

**THE ARMED FORCES (SPECIAL
POWERS) CONTINUANCE BILL,
1964.**

**THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS
(SHRIMATI LAKSHMI N. MENON):** Sir,
I beg to 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."

The Regulation was promulgated in
1958 and initially for a period of one
year it conferred special powers on
the Armed Forces and this was renewed
from year to year because of the
disturbed conditions in the Nagaland.
It expired on the 4th of April. The
Rajya Sabha was not sitting and an
Ordinance was passed.

[THE DEPUTY CHAIRMAN in the Chair]

Since Nagaland has obtained State-
hood on the 1st of December, 1963, it
was necessary to have a parliamen-
tary enactment in order to legalise the
Armed Forces (Special Powers) Re-
gulation. Hence this Bill, Madam.
And this Bill also seeks to repeal the
Ordinance which was introduced in
order to cover the period between the
expiry on the 4th April and the com-
pletion of this legislation.

Madam, I move that the Bill be
taken into consideration.

The question was proposed.

SHRI P. N. SAPRU (Uttar Pradesh):
Madam, this Bill seeks to continue the
Armed Forces (Special Powers) Re-
gulation, 1958 for a further period of
two years. Now, so far as the Bill
itself is concerned, there is nothing
very much which can be said about
it but I would like to say a few words
about Nagaland itself.

I think it is a matter of happiness
that to a large extent, the question of
Nagaland has been settled. I am
one of those who have no belief in

naked force, I feel that conciliation is
the sovereign remedy. We have to
pursue policies which should be firm
and at the same time reasonable. The
people of Nagaland are proud of their
ancient culture, they have a right to
preserve that culture. It should be
our endeavour, it should be our effort
to help them to do so. After all, they
are not wanting anything very much
of which we need be afraid. We
could not give them the independence
of Phizo's dream; they would be incap-
able of maintaining it even if they
had got it. But every citizen in India
is entitled to a fair deal, and every
unit in this country is entitled to just
treatment. They are wanting that
degree of autonomy which their sister
States enjoy. That autonomy has been
conceded to them. It has been given,
what the Prime Minister has chosen
to call, the Scottish type of home rule.
Some elements in Scotland are not
satisfied with the type of home rule
that they are enjoying. There is a
strong Scottish nationalist movement.
It wants a separate parliament for
Scotland with a separate executive
responsible to that parliament. There
is a Committee composed exclusively
of Scottish Members of Parliament and
that Committee has to concern itself
exclusively with Scottish matters.
Scotland has her own judiciary. And
there is a Secretary of State for Scot-
land who performs the functions vis-
a-vis Scotland, which functions the
Secretary of State for Home Affairs
performs for Britain. Here, they will
have their own autonomous Assembly
elected by audit franchise. They will
have a Governor who will also be the
Governor of Assam, and they will have
Ministers who will be responsible for
the affairs of Nagaland, which has now
been set up. That will give them a
very large measure of autonomy and
it is a measure which should satisfy
the big units as also the small units.

Criticism has been made by some
people of the fact that Rev. Michael
Scott who is a distinguished fighter for
noble causes—I do not say that the
particular cause he is interested in is
in fact a noble cause but it is noble

impulses which have made him support this cause—has been permitted to visit Nagaland. We should know what the antecedents of the Rev. Michael Scott are.

Mr. Scott is not a British chauvinist. He is not a British jingo. He is a man who has been opposed to racialism and jingoism all the world over and he has been a fighter for lost causes all the world over. Now, I think he has been taking some mistaken view of what is called the Naga problem.

SHRI G. RAMACHANDRAN (Nominated): You are not suggesting that this also is going to be a lost cause!

SHRI P. N. SAPRU: I think it is going to be a won cause, a cause which he will win or a cause which he has won already. He has taken interest in the Phizo movement. He was one of the marchers to Peking, and, I think, it was a right march that was undertaken by Acharya Vinoba's immediate disciples. He will probably go and argue with Phizo, and I do not see any reason why Mr. Phizo should not be allowed to have a talk with him. After all, the stories of those who have built up great empires or who have built up great Commonwealths are the stories of men who have been prepared to negotiate with rebels. It is not a mark of weakness. It is no weakness to negotiate with those who have fought rightly or wrongly, wrongly in this case in my opinion, for the freedom of their people. Freedom is one's birthright. The Nagas have as much right to it as we have. We have no right nor do we ever dream to have any right to dominate their life. We have no right to force our culture, whatsoever we may think of it, on them. They have been fighting us for reasons which are not easily understandable by us. We should try to bring to bear upon our work some imagination. We should put ourselves in the place of a proud people who won freedom for themselves and who were struggling for

freedom in the mistaken belief that they have not got freedom. We have to convince them that they have got freedom.

