers, certain foreign elements who want to have a foothold there so that with that foothold they may be able to preserve or extend their interests—I will not say necessarily imperialist interests, they may be interests of sabotage. But then in such a situation, the Government of India should be cautious. I would, therefore, while supporting this measure, request the hon. Minister for External Affairs to take heed in time and not bargain for some settlement which would set the pattern for the disintegration of this country. With these words, Madam, I support the extension for one year of this measure.

SHRI A. P. CHATTERJEE: Madam Deputy Chairman, the External Affairs Minister began his speech with this observation that this is a non-controversial Bill. I think that he assumes too much. It is a most controversial Bill or rather it is one of the most controversial Bills. Nagaland, according to Article 3 of the Constitution, is a State, but then it is surprising to see that what is happening in Nagaland is

a state of martial law in operation and the most surprising part of this is that this Armed Forces (Special Powers) Regulation Continuance Bill, which has now been moved by the hon. Minister for External Affairs, is another method of continuing this martial law in the State of Nagaland. Now, I have never seen any instance, I have never known of any instance of any country where the Government treat its citizens in a particular part under martial law. Martial law is a law which would apply to territories which have been occupied by the military forces of a foreign nation and that also prevails only for a particular period. But since 1958 . . .

SHRI B. K. P. SINHA: What about Sinkiang, Inner Mangolia and Tibet in China?

SHRI A. P. CHATTERJEE: You better look to the interests of your own country. They know how to deal with the problems of their country and they are doing it very well, better than you. It is you who are mismanaging affairs in this fashion. Your speech itself indicated that. Your State of Bihar no longer shows the united picture it used to show 20 years ago. Now the Bhojpuris are asking for a separate State. The Mathils are asking for a separate State- The inhabitants of Chota Nagpur are asking for a separate State. This is your union, so-called union of States. So please cure your own ulcer. They know how to manage their affairs and you know that they are managing it very well. Let us not talk about them. Let us look to our own ulcer that is undermining the body politic of India from within.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.]

So Mr. Vice-Chairman, I was saying that this Armed Forces (Special Powers) Continuance Bill is nothing but a provision for imposing and continuing martial law in the State of Nagaland. As I was saying, it is

strange and surprising that martial law should be continued in respect of persons who are our citizens and it is strange also that the External Affairs Minister prefaces his speech by calling them Naga hostiles. The External Affairs Minister did not have the courtesy—may I say decency—to call them Naga citizens of India. He began his speech by calling them Naga hostiles. That is how the citizens of the State of Nagaland are being looked upon by the Central Government here.

SHRI M. C. CHAGLA: On a point of explanation. I don't want it to go out. I was only referring to a very tiny section of the State of Nagaland which believes in secession, which believes in subversion. But the overwhelming majority of the people of Nagaland who are our kith and kin as much as the people of Madras or Bombay or Kashmir are loyal citizens. I was not referring to every citizen of Nagaland as a Naga hostile. As I said, I was referring only to a very tiny section.

SHRI A. P. CHATTERJEE: I thank the External Affairs Minister for this amendment.

SHRI M. C. CHAGLA: Not amendment; this is what I said. I have been misinterpreted.

SHRI A. P. CHATTERJEE; Mr. Vice-Chairman, the record of the proceedings is there and there the External Affairs Minister said that the Prime Minister was having a talk with Naga hostiles ....

SHRI M. C. CHAGLA: That is true.

SHRI A. P. CHATTERJEE: . . . and he was also saying that it is because of this talk, the military operations have been terminated there, and that a peaceful situation reigns there. If he meant by "Naga hostiles" merely a tiny section of the people of Nagaland, then what is the use of the Prime Minister talking with that tiny section when the majority of the people of Nagaland are with the External

[Shri A. P. Chatterjee.] Affairs Minister? I do not understand this contradiction on the part of the External Affairs Minister. He has landed himself in a contradiction by saying these things.

SHRI M. C. CHAGLA: This is just dialecticism?

SHEI A. P. CHATTERJEE: Mr. Vice-Chairman, the whole point is this. I was not trying to take advantage of or to exploit a particular word that might have fallen from his lips. I was saying all this in order to show the attitude of the Government of India, to show the Government's unfriendly attitude, to show that their attitude is not at all friendly, that it is an attitude that does not look upon the citizens of Nagaland as our kith and kin which the External Affairs Minister by his intervention just now wanted to make out. As a matter of fact, if they regarded the citizens of the State of Naga and as our kith and kin then they would not have used these special powers that they have been having ever since 1958. Mr. Vice-Chairman, as the House is aware, very drastic provisions are contained in this Act. For instance, there is a provision here in this Act that if a particular number of persons assemble in violation of a law prohibiting the assembling of five or more persons, then a commissioned officer, any commissioned officer, or any warrant officer, any non-commissioned officer, up to the rank of havildar, can just fire upon them and kill those persons. This is the state of things. Is it martial law that is prevailing there?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): If the Governor so declares.

SHRI M. C. CHAGLA: Quite so.

SHRI A. P. CHATTERJEE: But, Mr. Vice-Chairman, why should the Government have such a power over the life and property of the citizens of that State? And this power which is being

given now over the life and property of the people of Nagaland is again a power which we can use only when martial law is clamped upon a country. You know this is the law and the External Affairs Minister who is a well-known jurist also knows it. Such martial law or any law like martial law is only applied to foreign lands, to an alien people and over an alien population whom we have conquered by force of arms. It is strange and surprising that we should apply such an Act like this, such a Draconian law like this, such a drastic law like this on people whom the hon. Minister himself declared just now and described as our kith and kin. Here is a provision for example that if an army officer is of the opinion that a certain house or a certain shelter is being attempted to be used or may be used for the purpose of armed attack—"opinion" mind you Mr. Vice-Chairman, and that too an opinion which is not justiciable, an opinion that is not scrutinisable by anybody—then even a havildar if he thinks that that particular shelter is one which might be used for the purposes of armed attack, he can just destroy that shelter. Just look at the powers given here. Is it a power to be given to a petty officer like a havildar? Is it a power to be used against those whom the External Affairs Minister was just now describing as our own kith and kin? I will submit through you, Mr. Vice-Chairman, to the Government that if the hon. Minister of External Affairs Ministry is sincere in his protestation that the people of the State of Nagaland are our kith and kin, then he will not press for the enforcement of this Act.

The hon. Minister said just now that the operations have come to an end and he has also said that a climate of peace has been created because of the talks between the Prime Minister and the representatives of Nagaland. I do not say "Naga hostiles". I say "representatives of the people of Nagaland". Mr. B. K. P. Sinha himself said just now that our sovereignty does not ex-

tend in all Nagaland. Then why have this Act? Those who have come to the Prime Minister for talks, they really are the representatives of the people of Nagaland. That is why when these talks have come a climate of peace has been created. A climate of peace has been created, according to the hon. Minister himself. Let us not disturb that climate of peace. Let us not damage that climate of peace by trying to perpetuate this piece of martial law which has been in operation ever since 1958. I submit very firmly and very humbly before Government that they should see some sense. Will they refuse to see reason? Will they refuse to see what is really proper to be done now at this particular moment when they have seen that the force of arms has not been able to cow down the people of Nagaland? For the last eight years with all its arms and military force the Government has not been able to break the spirit of the people. Can arms and military force ever break or cow down the spirit of a people who want to see their grievances redressed and who really want to occupy their rightful place in the comity of nations and under the sun? If arms cannot cow down that spirit—and no arms can ever break that spirit—then what is this particular legislation for? Mr. Sinha while speaking just now, himself admitted that we have not been able to extend our sovereignty over the whole of Nagaland. If that is so, then what is this paper worth? If this paper is worth nothing, we cannot do anything here to enlist the cooperation of the people of Nagaland. This Act will do nothing by way of getting the cooperation of the people. It will do nothing for enlisting the cooperation of the people there. In fact this will only exacerbate their feelings. This will only embitter their feelings, the feelings of the people of Nagaland. We shall not be able to do anything. The Union Government will not be able to extend its sovereignty as they have not been able to extend their sovereignty so far. The only result of this Act would be that the climate of

peace which has been created according to the hon. Minister, will be further damaged, the feelings will be further embittered and the Nagaland problem will continue to be acute. Therefore, in the name of normalisation of the relation between Nagaland and ourselves, in the name of establishing friendly relations between the people of Nagaland and the rest of India, for the sake of establishing peaceful conditions there, for the sake of seeing that the peace talks that are going on between the representatives of Nagaland and the Prime Minister may come to a fruitful end, for the sake of all this, I would humbly suggest to the hon. Minister of External Affairs that he should not press this Bill, knowing very well as he does, however much he may try with arms to enforce this Bill he cannot enforce it. We cannot break the spirit of the people of Nagaland simply by continuing this Armed Forces Act. That is my humble submission.