Now, the Armed Forces have done their work, as was to be expected, in a decent way. They have done it in a humane way. I have heard good reports about our Armed Forces. But may I say something about the civil servants who have administered Nagaland and the territories of the State of Nagaland? I hope that they will not bring to bear upon their work a civil servants' conduct. I hope that they will realise that they are not bureaucrats who must administer the law soullessly. They should realise that they are dealing with human beings, that they are dealing with human problems and that they should bring to bear upon their work an attitude of friendliness which will win friends for us in Nagaland. I think it has been impressed upon every civil servant who goes to administer Nagaland that he must learn to respect their customs, their ways of life. He must identify himself even as a Father identifies himself in many ways with the people of Nagaland. If our civil servants administer the State of Nagaland or help to administer the State in that dedicated spirit, I am certain that the Nagas will become as loyal to this country as any one of us sitting either on the Treasury Benches, or on the Opposition Benches or on the back benches is. Therefore, I would like on this occasion, when we are passing this Bill, a message to go forth from this House to the people of Nagaland that we mean well by them, we hope to see them prosper, we hope to see them take their rightful place in India which is as much theirs as ours. Thank you very much for the opportunity that you have given me.

श्री विमलकुमार मन्नालालजी चौरड़िया
(मध्य प्रदेश): उपसभापति महोदया, जो बिल प्रस्तुत किया गया है उस बिल के बारे में तो आपत्ति हो नहीं सकती कि इस तरह का

[श्री विलमकुमार मन्नालालजी चौरडिया]

कानून वहां पर रहे क्योंकि आज भी नागालैंड की ऐसी स्थिति है कि हमें अपने इन कर्मचारियों को, इन सुरक्षा अधिकारियों को विशेष अधिकार देना चाहिये। पर एक बात मुझे समझ में नहीं आती कि इतने अधिकार देने के बावजूद भी हमारे कई शासकीय कर्मचारियों को, सैनिकों को वहां पर विद्रोही लोग आये दिन समाप्त कर देते हैं, कुछ को भुलावे में डाल कर, कुछ को लोभ में डाल कर और कुछ को विशेष आकर्षण दे कर। इस तरह से हमारे कई लोग वहां पर मारे गये और मारे जाते हैं। हम उनको चाहे जितना विशेषाधिकारों से सज्जित भी करते रहें, फिर भी ये दुर्घटनाएँ होती जाती हैं और नागा विद्रोही अपनी ऐक्टिविटीज को करने में पीछे नहीं हट रहे हैं। हमने अपनी ओर से जितना सरेडर करना चाहिये था, उतना किया और एक तरह से फाँजा जिसके खिलाफ सब तरह के हमारे आरोप थे, उसको हमने अपने यहां निमित्त करना स्वीकार किया, उससे चर्चा करना स्वीकार किया, नागालैंड का अलग से स्टेट बनाना स्वीकार किया और ये सारी बातें हम करते रहे, मगर आज भी वहां की स्थिति पर हम नियंत्रण कर पाये, ऐसा मुझे नहीं लगता है। हमारी ठीली पालिसी या नरम नीति के परिणामस्वरूप कहीं ऐसा तो नहीं हो रहा है कि एक तरफ हम अपने कर्मचारियों को कानून के द्वारा अधिकार दे रहे हैं और दूसरी ओर विभागीय आदेश द्वारा उनसे यह कहते हैं कि इतनी सख्ती मत कीजिये, इतने कानून का उपयोग मत कीजिये क्योंकि विद्रोह और भड़क जायेगा और इस भय की वजह से हम को जो नियंत्रण करके शांति के साम्राज्य की स्थापना करनी चाहिये, वह करने में हम असफल रहेंगे। शांति की बात तो ऐसी है कि जब सामने वाला सीधी भाषा में नहीं समझता है, तो सोचना यह है कि उसके साथ कैसा व्यवहार किया जाय। यदि कोई डाकू है और डाकू से हम हाथ

जोड़ करके कहें कि हम तुमसे यह नम्र निवेदन करते हैं कि तुम गांधी जी के सिद्धांतों पर, राम के सिद्धांतों पर और कृष्ण के सिद्धांतों पर विचार कर लो और डाका डालना बन्द कर दो, तो इससे वह मानने वाला नहीं है।

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam, when we are talking about a people we should not use this simile of dacoits. It is a matter of the people as a whole.

श्री विलमकुमार मन्नालालजी चौरडिया : मुझे अफसोस है कि डाकू तो एक बार किसी के यहां पर डाका डाल कर चला जाता है और उसका केवल धन ही लूटता है, मगर यहां पर

SHRI P. N. SAPRU: Robinhood was also a dacoit.

श्री विलमकुमार मन्नालालजी चौरडिया : ... तो नागालैंड में कुछ विद्रोही ऐसे हैं जो लोगों की जान लेने में भी हिचकिचाहट नहीं करते। वे डाकुओं से भी ज्यादा खतरनाक हैं। ऐसी स्थिति में वहां पर ला एंड आर्डर मेनटेन करना हमारा सबसे परम पुनीत कर्तव्य है। सबसे बड़ी ड्यूटी किसी भी प्रशासन की कोई है तो यह है कि देश में ला एंड आर्डर वह मेनटेन करे। हमारे देश की इंटरनल स्थिति कैसी है, यह सब जानते हैं। मगर खास तौर से नागा क्षेत्र में इतनी ज्यादाती हो रही है कि उससे जनता परेशान है, अधिकारी भी परेशान रहते हैं क्योंकि आये दिन उनके साथ भी दुर्घटनाएँ होती रहती हैं। कानून तो बनाना चाहिये, आप जितनी शक्ति चाहिये लीजिये लेकिन हमारा जो मुख्य लक्ष्य है कि शांति स्थापित होनी चाहिये उस दिशा में क्या कर पा रहे हैं? इतने वर हो गये अभी भी वही स्थिति है। हम अपनी आत्मा को संतोष देने के लिये कह सकते हैं कि शांति है—जैसा कि मध्य प्रदेश में कहते हैं कि हमने कई डाकुओं का सफाया कर दिया है लेकिन स्थिति यह है कि एक डाकू समाप्त होता है

तो दो डाकू और पैदा हो जाते हैं। उसी तरह से कहीं नागा क्षेत्र में भी तो नहीं हो रहा है।

इसके लिये दो रास्ते हैं। एक तो यह है कि यदि हम गांधी जी के सिद्धांत को मानने वाले हैं, पूरी तरह से अहिंसा पर, नान-वायर्नेस पर चलने वाले हैं तो उस पर बिल्कुल विश्वास करने वाले लोगों को बन्दूक की गोलियां छोड़ करके अपनी मीठी मीठी बोली से उन लोगों के हृदय के परिवर्तन-कार्य को करना चाहिये और उन लोगों को गांधी जी के सिद्धांत को खूब सिखाना चाहिये जिससे कि वे विद्रोह करना छोड़ दें, झगड़ा करना छोड़ दें। आप लोग दावा करते हैं कि गांधी जी ने तो सत्याग्रह और अहिंसा के सिद्धांत के आधार पर इतने बड़े अंग्रेजी राज्य को, इतने अंग्रेजों को, भगा कर यहां स्वराज्य कायम कर लिया और आप कहते हैं कि केवलमात्र कांग्रेस ही ऐसा एक दल है जिसने अहिंसा के सिद्धांत पर आजादी ले ली और अंग्रेजों को भगा दिया तो मैं एक छोटा सा निवेदन कर देना चाहता हूं कि अंग्रेजों को तो भगा सके, लेकिन अपने नागा विद्रोहियों का हृदय परिवर्तन करने में सफल नहीं हो सके इसकी बेचुरल कारोलरी जो है वह यही है कि गांधी जी के नामलेवा तो बहुत हैं मगर गांधी जी के सिद्धांतों को कार्य रूप में परिणत करके उसके अनुसार आचरण करने वाले बहुत कम हैं। यदि अभी भी कांग्रेस में कुछ ऐसे व्यक्ति विद्यमान हैं तो सबसे पहले मैं यही निवेदन करूंगा कि उन सिद्धांतों के आधार पर वे लोग नागा क्षेत्रों में जायें और उन लोगों का हृदय परिवर्तन करें और आये दिन जो दुर्घटनाएं होती हैं, एक दूसरे की जान लेने की बात होती रहती है, उसको ठीक करें। लेकिन अगर इन सिद्धांतों का पालन करने वालों की कांग्रेस में कमी हो गई हो तो मैं प्रार्थना करूंगा कि इन सिद्धांतों की जगह सख्ती से काम लें, अगर एडमिनिस्ट्रेशन को चलाना है, प्रशासन चलाना है तो

सख्ती से जो भी विद्रोही हो, जो भी ला एंड आर्डर को हानि पहुंचाने वाले हों, जो भी अशांति पैदा करने वाले हों उनको दबायें और वे चाहे किसी समाज के हों, किसी दल के हों, किसी क्षेत्र के हों उसकी चिन्ता न करके हमें अपने कानून का पूरा उपयोग ले करके वहां ला एंड आर्डर को मेनटेन करने की कोशिश करनी चाहिये। शैतान के सामने खुशामद से काम नहीं चलता है। इंसान के सामने इंसानियत से काम चलता है, शैतान के सामने इंसानियत से काम नहीं चलता। इसलिये यह संभव नहीं है कि वहां के जो विद्रोही लोग हैं वह इंसानियत से कुछ मान सकें। तो इस दृष्टि से हमारी शासन से प्रार्थना है कि अगर वह पहला कदम उठा सके—गांधी जी के उसूल पर चल सके—तो बहुत ही अच्छा है लेकिन अगर वैसा नहीं कर सकती है तो फिर जरा सख्ती से काम ले करके जो वहां ला एंड आर्डर को नुक्सान पहुंचाते हैं उनके खिलाफ सख्त कार्यवाही करें। पहली बात यह है।