श्री राजनारायण : श्रीमान्, एक प्वाइन्ट आफ आर्डर है। प्वाइन्ट आफ आर्डर यह है कि सुप्रीम कोर्ट की एक रूलिंग हुई है फंडामेंटल राइट्स के बारे में कि फंडामेंटल राइट्स के संबंध में कोई तब्दीली नहीं की जा सकती। यह 19 आर्टिकल आफ दी कांस्टिट्यूशन देखा जाय। 19 का यह 'डी' में पढ़ रहा हूँ। ए, बी और सी से कोई मतलब नहीं है। ए बी सी यह है :

"All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form association or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India."

[ श्री राजनारायण ]

अब यह जो रेगुलेशन है 1958 का और जिस की की अवधि साल साल बढ़ते बढ़ते अब आ गई 1967, तो इसके रहते हुए क्या हम को यह हक होता है कि कांस्टिट्यूशन के अर्टिकल 19 के डी और ई के मुताबिक जो हक हर इंडियन नागरिक को मिला है कि मैं जब चाहूं तब नागालैंड में जा सकू बिना किसी रोक और हिचक के, क्या यह हम आज हासिल है। मैं समझता हूँ कि यह रूल और रेगुलेशन जो होता है और जो यह अधिनियम की अवधि बढ़ाने के लिये यह विधेयक आया हुआ है इसके मुताबिक इस अनुच्छेद के इन दोनों अंशों का खंडन होता है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Have you got anything else to say?

SHRI M. C. CHAGLA: Sir, my hon. friend has obviously overlooked sub-clause (5) of article 19. He has referred to sub-clause (d) which says 'to move freely throughout the territory of India'. Sub-clause (5) says:

"Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe."

The general public in Nagaland wants peace. They do not want subversion; they do not want their houses to be blown up; they do not want to be shot; they do not want their money to be taken away. And therefore we are not in any way affecting anybody's rights. There seems to be a misun-

derstanding. The Fundamental Rights in the Constitution are not absolute. Our Constitution is so well drafted that in respect of each one of the Fundamental Rights we have powers to detract from it in public interest, public morality and so on. Each one has got one exception. Apart from that, it has been laid down, both in the other House and in this House, that constitutional points cannot be decided by the Chair. It is for the courts. If this Act is *ultra vires* the Constitution it is open to my hon. friend to go to the court and challenge it.

श्री राजनारायण : मंत्री महोदय, ने जो एक्सप्लेनेशन दिया आपने उसको मान लिया ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard the explanation of the Minister and I have .

श्री राजनारायण : जरा थोड़ा मौका मुझे दें। जो मंत्री जी ने पढ़ा है 5 में उसका अर्थ आपके लिये यह बताना चाहता हूँ  
Any law existing.

यानी इस कांस्टिट्यूशन बनाने के पहले . . .

श्री ब्रजकिशोर प्रसाद सिंह : नहीं नहीं।

SHRI RAJNARAIN: It can be interpreted in both ways.

मेरा कहना यह है कि अगर कोई कानून इस कांस्टिट्यूशन के पहले से लागू था तो उस कानून पर कोई रोक नहीं थी लेकिन अगर कोई कानून पहले ऐसा था जो किसी स्टेट पर इम्पोज करता था तो उस पर यह लागू हो सकता है। इसलिये मैं समझता हूँ कि चांगला साहब ने जो इंटरप्रिटेशन किया है वह ठीक नहीं है और इस पाइन्ट आफ आर्डर के जरिये मैं आपसे निहायत अदब के साथ कहना चाहता हूँ कि सरकार ने सारे नागालैंड के प्राबलम को बांगल किया है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Rajnarain, this is not point of order. You have raised your point of order. I have heard it and you have heard the Minister also. I have given you an opportunity to explain it. Now please sit down. It is my duty now.

श्री राजनारायण : मैं आप अपनी इच्छा तो ज्ञात करूँगे जब आप हमारी बात को मनसूरी करेंगे। यह मामूली चीज नहीं है। अपने देश के एक हिस्से के लोगों की नागरिकता को छीना जा रहा है, कांस्टिट्यूशन की कसूरियों को जा रही है। आप कहते हैं कि समझ लिया। अगर समझ लेते तो यह 1958 से कैसे चल रहा होता ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What is the point?

श्री राजनारायण : यह तो फंडमेंटल पाइंट आफ आर्डर है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Maybe; I am not denying that but the point of order should be limited; it should not become a speech.

श्री राजनारायण : अगर पाइंट आफ आर्डर की लिमिटेशन का दायरा मुश्किल होगा। हर एक पाइंट आफ आर्डर एक सा थोड़ी ही होगा। किसी पाइंट आफ आर्डर के लिये एक्सप्लेनेशन की जरूरत ज्यादा होगी। अगर ठीक से समझ लिया है तो ठीक है, वरना हनको फिर मोका दीजियेगा।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard the hon. Member; I have heard the Minister concerned and I think the inference to article 19 is subject to the proviso of reasonable restrictions and in view of that I rule that this Bill can be passed. According to me it is not against the provisions of the Constitution dealing with Fundamental Rights.

SHRI A. P. CHATTERJEE: Sir, I rise on a point of order. The External Affairs Minister has said that Nagaland is an integral part of the Indian Union. Actually according to the Constitution also. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What is the point of order?

SHRI RAJNARAIN: Just hear him. Let him say.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I can deal with him and he can deal with me.

SHRI RAJNARAIN: It is a matter for the House.

SHRI A. P. CHATTERJEE: According to the Constitution also Nagaland is a State. If it is an integral part of the Union, how is it that the External Affairs Minister has come to pilot the Bill? It is 'actually the Home Minister who should have piloted the Bill. My point of order is this that it is absolutely out of order for the External Affairs Minister to move this Bill for consideration and to move that the Bill be passed. I require your ruling on that point.

SHRI M. N. KAUL (Nominated): May I make a submission?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): On the point of order?

SHRI M. N. KAUL: On the question of the submission made by the Minister for External Affairs I might point out . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is finished, Mr. Kaul. Now this is another point of order. Do you want to say anything on that?

SHRI M. N. KAUL: I am not speaking on that.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The<sub>n</sub> let me first deal with the point of order that has been raised by Mr. Chatterjee.

Mr. Chatterjee, first of all, in my view this is not a point of order. You have raised a substantial question about the arrangement of the Ministry, as to which Ministry should deal with it. This matter has been debated before on several occasions and the question had been raised and ultimately it was decided that the arrangement as to which Minister should deal with it will be with the Executive. So this matter is being dealt with by the External Affairs Ministry and so there is no question of any point of order.

SHRI A. P. CHATTERJEE: Has there been any ruling on this? Are you referring to any previous ruling on the point?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am sure the matter has been dealt with previously.

SHRI A. P. CHATTERJEE: It is not a question of your being sure. What I want to know is whether there has been a ruling or not.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am quite sure we have dealt with it.

SHRI A. P. CHATTERJEE: I am not quite sure that there has been a ruling on the point because I am in the House since April last.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have told you that. . .

SHRI A. P. CHATTERJEE: You have said that it has been dealt with. I want to know whether there was a clear ruling on the point. If there has been a ruling I do not press for a ruling but if there has been no ruling I would press for a ruling.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): So far as I remember it has been decided and a ruling has been given.

श्री राजनारायण : कांस्टीट्यूशन का पहला आर्टिकल आप कृपा कर निकालिये ।

"The Union and its territory. It says that India, that is Bharat, shall be a Union of States."

इसको मद्देनजर रख लें । अब चलिए 19 का 5 देखिये । अब इंडिया समझ लीजिये क्या है ।

India is not a State. India is a Union of States. India, that is Bharat, is a Union of States. It is States. यह फ्यूरल है, सिंगुलर नहीं है, बहु वचन है ।

19 का सब क्लॉज 5वां पढ़ा जाना चाहिये Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes. . . . Existing law

कोई था इस कांस्टीट्यूशन के बनने के पहले और अगर वह रेस्ट्रिक्शंस इंगेज करता था तो उस पर एफेक्ट नहीं होगा । आगे कहता है—

"...or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe

यह स्टेट के लिये है । मैं यह जानना चाहता हूं कि 'स्टेट' का मतलब युनियन आफ स्टेट कैसे हो जायगा । 'स्टेट' का मतलब युनियन आफ स्टेट नहीं है । वह राज्यों के लिये है । पार्लियामेंट के लिये कहीं नहीं लिखा हुआ है कि पार्लियामेंट फ्रैमेंटल क्लॉज को चेंज कर सकती है ।

SHRI B. K. P. SINHA: May I point out to the hon. Member that it seems that he has not read the Constitution thoroughly and properly? I would request him to read article 12—Definition which says:

"In this Part, unless the context otherwise requires, 'the State' includes the Government and Parliament of India..... "

So it includes the Government and Parliament of India and the hon. Member's point of order is no point of order.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am thankful to you, Mr. Sinha. In fact I was also going to refer the hon. Member to article 12. According to article 12 and as explained now there is no point of order.

MISS MARY NAIDU (Andhra Pradesh): Mr. Vice-Chairman, I want to bring to your notice, to the notice of the House and to the notice of the External Affairs Minister, who is not here now, just a few points which are rather important. I was told that human relationship will bring the Nagas closer to us than all the arms, etc. and that relationship is not being followed even now. They are a very simple people. They are also a very stubborn people who *can* break all laws. There are only two kinds among them. Some have no religion at all. They worship the spirits and the others are Christians. Are we understanding them in their own ways? We are not understanding them. I am told that the first thing some of the officers, or whoever they were who went to address them after our independence did, was to ask those people who worshipped the spirits to do this. Now, we have become independent. You all become Hindus. Sing "Raghupati Raghava Rajaram". Immediately they were told to get out. They did not want to hear them. You have that approach. You go to them with that point of view. You deal with them from those points of view. These people will not come closer to you. Both sections

are afraid. Some are afraid that their religion will be broken on one side. They think that they will be forced to take to some religion on the other side. That is why I said that when we send people to interview them, we never think of sending people who can understand them. Are all the Christians in this country foreigners? Are we not Indians? Why do you not choose some Christians to go and interview them, some Christians to go and speak to them in their own language, in their own religion? Find out what difficulties they have, what it is that they fear and why is it that they behave like that. In some other parts of India also there are people who worship the spirits. Why do you not send them there to speak to them and say that Government will not interfere with whatever religion it may be that they are following. Have we followed this sort of approach to the problem? We have not. That is the main thing, we fear, where we are going wrong. We go on pestering them in ways in which we should not pester them.

Another thing is this. How can they have trust in us? We are all the time going on thrusting the problem\* of the Central Government or of Northern Indian on everybody, where it does not concern at all. For instance, take the problem of cow slaughter. It may be a very important problem for the North, but it is not far the South. We have not got this cow slaughter business. We do not kill cows at all. We worship cows, whether we are Christians, Hindus or whatever else we may be. We respect the cows. The cow is a sacred animal to us and we have never heard of cows being killed in the South. In the North there are beef-eaters, whereas in the South beef is something which is forbidden in every caste. I, as a Catholic, am not a beefeater. That is something that I cannot stand at all. We do not hear of it at all. We do not bear of it at all. Why do the Central Government allow these problems to be thrust on States where these problems do not

[Miss Mary Naidu.] exist? That is the fault which *has* to be corrected here before we take these drastic steps and of doing things which make them more hostile. I entreat the Government to approach the Nagas in the proper way and see if they cannot really come to us with open arms. They are a simple people. They are so simple that if they are spoken to in their own language that their religions, whichever they may be, will not be hurt, their habits of food and other things, whichever they may be, will not be hurt, they will come to us with open arms and trust us. Until then they will not trust us. When the cow slaughter problem was going on here they wanted to know: "If this is extended to us, what shall we eat?" May be, most of them are beefeaters. I do not know, but we have to look into these simple matters and approach them not with arms but with all humanity.

श्री निरंजन वर्मा (मध्य प्रदेश) :

आदरणीय उपसभाध्यक्ष जी, हमें बड़ी प्रसन्नता हुई कि श्री चांगला महोदय ने इस बिल को प्रस्तुत किया। इस समय वह हैं नहीं उन्हें आशा यह थी कि यह बिल बिलकुल विवादास्पद नहीं होगा और संभवतः ऐसा होता भी। दस वर्ष में दसवीं बार इस बिल का जन्म समय बढ़ाया जा रहा है और इस उम्मीद के साथ मैं कि इससे आगे चल कर लाभ होगा। बहुत समय से हमारी कांग्रेस सरकार ने जनता से और दूसरे लोगों से ठंडे दिल की बातें की और ठंडे दिल की बात करते करते हाथ पांव ही ठंडे हो गये और पिछले समय से लगातार जो कोशिश की जा रही है वह सारी की सारी फेल हो गई। इन दस वर्षों में श्रीमन्, अगर विवाद के लिये कुछ कहा जाय तो बहुत कुछ कहा जा सकता है लेकिन एक बात तो मानना पड़ेगा कि भारतीय को इतनी बड़ी

Thank you.

सरकार नागालैंड के विद्रोहियों के सामने कुछ कर नहीं सकी। ऐसा मालूम पड़ता है कि इस सम्माननीय हाउस में कुछ मित्रों ने आज इसके विषय में कहा। उन्होंने नागालैंड की समस्या के बारे में भी दृष्टिकोण रखा जैसा कि नागालैंड की समस्या और अनेकों समस्याओं के समान है। यह बिल इसलिये नहीं आया है कि उसको हल करेगा। यह बिल तो नागालैंड में जो हिन्दुस्तान के नागरिक वहां पर है जो हिन्दुस्तान की सशस्त्र फोर्स के आदमी हैं उनके ऊपर जो कायरपने दंग से हमला होता है, उनके घरों में आग लगा कर उनके बच्चों को जो मारा जाता है, उनको जो धोके से गोली से उड़ा देते हैं उसके लिये है, और यह भारत सरकार चुपचाप सहन करती रहे तो इससे ज्यादा कायरपन की और कोई बात नहीं है। हम समझते हैं कि भारत सरकार शांति की दुहाई देती रही लेकिन इसके चलते वहां की समस्या हल हो जाय ऐसा नहीं।

हम इस सरकार से पूछना चाहते हैं कि नागालैंड की यह समस्या 1947 के पहले क्यों नहीं हुई, अंग्रेजी सम्राज्य में नागालैंड था किन्तु क्यों नहीं उस समय उधम हुए। 1958 से ले कर आज तक बार-बार इस समस्या के पीछे गरीब जनता का करोड़ रुपया वहां पर खर्च किया जा रहा है। हमें इस समस्या के ऊपर और भी ज्यादा दर्द इसलिये है कि हमारे मध्य प्रदेश ने बहुत से कांस्टेबल वहां पर गये और मार डाल गये।

श्रीमन्, आज ही ट्रेजरी बैच की तरफ से उत्तर दिया गया है कि कुछ दिनों में वहां पर बड़ी बड़ी घटनाएँ आक्रमण की हुईं और उनमें 25 व्यक्तियों का अपहरण हुआ। वहां पर आदमी आज भी सुरक्षित नहीं है, किसी समय भी कोई बड़ा उत्पात हो सकता है, नागालैंड जो जाना चाहते हैं

उनकी मोटरों पर किसी समय हमला हो जाय, किसी समय वहां पर ट्रेन पर हमला हो जाय, किस समय वह ट्रेन लूट ले, इन सबकी कोई गारंटी नहीं है। तो यह सरकार ऐसा मालूम पड़ता है कि चैम्बर-लेन की सरकार बन रही है, जिसने बार बार जर्मनी के सामने जा कर के नाक रगड़ी और बार बार चैम्बरलेन की सरकार को झुकना पड़ा। क्या हमारे योग्य मित्र इसका उत्तर दे सकते हैं कि बर्मा में जब कोरत लोगों का आक्रमण हुआ, तो बर्मा सरकार ने क्या किया, ईरान में जब अजरबैजान के लोगों ने हमला किया, तो ईरान की सरकार ने क्या किया और कुर्द लोगों के जब हमले हुये तो वहां पर क्या हुआ? और इतना ही नहीं जब पोलैन्ड में उधम पात हुआ तो रूस सरकार ने क्या-क्या किया? यह छोटे से, थोड़े से विद्रोहियों के सामने झुक जाना बार-बार पीस की, सुलह की बातें करना यह तो अकर्मण्यता है, कायरता है और अपने निरीह देशवासियों को गाजर मूली की तरह कटवा देने में सरकार को कोई शिक्षक नहीं है।