दूसरी बात यह है कि हमारी सरकार को आर्डिनंस निकालना पड़ा इस कानून की अवधि बढ़ाने के लिये तो मुझे समझ में नहीं आता है कि बड़े बड़े पदाधिकारी बैठे हुए हैं, बड़ी बड़ी तनस्वाह वाले बैठे हैं, रात दिन उनका काम केवल यही है कि किस कानून की अवधि समाप्त होने वाली है यह ध्यान में रखें, कब क्या होने वाला है यह सारा ध्यान में रखें, जब यह मालूम था कि हमको इसकी अवधि बढ़ानी है—जो एक साधारण नागरिक है वह भी यह महसूस करता है कि इस तरह के कानून की आवश्यकता है, ऐसी स्थिति में इस कानून की अवधि बढ़ाई जानी चाहिये—फिर समझ में नहीं आता है कि इसके लिये आर्डिनंस निकालने के लिये राष्ट्रपति महोदय को कष्ट देने की क्यों आवश्यकता पड़ी, सारी लिखा पड़ी, लीपा पोती शुरू से आखिर तक करनी पड़ी। हमारी मंत्री जी ने दलील दी कि लोक सभा

[श्री विमलकुमार मन्नालालजी चौरडिया] चल रही थी और राज्य सभा नहीं चल रही थी, यह इसकी कोई समाधानकारक दलील है यह नहीं कहा जा सकता। क्या आप इसकी पहले ही जब दोनों राज्य सभा और लोक सभा यहां चल रही थीं तब कुछ व्यवस्था नहीं कर सकते थे, क्या उस समय हम अमेरिडिंग बिल नहीं ला सकते थे। क्या कारण था? क्या नींद आ रही थी या क्या था, या क्या राजनीतिक उलझनों में उलझे हुए थे? तो इस पर अगर वह विचार करेंगी और इसका उत्तर दे सकेंगी तो ज्यादा अच्छा होगा, नहीं तो ऐसा ही लगेगा कि हमारी जो पुरानी परिपाटी है कि जब कोई चीज हाथ से निकल जाय तब नींद टूटती है, जब-विद्रोही लखनऊ में हथियार बनाने की फैक्टरी खोल लेते हैं तब पकड़ पाते हैं, जब हमारे हवाई जहाज नष्ट हो जाते हैं तब हमको मालूम पड़ता है कि पाकिस्तान ने मिससाइल किया और उसके परिणामस्वरूप यह हुआ; या जब भारतीयों को ब्रह्म देश में परेशानी होती है तब हमारी सरकार कहती है कि विचार कर रहे हैं, “बी आर एलाइव टु दि फैक्ट”, जब नाक को पकड़ करके खून निकाल दिया जाता है, जब नाथिया खींच ली जाती है तब भी आप कहते हैं “बी आर एलाइव टु दो फैक्ट”। यह आत्मश्लाघा सरीखी बातें हैं। इसलिये निवेदन करूंगा कि यह जो सरकार की नीति चल रही है, कानून बनाने में, व्यवस्था करने में, लोगों को रिलोफ देने में यह जो पिछली बुद्धि से काम करती है—जब सूखा पड़ गया, फसल खत्म हो गई तब पानी बरसाने की योजना होने से क्या बनता है, तो हमारी सरकार यह जो बाद में पानी बरसाती है—उसी तरह से यहां भी है। तो बाद में इस तरह से आर्डिनंस का लाना और व्यर्थ में हमारे रुपये को व्यय करना ठीक नहीं है।

इन दृष्टियों से ये तीन बातें मैंने शासन से निवेदन की हैं। पहली तो यह है कि गांधी जी के सिद्धांत को मानने वाले जो हैं तो उनकी

एक टोली बनाकर भेजें और नागा विद्रोहियों का हृदय परिवर्तन करायें और यदि वह क्षमता नहीं रखते हों, गांधी जी के पूरे सिद्धांत पर चल नहीं सकते हों, आपके दल में ऐसे लोगों की कमी आ गई हो जो कि इन सिद्धांतों का प्रतिपादन कर सकें तो फिर प्रशासन को जरा मजबूत कीजिये और सख्ती से काम ले कर जो भी शैतानियत करें उनकी पूरी सजा दें। दूसरी बात यह है कि यह जो आर्डिनंस निकालने की गलत परम्परा है इनको समाप्त करने का कष्ट करें। जिस व्यक्ति, जिस पदाधिकारी की वजह से, जिसकी गलती की वजह से आर्डिनंस निकालने का कष्ट उठाना पड़ा और राष्ट्रपति महोदय को कष्ट देना पड़ा—कम से कम भविष्य में ऐसा न हो इसकी व्यवस्था करें और जिसने गलती की हो उसे सजा, वार्निंग जैसा भी आप ठीक समझें वह देने का कष्ट करें, यही निवेदन है।