हमारे योग्य मित्र सिन्हा साहब ने बड़ी अच्छी बात कही। बात यह है कि बात तो बड़े दम्भ और हौशले के साथ करते हैं लेकिन भूल जाते हैं कि कल्चर की बात कहें, यूसेज की बात कहें, कस्टम्स की बात कहें। क्या उत्तर देने की कृपा करेंगे कि ये कल्चर की बात करने वाले, कि जब भारतवर्ष में हिमाचल प्रदेश है, जब भारतवर्ष में उत्तर प्रदेश है, जब भारतवर्ष में मध्य प्रदेश है, तो 'नागा प्रदेश' क्यों नहीं बन सकता, वह "नागालैंड" क्यों बना? हिन्दुस्तान में एक ही तो लैंड बन पाया, जो "नागालैंड" है। अगर वह नागा प्रदेश होता, तो कल्चर, यूसेज और कस्टम्स के आधार पर वहां के लोगों में एक होने की भावना होती। धीरे धीरे हमारे यहां सब प्रान्त वाले यह मांग रहे हैं, यह समस्या आप उलझा रहे हैं। 1958 के पहले श्रीमन्, हमारे देश में एक

समस्या थी, वह समस्या पाकिस्तान की थी। पाकिस्तान के बाद में बेरुवाड़ी की समस्या आ गई, बेरुवाड़ी की समस्या के बाद हमारे देश में चीन की समस्या आ गई। चीन की समस्या को हल करने की कोशिश की, तो नागालैंड की समस्या आ गई। नागालैंड की समस्या हल करने की कोशिश की तो फीजो साहब की और मीजो लैंड की समस्या आ गई। ये समस्याएँ बराबर बढ़ती जा रही हैं। इस सरकार के बस की बात नहीं है कि इन समस्याओं को हल करे। इनके यहां तो एक आदमी पैदा हो गया था, जैसा कि कभी कभी धूमकेतु आकाश में आता है, चना जाता है अट्ठारह महीने रहा और अट्ठारह महीने में, बहुत कुछ कर गया और with him departed all the wisdom and solidarity of the Congress Empire.

कांफेंस एम्पायर उसके साथ खत्म हो गया और उसके बाद वही राग रटें चले जा रहे हैं कि हम एक वर्ष के लिये मुआहिदा कर रहे हैं, एक वर्ष के लिये ताकत दो। 1964 में हमने देखा, 1995 में हमने देखा, 1966 में हमने देखा और अब 1967 में भी वही बातें और भावना करे अगर यही सरकार जिंदा रही तो 1968 में भी वे यही कहते रहेंगे कि साहब एक मौका और देना। नागालैंड वाले इसे समझते हैं। एक फारसी में इसके बारे में अच्छी कविता है :

सुर्ख पोशे ब लबे बाम नजर भी आयद ।

न बजरी न बजोरो न बजर भी आयद ॥

यहां नागालैंड सुर्ख पोश की जगह सफेद पोश है। न तो मैं, अगर शक्ति का प्रदर्शन करें, तो कब्जे में आ सकता हूं "न बजरी न बजोरो" न कितना ही ज़ार ज़ार रोयें और "न बजर भी आयद" कितना ही सोना चांदी फेंको, मैं वश में नहीं आ सकता हूं। यही नागालैंड वालों की हालत है। प्राविन्शियल आटानोमी के नाम पर जो देश के टुकड़े करने वाले हैं, अगर वे दम्भ भर कर देश के टुकड़े कराने की इधर उधर से मिसाल ले आएं, तो श्रीमन्, देश में एकता की भावना कभी उत्पन्न नहीं

[श्री निरंजन वर्मा]

हो सकती। नागालैंड में थोड़े क्रिश्चियन रहते हैं, इसकी बात आई है, नागालैंड में चाहे क्रिश्चियन हों, चाहे मुसलमान हों, चाहे कोई हों, सब हमारे देशवासी हैं। लेकिन वहां पर अगर इस सरकार की जानकारी में उनके मीजो लैंड में और नागालैंड में उनका अलग इन्डिपेंडेंस डे मनाया जाता रहे, उनकी नाक के नीचे वहां पर वह अपनी सरकार की घोषणा करते रहे और सिपाही और फौज बनाते रहें और स्वयं वहां जनरल और कर्नल बन जायें और हमारे लोग अपनी झीपड़ी में छुप कर बैठ जायें तो फिर हम सरकार से पूछते हैं इन गरीब आदमियों का खून क्यों बहा रहे हैं? हमारे देश के जितने सिपाही वहां जाते हैं, जितने मिलिटरी के आदमी जाते हैं, वे बचारे वहां नागा विद्रोहियों द्वारा कत्ल कर दिये जाते हैं, गोली से मार डाले जाते हैं। तो श्रीमन्, इस तरह का कानून लाने से कोई लाभ नहीं है। हमारी सरकार इन कानूनों के लाने से अगर यह समझती है कि चम्बरलेन की तरह "पीस" की बातें करते करते कभी जर्मनी को और दूसरे बड़े-बड़े जो फ्रांस सरीखे राष्ट्र थे, उनको झुका दें, तो झुका नहीं सकते। उनके पीछे तो एक शक्ति है। फौजो साहब को इसीलिये तो यहां पर लाये, एक बड़े उनके यहां के नेता थे, जिन्होंने शांति की बातें कीं, शांति की बातें कीं, शांति का पालन करने के लिये। हमारी सेना ने हथियार रख दिये, लेकिन वहां के नागालैंड के लोगों ने हथियार नहीं रखा, शर्तें तोड़ दीं। वहां पर जो हमारे हक में, हमारे साथ लायलटी रख कर, साथ में हमारी सीमाओं पर पूरी तरह जागरूक रहते हुये हमारे मित्र बनने की जो आकांक्षा करते हैं, उन बेचारों पर उन्होंने गोलियां चलाई, जबर्दस्ती गल्ला वसूल किया, जबर्दस्ती उनसे टैक्स लिया, यह कह कर कि हमको टैक्स दो, हमारी नागालैंड की सरकार अलग है, तो यह स्थिति कभी स्वीकार नहीं की जा सकती। देश का कोई भी भाग अगर

इस तरह शक्ति के प्रदर्शन के साथ, या डाकूपने के साथ या अत्याचार और उत्पीड़न के साथ, अलग होने की बात करता है, तो हम कहते हैं, इस बिल को नहीं इससे भी सशक्त बिल को लाना चाहिये। जो लोग दुनिया के दूसरे मुल्कों की मिसालें देते हैं, उनसे हम कहते हैं, दुनिया का कौन सा इतिहास है श्रीमन्, जहां पर उनके देश में इस प्रकार की बातें होती हैं, तो ताकत के साथ उनका जवाब नहीं दिया जाता, उनको दबाया नहीं जाता? अपने देश में ही हम नहीं दबा पाते हैं तो उन देशों के लिये क्या कहें, जो दूसरे देश को दबाते हैं।

अभी चीन के बारे में बात हुई, मेल करने के बारे में कहा गया। उन्होंने अनुरोध किया इस बात के लिये कि हमारे देश में विद्रोही डकैत जो शांतिपूर्वक जीवन व्यतीत करने के विरोधी रहे हैं, उनको दवाने के लिये अगर यह सरकार कदम उठाती है तो, उसको उठाना चाहिये। लेकिन सरकार के प्रति हम एक बात कहना चाहते हैं। यह सरकार लड़खड़ाने वाली सरकार है, उनके हाथ कांप रहे हैं, मरने को है लेकिन मरने का दम नहीं है और ये लाठी लेकर चले जायें, तो कोई इनकी लाठी को खींच कर इनके सिर पर मार देगा। इनकी तो ताकत चलती है गरीब आदमी पर, उनको नष्ट करने के लिये। मैं आपको बताऊं श्रीमन्, कि अंग्रेजी राज्य में एक बार पश्चिमोत्तर सीमा प्रान्त में एक लेफ्टिनेन्ट जनरल की स्त्री का अपहरण किया गया तो, चौबीस घंटे का अंग्रेजों ने अल्टीमेटम दिया और बाइसवें घंटे में वह स्त्री वापस अंग्रेज के घर में पहुंचा दी गई। यह ताकत है। इसी तरह पाकिस्तान वालों ने भी जब पाकिस्तान के ऊपर कवालियों ने हमला किया तो—कांग्रेस सरकार की तरह से उसने उदाहरण नहीं दिया—पाकिस्तान ने सीधे ननकी के पीर शरीफ साहब को लाकर डे