SHRI BHUPESH GUPTA (West Bengal): Madam Deputy Chairman, six years ago when this measure was brought before this House, we were told that it was only to be a temporary measure to deal with the law and order situation. If I remember aright, at that time we were clearly giving certain powers, in view of the developments then, to the military authorities, the powers which normally vest in the civil authorities. In short, we were trying to superimpose a kind of limited military rule over the civil administration at that time. Since then, the situation has also changed. We had passed in this House and the other House, in the Parliament. The Constitution (Thirteenth Amendment) Act by which we had created the State of Nagaland and I would recall the speech of the Prime Minister in that connection in this House. He said:

“Having decided on creating a State of Nagaland, which is a full State of the Indian Union, I should like to say, subject for a temporary

period to some reserve powers in the hands of the Governor."

Now, we are having a kind of, shall we say, dual authority. On the one hand we have got now, according to the Prime Minister, a full-fledged Indian State, a constituent State of the Republic, with its own outfit of Legislature, Ministry and so on, and on the other hand we have the Governor functioning under the dictates of the Centre, who is to be invested with certain special powers and authority, shall we say, under this particular Bill.

First of all, I should like to know whether it was not possible for the Government to invest these powers with the authorities there because we think that one of the reasons why there is discontent in that area, is this that the people there feel that they do not have enough say in shaping the affairs of what now constitutes the Nagaland. Naturally, this Bill might give the impression as if we are still projecting the Central rule when we have got there a Ministry, a State Legislature and so on. It is possible that for some time even now, it would be necessary for the Central Government to wield certain extraordinary powers. I can understand that but here we are extending it for a long time. Six years we have had it on our Statute Book and now we are having it for a longer period. The Government should come out with proper justification for it.

In the first place, I thought, it was the duty of the Government to explain to this House, in the light of the speeches that were made from the Treasury Benches in 1958, as to how this particular measure had been administered. It is a very wrong practice on the part of the Government not to take the House into confidence with regard to the administration of such extraordinary powers when, as you know, these powers are not given under the normal provisions of the Constitution. Now, when the Government assumes certain extraordinary powers and give certain powers pertaining to the civil

authority to the military authority, it is the bounden duty of the Government to tell Parliament as to how these powers have been used. There is no review whatsoever on the part of the Government about the manner in which this particular law has been administered in that area because that would have enabled us to understand whether these extraordinary powers are really necessary or not. Well, you might say, "It is a trifling little thing with which we did not much bother". But step by step I find that democratic institutions in our country are being eroded by bureaucratic and authoritarian encouragement. I am not saying it is a full-fledged authoritarian encouragement having regard to the fact that disturbances had prevailed there. But even so, I think, the Government will say it is a necessary evil. Something like that they said some six years ago. Is it not necessary then for the hon. Minister, while piloting a measure of this kind, to tell the House exactly how things had been handled under this measure, instead of making a very brief speech—I can understand our making very brief speeches. It is not for the sake of time; it is because the hon. Minister took it for granted that the law will be passed and that there will be nothing to ask of them about this measure and that anyhow the Congress Party has a very preponderant majority in this House.

SHRIMATI LAKSHMI N. MENON: Not at all; since this Bill is just to continue an Act passed already, I thought that hon. Members were fully aware of the contents of the Act passed then, and therefore I did not make a long speech.

SHRI BHUPESH GUPTA: It is very difficult to understand ladies' minds even if they are Ministers.

SHRI GANGA SHARAN SINHA (Bihar): Being a bachelor, how do you know about a lady's mind?

SHRI BHUPESH GUPTA: Now Mr. Ganga Sharan Sinha is trying to understand the mind.

[Shri Bhupesh Gupta.]

Now, the position is this. It is necessary for you to tell us as to how this law had been administered because you, at that time, in 1958, thought that you would require it only for a year. But then, you have required it for six years already, and you want it for a still longer period of time. Does it not merit a little longer speech than the hon. Minister has kindly made in this House? Is it not necessary that we should be told by facts and figures as to what is happening there and in how many cases the military authorities were obliged or compelled by force of circumstances to exercise the civil authority? Are we not entitled to know whether there have been cases where the military authorities exceeded their authority even under this law in exercising the functions of civil jurisdiction? These are very relevant questions to ask. Is it assumed that just because Nagaland is a distant land we may not be so much interested about this matter in detail? I think the Government, on principle, should not take the stand of not giving the relevant facts and figures when they have to approach Parliament to renew this particular measure. I think, as a matter of principle and procedure, this is something which we cannot support.

Now, I associate myself with the sentiments expressed by Dr. Sapru in this matter. The problem is essentially political, and you will recall, Madam Deputy Chairman, that when this matter was discussed six years ago, many of us from this side of the House made it absolutely clear that we looked at the problem from a political angle, that we would like the political approach to have precedence over military or punitive approach, not that we should do away with punitive or military action when the situation demanded it at that time. I would like to know, apart from what they have done, in what manner that

political approach is being projected into areas which are still not covered. Therefore, this question has to be discussed from that angle. Since that time we have got here the set-up of the Nagaland; it is welcome; in fact, all of us supported it. But what we do not know exactly, apart from getting that set-up ready, is what other political steps Government had taken under the Central initiative in order to attract those who are not still with the Government in the matter, towards the Constitution and towards a peaceful life under the new constitutional set-up. This is very, very essential for us to know. Reference has been made to Mr. Michael Scott's activity. When we ask questions about the friendship between Mr. Phizo and Mr. Michael Scott in England, we are not given many facts about them there. And yet it is known that arms are being imported through Pakistan. The other day, we asked the hon. Minister some questions about the origin of these arms. And Government does not know this simple fact, as to where the arms are originally coming from. Whether they are of Pakistani make, or foreign make—British or American—should be known to the Government.

SHRI A. D. MANI (Madhya Pradesh): They don't know that; the Government does not know where these arms come from.

SHRI BHUPESH GUPTA: Well, whether the Government knows that, I do not know. Or perhaps they know and they do not tell you. I do not think that the Government has become so deficient in common-sense and they do not tell you. I do not know as to where the arms are coming from apart from the country of transit. We have our suspicions and that is why we ask the question whether these arms are coming from the United Kingdom and it is because, at one time, newspaper reports appeared that certain steps were being taken there in order to tranship

weapons for the Nagaland. But we do not know whether it is true or not. But there is the talk in the town, in England that certain efforts were being made in order to procure arms for the Naga hostiles or rebels, whatever you call them. Has there been any investigation? We are told that we have a High Commissioner, in London—and the High Commissioner goes about in Rolls Royce car; that also we know, but we do not know whether the investigation was directed in order to find out the simple fact whether any weapons are being sent from the United Kingdom for the Naga rebels, and so on and, if so, who are behind this thing—it is very essential for the Government to find out. They have not even lodged a strong protest with the Pakistan authorities when some of their people were going to Pakistan and coming back with weapons in their hand, and in some cases, I believe, they were also caught. We should like to know, it, how Government dealt with the Pakistan authorities in the matter. After all, it was a clear interference in the internal affairs of our country, and no Government, unless it is at war or has pronounced hostility by a declaration, would be entitled to treat rebels in this manner, as the Pakistan authorities were doing. But everybody knows that Pakistan was doing it as a proxy for some other Western powers; Pakistan was working as a proxy in the matter and they were acting in this particular matter on the proddings from certain gentlemen in the United Kingdom. Naturally, doubts arise in our minds about the activities that are going on there in the presence of Mr. Phizo there. Now, therefore, I should like to know a bit about this matter because, without weapons, there cannot be any disturbance, and I do not think the weapons are being sent from India. Therefore, it is a material point for the Government to be clear about, as to wherefrom these weapons are coming. If they are coming from a foreign land, diplomatic channels should be fully utilised in order to

see that such a thing does not happen.

With regard to Phizo, the hon. Minister some days back announced that permission had been given to him to come and have discussions here with the leaders of Nagaland. I have no objection. In fact, we would like a peaceful solution of the problem to be found. But the point is that the Government should take the initiative in the matter. I am not inclined to believe that the Government should be a mere onlooker and, I think, it would be better for the Government to act on the scene instead of behind the scene. The Central Government has a special responsibility in the matter, and indeed, it is having it in the shape of this Bill as well. Therefore, if the discussions take place, is it not the duty of the Central Government to see that the discussions are directed to fruitful ends, that they are also associated with those discussions, that they give concrete proposals in order to win over those sections of the Naga people who are still remaining within the field of that particular leader—Phizo—or those who act like him? Therefore, I do not understand why they do not do this.