पकड़ लिया। आज किसी का दम नहीं है पाकिस्तान में कि कोई उधमपात करे। हिन्दुस्तान की सरकार विचित्र है। आज यहां विद्रोह हो रहे हैं, कल वहां विद्रोह हो रहे हैं। सरकार लूले लंगड़े और दीमक खाये कानून ला रही है, इसमें कोई दम नहीं। मैं समझता हूं हमारे योग्य मित्र ने जो बिल प्रस्तुत किया वह विवादास्पद नहीं है, लेकिन देखना यह है कि अगले साल वह उसी लंगड़े पन के साथ आएंगे या ताकत के साथ आएंगे। इतना ही मुझे निवेदन करना है।

**श्री बी० एन० मण्डल (बिहार) :** जो संशोधन बिल आया है मैं समझता हूं इसकी कोई जरूरत नहीं है। अभी इस सरकार की ओर से कहा गया है, कि प्रधान मंत्री और नागा लोगों से जो बात हुई है, उसके जरिये जो वातावरण हुआ है वह अच्छा हुआ है, इसलिये अब मैं नहीं समझता हूं कि इस बिल की कोई जरूरत है। इस नागा क्षेत्र में जो इस तरह की परिस्थिति हुई है, इसकी जड़ में कौन सी बात है, इसके बारे में संक्षेप में मैं कुछ कहना चाहता हूं। अंग्रेज अपने जमाने में कोशिश करते थे कि हिन्दुस्तान के लोगों में जो एकता है, उसको तोड़ दिया जाय, इसके लिये उन लोगों ने प्रचार किया था। नागा प्रदेश के लोगों को अंग्रेजों की तरफ से कहा जाता था कि आप लोग हिन्दुस्तान के बाशिंदे नहीं हैं आप लोग दक्षिण पूर्व चीन से आए हैं। इस तरह से उनके दिमाग में यह बात भरी गई थी, जिससे वे सब अपने को अलग समझने लगे और उनके जाने के बाद भी इस देश में जो अंग्रेज के समय में पादरी आए, उन लोगों ने भी इस भावना को कायम रखा। अंग्रेजों ने इस इलाके को अलग करके रखा था। देश के स्वतंत्र होने के बाद जब कांग्रेस सरकार आई, तो इसने भी इस क्षेत्र को अलग रखा। दो बार डा० राम मनोहर लोहिया ने कोशिश की कि उस क्षेत्र में हम जायें, लेकिन उनको अरेस्ट करके वहां नहीं जाने दिया। इस सब का यह नतीजा हुआ कि इस प्रदेश के

लोगों और हिन्दुस्तान की दूसरी जगहों के लोगों में जो आपसी सम्पर्क की वजह से एकता आनी चाहिये थी, वह एकता नहीं आ पायी और उसी का यह नतीजा है कि आज इस तरह के उपद्रव नागालैंड में हैं, जो वे सब अला होना चाहते हैं। इस देश में अलग होने के ओर भी आंदोलन हुए हैं जैसे द्राविड़िस्तान का हुआ या हमारे बिहार में जो छोटा नागपुर है जहां आदिवासी रहते हैं, उन्होंने आंदोलन किया था कि हम लोगों की एक सेपरेट स्टेट हो हांजाकि उनकी मांग यह नहीं थी कि हिन्दुस्तान के बाहर उनका स्टेट हो, बल्कि हिन्दुस्तान के अंदर ही वे अपना स्टेट चाहते थे। तो इसलिये इस समस्या को अगर सरकार हल करना चाहती है, तो वह सिर्फ मिलिटरी के बरोसे वह समस्या हल नहीं हो सकती। देश के कमजोर लोग चाहे वे छोटा नागपुर के आदिवासी हों, आसाम के आदिवासी हों या मध्य प्रदेश के आदिवासी हों, ये जो पिछड़े हुए लोग हैं या जो गरीब लोग हैं, ये लोग इस सरकार से क्यों असंतुष्ट रहा करते हैं; क्योंकि इस सरकार का जो रवैया है, इसकी जो नीति है वह यह है कि जो जन इच्छा है उसको इना देना देना नहीं, उसका इना शायद करा कि कोई कुछ कहे नहीं, यह जो इनकी नीति है इस नीति की वजह से चाहे वह आसाम का आदिवासी हो या छोटा नागपुर का आदिवासी हो, सभी कोई चाहते हैं कि हम अपना अलग इंतजाम करें।

इसलिए मैं चाहता हूं कि सरकार अपनी नीति में परिवर्तन लाये। इस देश में सरकार का यह एलान है कि देश में समाजवाद कायम होना चाहिये। लेकिन समाजवाद कायम होने के नाम पर जो एक वाद हिन्दुस्तान में कायम हुआ है उसी वाद का यह नतीजा है कि इस देश के लोग यह नहीं समझते हैं कि यहां पर जो शासन करने वाले लोग हैं या जो देश के दूसरे तबके के लोग हैं उनमें और हम में कोई वास्तविक एकता हो सकती है। इसलिये नागालैंड में जो कुछ उपद्रव

[श्री बी० एन० मंडल]

हुआ है या आइन्दा जो कुछ उपद्रव उठने वाला है, उसको रोकने के लिये सरकार की नीति में ऐसा परिवर्तन हो कि उसकी आर्थिक नीति, उसकी सामाजिक नीति, उसकी राजनीतिक नीति, उसकी सांस्कृतिक नीति और हर प्रकार की जो सरकार की नीति है, उस नीति से जो नीचे के तबके के लोग हैं, वे इस बात को महसूस कर सकें कि जो कुछ इस देश में हो रहा है, वह हम लोगों के लिये हो रहा है और हम लोगों की भलाई के लिये हो रहा है। इस तरह का विश्वास उन लोगों के दिमाग में जमाना चाहिये और नागालैंड की समस्या भी उसी हालत में सुधर सकती है। जहां तक मैं समझता हूं कि जो कुछ बात हो चुकी है, वह भारत सरकार की कमजोरी को देख कर हुई है, डट कर समस्या का सामना करने के बजाय इस बात को आगे टालने के लिये इस ढंग का खिलवाड़ हो रहा है। इसलिये अब भारत सरकार को दो काम करने चाहियें। एक तो वह रजामन्दी के साथ नागा लोगों को अपने साथ रखे या अगर जबरदस्ती रखना हो तो उसकी दूसरी तरह की नीति होगी और उस ढंग की नीति को उसको अपनाना चाहिये। लेकिन हम समझते हैं कि अगर हिन्दुस्तान स्वतंत्र है, यहां के लोग स्वतंत्र हैं, यहां पर जनतंत्र है और यदि जनतंत्र को सही तरीके पर हिन्दुस्तान की सरकार मानती है, तो निश्चित तरीके से नागा लोगों को मिलाने के लिये एक ही उपाय करना चाहिये और वह यह है कि सरकार की नीति की वजह से, सरकार की कार्यवाहियों की वजह से जो नागालैंड के लोग हैं, वे यह समझें कि हिन्दुस्तान के दूसरे लोगों के साथ रह कर ही हम फलफूल सकते हैं। यह विश्वास उनके दिमाग में जमाया जाये और उसी हालत में उनको अपने साथ रखने की कोशिश की जावे। अगर वे समझें कि हिन्दुस्तान के अन्दर रह कर हमारा शोषण होगा, हमारा उत्पीड़न होगा, हमको लोग नीचे ढकेलेंगे, तो वैसी हालत में मैं उचित नहीं समझता कि नागालैंड में खून

खराबी कर के उनको जबरदस्ती हिन्दुस्तान में रखा जाये।

SHRI BHUPESH GUPTA: Mr. Vic'-Chairman, I want to say a few things in this connection. Firstly, I am in full agreement with the position taken by the Government that the problem should be solved peacefully through negotiations. And for some time the negotiations have been in progress. But we do not know exactly where we stand now after the negotiations. I think, while moving a Bill of this type which really gives some extraordinary powers to the executive, it is the duty of the Minister in charge to tell the House something more tangible and concrete about the progress of the negotiations, especially when we read the newspapers that the talks were going on between the Prime Minister and the representatives of certain sections of the Naga people. This is very, very important because we would like to know exactly what are the proposals and the counter-proposals, how things have been discussed and debated between the two parties. After all, we of the Opposition may have certain suggestions to make.