It is important also that political leaders in the country intervene. The Naga problem is not a problem that interests the Congress party or the Government alone. It is a problem of India, of our polity, a problem of the Indian constitution, a problem of the State, of the Republic. Therefore, this problem should be nationally solved and as such, I regret to say before this House that the Government has not taken the Opposition parties into confidence in formulating its policy. One glaring demonstration of it is seen here for, when sponsoring this Bill, they did not show us even the courtesy of telling us how things were being handled there with regard to

[Shri Bhupesh Gupta.]

this aspect of the problem. Therefore, I accuse the Government, if I may say so, of neglecting us in the matter, those in the Opposition, and even the Congress party people. Sometimes these things are discussed in the Consultative Committee of the External Affairs Ministry, but beyond that nothing is done. I still think that here is a problem in which a co-operative effort on the part of all the parties is possible, and the initiative for such a co-operative effort must necessarily come from the Government and the ruling party, and it is precisely on this score that I find that the ruling party is failing, because its approach is hopelessly bureaucratic in this matter. They want more and more power. They want more and more military authority and so on. They want to settle the problem, at least to some extent, through the barrel of guns. Shoot the people when the hostility is taking a violent form. But at the same time, I say, the time has come for the Government to realise that, having set up the Nagaland State and created a kind of autonomous regime there and a popular regime there,—I suppose it is a popular regime—their approach should be a popular democratic approach, an approach which is non-bureaucratic and political of course. And there I find the Government is failing.

Now, Madam Deputy Chairman, one thing is not clear to me. Why is it necessary for the military authorities to have the civil power except in areas where actually real troubles are taking place? Even so there should be a demarcation between those areas which should be under the military authority and those which should be under the civil police authority. I do not think it is a good habit on the part of the Government to get Nagaland gradually acclimatised to this kind of military operations. to military action, unless it becomes

absolutely essential. I would not have said these things with so much emphasis perhaps in 1958. But now, when they have got a new set-up, a popular administration—it is supposed to be a popular administration—is it not necessary to see that the Governor does not have such abundant and ample and arbitrary powers, and that all these powers are vested in this elected government? It is open to the Central Government to give them advice and directions. If necessary, give them a little more than what you give to the other States. But I do not see why the Governor should be given so much power. Now that we have a Ministry there, the control should be left with the Ministers to decide how much power should be given—shall we say discretionary powers—to the Governor.

The hon. Minister should tell us whether there was any consultation between them and the Ministry there before seeking an extension of this measure. If so, I would like to know whether the problems were posed before them from the angle of democracy and whether any suggestions were sought from the Ministry there as to how these things should be handled. Now it would be a bad thing, Madam Deputy Chairman, if we pass such a measure now, as if there is no popular set-up there at all, as if that State has not come into existence there, and as if there is no Ministry there. That would be very bad. Therefore, I say that all these things have been completely ignored by the hon. Minister in dealing with this question. Personally I feel that the situation is much better now than what it was six years ago, although isolated incidents are taking place. Part of the area has been brought well under control and large sections of the people are turning to peaceful methods. And so as far as the Naga people are concerned, our approach should be such that they are attracted to the cause of integration, emotional and national, real

integration with the rest of India. And if today we go in for easy solutions, short-cut solutions, by the use of military means and so on, or by military actions and operations, well, it might not produce the desired political result which was intended to be achieved by setting up the new State there. Therefore, these are questions which naturally arise in our minds.

Madam Deputy Chairman, I would only like to say finally that the problem of the Naga people should be treated as a national problem and the approach should be an eminently democratic and political one, and in that approach everyone, including the opposition parties, and certainly the elected government there, have an important part to play. The job of the Government should now be to have mutual consultations with all these people are elements so as to formulate a policy which answers the real needs of the situation of today, I do not know what kind of a reply the Government will be giving when the hon. Lady Minister speaks on this subject. But I would like to say again that their failure to solve the problem of the Nagas cannot be explained away by intransigence on the part of some people. I think the Government must own its own responsibility, look inward and understand its own shortcomings in the matter. And if the Government takes such a view, a somewhat self-critical view in the matter, then probably, sooner rather than later we shall be able to find an effective political solution. We only hope that such powers would be less and less required there, and we hope that with the co-operation of all the political elements there, by the expansion of democracy in every possible way, by giving them such autonomy as is possible under the Constitution and within our competence, we shall know how to integrate the brave, proud Naga people into the texture of the Indian Republic so that it becomes truly a part of India and the State truly becomes a part of India in the

same way as any other State has, so that the problem is settled and solved once and for all, and the Naga people are taken into the bosom of Indian society and all consolation and sympathy is extended to them with an encouraging hand. That is what the Government should do in the matter.

SHRIMATI LAKSHMI N. MENON: Madam, just one minute is left for one o'clock.

THE DEPUTY CHAIRMAN: You can begin. If the reply is short, we can even finish.

SHRIMATI LAKSHMI N. MENON: I may take another ten minutes, Madam.

SHRI BHUPESH GUPTA: Afterwards we can take it up. I am sure the hon. Lady Minister will speak better after lunch.

SHRIMATI LAKSHMI N. MENON: No, I shall speak better now.

THE DEPUTY CHAIRMAN: Lunch does not matter.

SHRI AKBAR ALI KHAN: She is not so fond of hearing her own voice as you are.

SHRIMATI LAKSHMI N. MENON: Madam, much of what has been said here does not concern this Bill at all. To begin with, the hon. Member, Dr. Sapru, mentioned about the Scottish pattern of administration.