Now, the Congress Party or the Congress Government is discussing with the Naga leaders on behalf of a very small minority in the country namely, less than 40 per cent of the electorate. I know that they are in control of the Central Government. But after the elections at least, I should have thought that they would be a little more responsive on this subject and told us more about the details of the talks rather than keeping them to themselves. Well, if certain technical matters could not be discussed, probably they can be divulged to the representatives of the various parties in Parliament privately and then they can take their counsel as to whether the matter should be brought before the House or not. And the leaders of the various groups will consult their respective parties and give the neces-

sary advice to the Government. That is how we can guard against any secret thing being divulged. But at the same time it is necessary that Parliament as a whole is seized of the matter a little more intimately than it has been the case so far.

When I suggested that there should be some arrangements with the leaders of the various parties and groups or the representatives of those parties to have direct talks in the matter with the Naga representatives who come here, the purpose of my suggestion is that probably this kind of discussion would have a good impression on the Naga leaders. But anyhow, it will have a good impact on their minds, generally speaking. And there should not be any difficulty because all of us here are at least agreed on one thing that Nagaland should remain and continue to remain within India as part of the Indian Union. On that there is no divergence of opinion; there may be some differences with regard to how one should tackle the problem in concrete details. But since there is a broad agreement, I think the entire national opinion should be brought to bear upon the representatives of the Nagas in order to impress upon them that they have no need to fear, that things are changing in the country and that, even if the Government went wrong, there would be the Opposition to look after all their legitimate and vital interests, their specific interests. The Government is not taking this kind of stand, it is a kind of unilateral talk on the side of Parliament with the Naga representatives. You may say that after all the representatives of the Government can talk to the representatives of any section of political opinion in the country. We are not disputing this thing. But here it is a question of attracting our Naga friends closer to us, impressing upon them that they should be with us, and removing the misgivings that may be in their minds so that they can take the just decision in this matter. Therefore, the approach here should not be so technical or rigid, here it should be a little

broad and with definite political objectives. Well, that has not been done.

I was a little surprised to hear the speech of our friend, Mr. B. K. P. Sinha. He generally is a conservative person. He is not in favour of a change and so on. Suddenly, he has discovered that if certain concessions were given to the Nagas or their specific interests were respected, Bihar, Assam, Tamil Nadu, Andhra, Kerala, Punjab and Maharashtra, all would be demanding too many things. How does he come to that conclusion? Well, even without the Nagas being given anything yet in the sense of a final settlement, Mr. Annadurai is asking—rightly so—that State autonomy should be enlarged. In fact, I think that if you believe in democracy or if you have any ideas, good ideas about federation or federation, you have to give second thoughts to the problem of Centre-State relations including the provisions of the Constitution governing those relations. There is nothing wrong in it. You have agreed to reconsider the problem of reorganisation of the hill or tribal areas in Assam. It is quite right, it should be done. If, for example, in Bihar certain tribal people demand a certain measure of autonomy in order to secure for themselves their cultural and other interests, that should be sympathetically considered and we should certainly find solutions including constitutional solutions to meet their legitimate demands.

SHRI B. K. P. SINHA: May I point out to the hon'ble Member that my only contention was, do not evolve a special pattern for Nagaland. I never said that the present autonomy of the State should not be respected. My only grievance was that you are almost now indicating to us that you are going to confer on the Nagaland State powers which other much bigger States do not possess. The present powers of the States give full protection to the customs, manners, religion and religion of the people. Nothing more is necessary.

SHRI BHUPESH GUPTA: Mr. Sinha will have to broaden his horizon a little in order to understand this simple proposition.

SHRI B. K. P. SINHA: I am not prepared to broaden it so much that this country disintegrates, if you want to broaden that horizon, you are welcome to do that.

SHRI BHUPESH GUPTA: What I was saying is this. Now, Mr. Sinha says that there should not be a special pattern. Well, you have done it already. In Tripura you do not have the same powers as you have given to West Bengal. In Goa, Daman and Diu you have a different arrangement. There you even went in for an opinion poll in order to find out as to what should be done and what should not be done. Therefore, patterns are meant to serve the people. People are not for patterns. What we need is recasting and remoulding with the changing times our democratic institutions, and if in some places, for any specific reasons, for any peculiarities, historical or otherwise, certain new things have to be created, we should not fight shy in this matter. We should explore the possibility, through mutual consultation, how best to meet the situation. There is nothing wrong in it.

Naturally, when the Constitution was framed you did not even have the idea of linguistic States. Then gradually you realised that the old arrangement of the Constitution would not do; the States have got to be reorganised on a linguistic basis. When the Andhra Pradesh State was reorganised it was a new pattern. It was an acceptance of a principle. In practice at that time nobody thought that demand would be coming in regard to other States in the same manner. You saw how step by step we had to change the political map by acceding to the demands on a linguistic basis. We reorganised the States. Only the other day we reorganised the bilingual State

of Punjab. There is nothing wrong in it. When you began the thing, certainly it was new. What you had to consider was whether you had to begin at all, that is, change in view of the changing situation, that is, the needs of the people. I think it is absolutely right to apply our mind to problems with a broad outlook.

Nagas, yes, they are a part of India. Nagaland is a part of India. But the Naga people have their own specific, historical background also, their cultural moulding, their fears and apprehensions, their expressions and rights. They do not conform exactly to what we would like to be in Bihar or Kerala. They have their peculiar customs in some ways, peculiar angularities in some other respects. Hence it is necessary to bring them into our system by adjusting ourselves to their requirements and also getting them adjusted to our way of life. That is why I say it is absolutely essential.

After the reorganisation of the States on a linguistic basis, they say, the map is completed. But more and more demands of the tribal people, linguistic and other minorities, even for linguistic states would come up for redress. You cannot just escape it. If you want to scuttle them you will create more problems. You can only do good by facing them well in time, and, shall we say, by taking the bull by the horns, if you think in this term. That is how you should tackle it. Therefore, I say the Naga question should be discussed from its own peculiar angle, in its peculiar setting with a view to finding a solution.

The first thing should be that we must remove all apprehensions and misgivings in the minds of the Naga people. Now, this is a Herculean task, I know, many apprehensions may not be well-founded at all. But the fact remains that there they are. Therefore, we have to remove them. We have to project our country, India, this part of India to the remaining

other parts where the Nagas inhabit as if it is their own land so that they do not have fear from what we say or what we do. Not only the approach must be good, but it must be made to look good and acceptable to the Nagas. That is how we settle the problem.

Now, therefore, discussions are good. I do not have in my mind special solutions. But U is quite clear that it will not fall in the set pattern You cannot say, "Nagas, you come: and you take the State like the ones we have got in Kerala or in Maharashtra". Maybe, in some respect they will require wider powers. Maybe in other respects they will have lesser powers. But you have to refashion the whole thing, keeping in view their specific requirements. That is what I say. The number is immaterial. Number is not the point. The number may be 5 lakh, or it may be a million. But the fact remains that a segment of the Indian people today has not been integrated within the texture of the Indian life. When I say 'life' I 'political life'. Therefore, it is very, mean 'political life'. Therefore, it is very, very Important to have a dynamic, forward-looking, elastic approach in this matter.

Mr Vice-Chairman, here I should like to say something about the Government attitude. As you know, you have been here for a long time and you know that right from the beginning we have been pressing for the political solutions of the problem. Somehow or the other some of our suggestions get accepted partially by the Government after a good lapse of time. But better late than never. Now I am very glad to hear that they are seeing that political solution. But the political solution should not be spelled out too much in military terms, or quasi-military language, or should not be accompanied by quasi-military behaviour. Now I do not know whether all these things are necessary, these extraordinary powers and so on. Anyhow, the power should be exercised by Parliament. I am not in favour of

delegating the powers to a Governor in such matters because, after all, the Governor is an executive officer—there the Lt. Governor or whatever it is. Even he acts on the advice of the local officials. Why should the military come, and not the civil authority? Why the military should perform the functions of the civil authority should be properly explained, and in what manner, because you have the best of intentions but intentions alone cannot be very good. When the intentions go with the bayonets of rifles, it cannot be very good. The Nagas may not like it. The Nagas may feel that on the one hand you are talking to them and on the other you are arming yourself with the same old powers which are meant for repression and shooting and indiscrimination. Sometimes it may not always be justified.

Now they may not look upon this thing in a proper way. They may even dislike it. Therefore, here comes the need for a political assessment, is your political assessment, such that now the military powers are needed, or is your political assessment such that you can come to the conclusion that such powers can for the time being be avoided? We do not know. The case has not yet been made. It is the same type of speech which was made 10 years ago or 5 years ago. Yet, we are told that there has been progress in the talks between the Naga leaders and the Central Government representatives, especially the Prime Minister. If there has been progress in the talks between the two sides, then one has to explain why these powers are again necessary. This is very very important. My friend there was talking. He sits on the Congress Benches but I would ask our Naga friend to join the Opposition. That is their side. Their interests are safer in the hands of the Opposition. They should identify with us. I will assure the Naga friends that they should identify with the Opposition in the country. The Opposition, I am sure, whatever may be our differences, with

[Shri Bhupesh Gupta.] all our faults, shall try to protect the peculiar cultural interests of the Nagas and we shall not allow any kind of encroachment or intrusion in that respect. He is not a man of the Opposition. He is sitting on the Congress Benches. I do not know why he is sitting there. What he said is very important. This is what the Nagas who are with you are feeling. You can imagine how those who are sitting on the Opposition Benches or who are fighting with guns in their hands are likely to feel. You can imagine that. Obviously if he, who is so near to you feels in this manner, then naturally there is a bigger distance between you, still, on the one hand and the other Nagas, not with you politically on the other. Therefore it is necessary for you to make an extra effort to attract them towards you. One thing is quite clear. The Nagas cannot be browbeaten by show of powers. In fact no people can be browbeaten by show of power. The military and others are not going to work. Therefore it is good that the truce period has been extended. In fact it should continue. We should make it known to the Nagas, if necessary by radio / broadcasts or by air-dropping of leaf-flets and other things that we intend to solve the problem peacefully, even by taking some risk and we should appeal constantly to the Nagas that our 'approach is a peaceful one and we should like them to settle the matter peacefully. We should continue the talks. Let them come again and again and talk to us and we shall also go there and talk to them so that they feel that the gun is not the only thing in our hands with which we solve the problem. In fact they should forget the bitter memories of guns, shootings and all that kind of things. These memories, I am afraid, are still haunting the Nagas. After all the Congress rule has been one which does not commend itself to its own people, leave alone the Nagas. In U.P. the Congress regime was rejected in the elections. In Bengal it has been rejected in the elections

and in many other places too. Therefore when the Nagas hear by reading the newspapers that even at the doorstep of Congress power, the regime is being attacked and rejected by the people, can you expect that they will have much confidence in what you say, from such a distance, with such memories dividing" then from us or is it not a fact that in such a situation, they will have more apprehensions and so on and they will have thought that their apprehensions had been justified by the results of the elections? Therefore if you think in terms of election results, I think that it is all the more necessary to-day to adopt a posture absolutely of peace and lay down the weapons altogether. Naturally, if ordinary law and order problem is there, the police men are there and the other people are there. Let them look after the law and order problem in the usual way, but the displaying of power against them, keeping the guns over their heads all the time or telling them that we have invested ourselves with new power, and should you do I behave, there shall be invocation of these powers, is not the way in the changing situation to address ourselves to the Naga people. Therefore I am not quite clear why the Government is asking for such powers and so on because I have not been, as an individual or as a party, satisfied that this power we need to renew even at this hour. This is my observation with regard to this matter.

Finally I would say a few words. Our words do not reach the Naga people somehow or the other. It is only what Shrimati Indira Gandhi says or what Mr. Michael Scott has to say or some such people, that reach the Nagas. What we say never reaches them.

SHRI B. K. P. SINHA: There is no difference between your views and that of Mr. Michael Scott.

SHRI BHUPESH GUPTA: No. I will say a few words for the Nagas. Our friend is there and he shall convey my words to them. When I ex-

press these words, I feel that a large number of people in this country, will share these words. I can only tell our Naga friends this; I never call them hostiles and so on, which is again the British language—hostiles. This Congress Government does not even now know how to find a better word from the dictionary. 'Hostile' the British used to say in the Afghan War days and still they say hostile, hostile. They are not hostiles. Then Calcutta is hostile, then Kerala is hostile and so many are hostiles that way. Our Naga people, that is what I say, who dissent from the Government may have their own way of fighting with the Government. Of course in some matters they are entirely wrong, and in so far as they demand a separation of an independent Nagaland, with all humility we say that they are entirely wrong in this matter but our words to the Naga friends would be that today they should review the entire situation, not in the light of the past but in the light of the unveiling new developments. India is to-day no longer a Congress Raj as it used to be. It is still under Congress power but a new process has started where the non-Congress forces, specially the Left and democratic forces are making headway, which means, there will be only expansion and enrichment of democracy, better life and affection for the toiling people, certainly the people who have been let down in the past, neglected in their cultural, social and economic life. Therefore, I think that this is the time for the Naga leaders to review the situation and find their way into the mainstream of our political life. To-day if they join with us in making this country a thoroughly, in every way, a part of the common family of the fighting Indian people, democratic people, I am sure all their misgivings will have been, things of the past and they shall see in our cooperation and in our support, in our sympathy, in our affection, the message of the future for which they wait. That is why I appeal to our Naga people. They are an excellent people, they are brave people,

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they are people who may not have been very modern in many of their thinkings but certainly they have an inherent patriotism in them, affection for their kith and kin and they want to live as honourable men, as part of the Indian polity. Well, they will live like that, with their distinction retained and respected. Patronising the Naga people or to talk to them in a patronising tone is the worst service we can do to them or to our own cause. Therefore we can tell them when they come as comrades and friends and join us in the working, making of the country, if they do so, I think there will be a change and many of their problems will have been solved. I know that Mr. Phizo was at one time living in the Alipore Central Jail with many of our comrades. At that time we were part of a common movement. Somehow or the other differences arose and they struck a different path. To-day he is not here, his followers are there. He is in England. I think the whole question should be reconsidered even by the Naga leaders, whether they are abroad or in the jungles or in other places—hideouts or wherever they are. They should also consider it from the larger angle and I can tell them through you and through this House that now the situation has changed vastly. India in 1967 is not India in 1952, and things have changed in favour of progress in many respects, although the Congress Party has taken the road to ruin. But then, the other forces are also on the march. It is the task and duty of the Naga people to fall in line with the marching people who want to make their destiny, and I do believe that, if the Nagas were invited and attracted towards the common making of the future as common partners of the Indian people, much of their problems even now will have been solved, and we are looking forward to the day when all of us shall not only be technical partners of India, but all of us, who are technical partners of India now, shall be common partners in the remaking of a democratic and

[Shri Bhupesh Gupta.] joyous India, where many of the things which have been done by the Congress to the Naga people will be thrown into the limbo of the forgotten past. When will this day come in the near future when the Government will stand aside a little and the special powers will not be used? Of course negotiations and talks should continue, and with these talks we of the Opposition should be clearly associated; all the parties of the Opposition, including the Congress Party also, should be associated, so that a solution to the Naga problem becomes a solution to a truly national problem. And you cannot develop a national approach today between the Nagas and the Congress Government for the simple reason that the Congress today does not represent the nation; it only represents a small part of the nation, and this is also the opinion of the Nagas. Therefore, in order to approach the Nagas in a better way, in a friendly way, it is necessary to bring into play a truly national approach, which means association of all the political forces in the country with the solution of the problem here and now.

Thank you.

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): Mr. Vice-Chairman, Sir, the discussion on this particular Bill became rather lengthy, but it has been a very useful discussion, and I am very grateful to the hon. Members for bringing up various points in regard to this Bill, though many things have been said which actually do not come under the purview of this Bill directly. But they have made a very useful contribution by raising certain points about the problem of Nagaland as a whole, and I shall try to give replies to all the points that have been raised here in the House.

One thing is very clear from the discussion, that, by and large, the opinion of all the hon. Members here is that we should not bring about a

solution to this problem by force, and every effort must be made to solve the whole problem peacefully and without bringing in force. In that connection I can only say this that, as is evident to the House, it is also the intention of the Government of India not to use any kind of coercion or force to bring about a solution to this very difficult and complicated problem, but to solve it as a problem of our people, by taking the Naga people as our own kith and kin. After all the Nagas are not outsiders; they are a part of our countrymen. They are our kith and kin and our dealings with them should be of the same type as they would be with any other citizens in any other part of the country. And for that very purpose, it is in the knowledge of everyone, all the members of the Government of India have so far been made to bring about a peaceful solution of this problem. Sir, some years back we went through a very bad phase when there was fighting and hostile activities in Naga-land—Indians killing Indians—and when the army was being used in Nagaland to suppress rebellion. All that was not palatable to us nor was that liked by anybody in this country but which, in those circumstances, had to be done. The situation, however, improved considerably after that, and now efforts are continuing on our part to bring about a peaceful solution to the whole problem. For that purpose actually Nagaland State has come into being. This had been one of the demands of the Naga people and Statehood was conferred on Nagaland, which satisfied their aspirations to a very great extent. Still, there are large numbers of people among the Nagas who are not fully satisfied with what has been done so far and they are agitating for more, carrying out acts of arson, and of kidnapping and killing all those loyal Naga people who were satisfied with what the Government had done for them. Now, for the protection of such people it is necessary that the administration there is given certain special powers. Hon. the Foreign Minister pointed out in his

introductory remarks that this Bill which had been brought here before the House now was only an enabling Bill that It only gave power to the Governor or to the administration there when any situation got out of hand. It is only then that the provisions of this Bill will come into operation and that, otherwise, it is not necessary at all. It is in the discretion of the Governor. When he thinks that any particular area of Nagaland or the whole of Nagaland, requires that such powers should be used, he has to declare it as a disturbed area, and then this law comes into operation. It is not the intention of the Governor or of the administration there to make frequent use of this Bill. Sir, there should be no apprehension as regards this special measure, which has been there for a number of years, and I do not think the Government of India can be accused of ever having misused this measure. We consider it absolutely necessary at the moment to maintain peace and tranquillity in that territory, and that is why we have come before the House again to extend this particular enactment. Now, Sir, a number of points have been raised during the discussion here. The hon. Member, who was the first one to speak, said that the very first act of this Government, this new Government, has been to come forward with a Bill like this which, in his opinion, was not a very good gesture to bring about a peaceful solution, and that we should have tried something else. Now I would only say in that regard that this measure, proposed to be extended by this Bill, ceases to have effect after the 4th of April and before that we do not have enough time at all to carry on the discussions and to bring about some other solution, and if this comes to an end on the 4th of April and is not extended further, then some difficulties may arise. A situation may arise when it may be necessary to use force or to take recourse to this particular measure, and if it is not extended, it is not legal to take recourse to

this. Such a situation may land the administration in great difficulty. For that reason or to obviate that difficulty, this Bill has to be passed at the earliest possible moment; it is not at all for the reason that we actually want that such powers should be given to the administration unnecessarily. Another thing he said, that we should bring about a solution by cooperation, not by force. We have all agreed to this. All the Members have expressed it, and so do Government. We all believe in it. It is for that reason that we are trying our level best to bring about a solution with their help and co-operation, and no coercion or force is being used from our side.

Now Mr. Sinha raised the point of secession and separatist tendencies. He said that if we are to carry on talks like that, those talks might give encouragement to the hostile Nagas and they may begin to think in terms of secession, and that, if we give in to this sort of thing once, the same tendency may start in other parts of the country also. On this point, Sir, I can assure Mr. Sinha and the House that the Government of India's attitude and posture and position on this question are very clear. We have never, at no time, told the Nagas that we agree to their demand for secession, or their complete independence. From the very beginning they have been told categorically and clearly that we are prepared to give them absolute autonomy, or even a special status or special position, but Nagaland will have to remain within the Union of India and they cannot think in terms of separation. So there should be no apprehension in that regard. As far as the Government of India is concerned, our stand is very clear, and there is no possibility of our agreeing to their demand for separation or complete independence.

Now, Sir, Mr. Chatterjee during the course of his speech equated this measure with conditions which exist under Martial Law which, I do not

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think, is very correct really. We all know the difference between the conditions that exist under Martial Law and what this particular measure envisages. This merely arms the local administration with extra power just to quell any kind of disturbances or trouble that may arise in any part of the country, and it comes into operation, as I said in the very beginning, when conditions become so bad that you cannot avoid using it. So it will not be fair to say that enactment of this particular Bill would bring about conditions as exist under Martial Law.

Now, Sir, the lady Member who spoke after that speaker said something—if I understood her correctly—about officials and others, that some of our Indian officials or Indians go to Nagaland and try to win them over to a different religion, that they say things derogatory about their religion, things like that their religion was not good, and that they should embrace Hinduism. Whether this is happening there or not, I do not know; this is the first time I am hearing of it. As far as the Government of India is concerned, Sir, we have followed a policy of giving them complete freedom of religion and worship. We have never interfered with that freedom nor is there any intention on our part to do so.

Mr. Varma said that it is a sign of weakness on our part to carry on negotiations with the underground Nagas. Now, Sir, this is not quite correct, because this is a very complicated and difficult problem and we have had this problem on our hands for a very, very long time, and a solution to that will not be very easy. It certainly cannot be brought about by any high-handed methods, and negotiations have to be carried on, however difficult they may be, and talks have been held under difficulties. But as I said in the very beginning, we have got to find a peaceful solution to it. They are part

of India, they are part of us, they are our kith and kin, and it is our intention to force any kind of solution on them, either by the Special Powers of the Armed Forces Bill or by any high-handed method. Even though there may be difficulties, and there will be many, then no reason why we should deviate from that path and not carry on negotiations with them. I do think it is a sign of weakness. I think it is a very healthy and democratic sign that we are prepared to talk with them across the table on matters they like.

Now, Sir, Mr. Gupta wanted to know as to the stage at which the negotiations with the underground Nagas were. So far, four or five meetings have taken place between the representatives of the underground Nagas and the Prime Minister and officials of the Government of India and it will not be possible to disclose here details of the talks. But this much I can say that from the very beginning, it has been told the Naga underground leaders very clearly that we are prepared to consider any proposals from them which do not violate the provisions of our Constitution . . .

SHRI BHUPESH GUPTA: What do you mean by "violating our Constitution"? For example, they may make a suggestion which may need amendment of the Constitution.

SHEI SURENDRA PAL SINGH: Our main attitude has been that we are prepared to talk with them so long as they do not talk of separatism or complete independence. That has been made quite clear to them from the very beginning. But if they want any small adjustments or some special arrangement for their territory, are prepared to consider that, so long as they do not come into conflict with our Constitutional provisions". It was very difficult for them to come out with any proposal . . .

SHRI BHUPESH GUPTA: I can understand the hon. Minister if he says "... so long as they do not demand separation or an independent State." But some of their demands may come into conflict with certain provisions of the Constitution, but they may not have anything to do with the status of an independent State. Therefore, the issue is not that.

SHRI SURENDRA PAL SINGH: I understand. We will see when the demands and proposals come. It is very difficult to say what they are going to come forward with, because there has not been any specific proposal so far. They have only heard our side of the story. Their original stand was that they wanted separation, but they were categorically told that this would not be accepted. Now we are waiting for counter-proposals and when these proposals come, they will be examined very carefully and all these things that you have mentioned will be gone into. Once again, I may say that this is a delicate and a very difficult problem which the Government has been trying to solve as best as they possibly can without bringing about any bad feelings between Naga people and ourselves, and since this is a delicate question, I think we should not go very deep into it and exercise what is going on. The best possible is being done from our side and this measure is only a temporary measure, only for one year, not for any great length of time. We hope that during this period of one year, the provisions of this Bill will not be used and it is just possible that within this period, some solution may be found and we will not be coming before this House again asking for another extension.

THE VICE-CHAIRMAN (SHRI AKEAR ALI KHAN): The question is:

"That the Bill to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now we shall take up clause by clause consideration of the Bill. Clauses 2 and 3 . . .

SHRI BHUPESH GUPTA: On a point of order. There is no quorum.

SHRI B. K. P. SINHA: When the hon. Member was prolonging his long speech, there was no quorum.

SHRI BHUPESH GUPTA: Whether my speech was long or short is immaterial. Now voting is going on, not speech-making. Special powers are sought to be given without the quorum. That only displays frivolity, if anybody will display it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The quorum bill is being rung.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, they have got six Parliamentary Ministers or some such thing. They cannot even produce quorum. How are they going to produce a solution for this problem?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is no quorum. We will take up the clause by clause consideration on Monday. I adjourn the House now.

The House then adjourned at thirty-eight minutes past six of the clock till eleven of the clock on Monday, the 3rd

1 April, 1967.