SHRI P. N. SAPRU: Now they have got a full State.

SHRIMATI LAKSHMI N. MENON: But the hon. Member spent a good deal of his time explaining the Scottish pattern of administration. I think he was confusing the statement made by the Prime Minister with regard to the hill districts in Assam with this. But as he has now admitted, and as everybody knows, Nagaland is now a full-fledged State and that is why this

[Shrimati Lakshmi N. Menon.]
Bill, though delayed, till that State assumed nationhood, became necessary for this Regulation to be made a Parliamentary enactment.

SHRI A. B. VAJPAYEE (Uttar Pradesh): You mean Statehood, not "nationhood".

SHRIMATI LAKSHMI N. MENON: I am sorry. I meant Statehood. And so when it attained Statehood, it became necessary that this Regulation should be made a Parliamentary enactment.

Madam, you might remember 1 P.M. that Nagaland attained Statehood on the 1st December, 1963, when this measure had to be initiated by the Defence Ministry. When we referred this matter to the Ministry of Law, we were told that the Regulation could not be continued unless they were made into a Parliamentary enactment. This then had to be referred to the Governor of Assam and all that meant delay. When it was actually brought before Parliament, the discussion on the Demands for Grants was going on in the other House and there is a convention that the debate on the Demands for Grants should not be interrupted by any kind of legislation. Hence it became necessary for us to issue this ordinance. The hon. Member who spoke about the ordinance was very concerned about the trouble we were giving the President, etc. I must say that I do not think we gave much trouble to the President excepting that he had to put his signature which I am sure he did willingly, because unless this ordinance was issued the Armed Forces would not have had any protection at all.

The reason why the Armed Forces are given extraordinary powers is this. If I did not make any lengthy speech, it was because this matter was debated fully in 1958 and I thought that most of the hon. Members who took part in the debate were here and they knew full well the implications of this regulation. Madam, I would

like to say that the reason why it was necessary to bestow on the Armed Forces Special Powers is that when we send patrols into the interior, we do not have civil officers who can administer law and order and, therefore, it was necessary that the Armed Forces should be given powers by which they would be able to assist the civil administration in the maintenance of law and order.

Having said this, Madam Deputy Chairman, I would like to say why it is necessary to have this enactment. It is true that Nagaland is a full-fledged State, that it has got full control over the administration of law and order but no other State has to contend with an armed opposition, absolutely intractable and determined to resist the administration. The resources available with the Nagaland Government do not permit them to deal with the matter as effectively as it would like to and, therefore, it was necessary for the Government to take control, partially at least, and have the Armed Forces to maintain law and order as a means of assisting the civil power to maintain law and order.

Now, the question was asked as to what the results of these Regulations were, how they have worked. Madam, I can give the figures as the hon. Member is very keen on statistics.

THE DEPUTY CHAIRMAN: You would take another ten minutes, Mrs. Menon?

SHRIMATI LAKSHMI N. MENON: In another five minutes, I will finish.

SHRI A. B. VAJPAYEE: Let her continue after lunch.

THE DEPUTY CHAIRMAN: Then you had better continue at 2.30.

The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at five minutes past one of the clock.

The House reassembled after lunch at half past two of the clock. THE DEPUTY CHAIRMAN in the Chair.

SHRIMATI LAKSHMI N. MENON: Madam, I was trying to give some statistics about the result of extension of these extraordinary powers to the Armed Forces. Unfortunately, the hon. Member who asked for these figures is not here. However, we have been able to destroy about 350 hide-outs; about 700 persons were apprehended and about 260 weapons were seized and a hundred hostiles were killed. And this is in co-operation with the civil intelligence set-up in Nagaland. As I have pointed out earlier, Madam, it is necessary for us to extend these powers to the Armed Forces because patrols have to be sent to the interior where there is no civil administration at all, and if the Armed Forces were not given these powers, it would be very difficult for them to carry on their work.

Madam, one hon. Member, I think Mr. Gupta, mentioned about dual authority in Nagaland. There is no dual authority. Nagaland is a State like any other State in India, but because of the abnormal conditions prevailing there with regard to law and order the Governor is vested with certain powers only with reference to law and order. It is true, as Mr. Chordia said, the maintenance of law and order is a State responsibility but even so, as I have pointed out, when the State's resources are not sufficient to meet this organised armed opposition to the Government it is necessary that the Government of India should take control of the situation.

A lot of eloquence is wasted about preserving the cultural integrity of Nagaland, etc. Hon. Members know that our Constitution guarantees this to all people in India. Nobody inter-

feres with the cultural traditions or the cultural set-up or the cultural pattern of the States and the same thing is guaranteed to the Naga people also. Therefore, there is no question of our interfering with the culture or civilisation of the Naga people.

Madam, reference was made to Rev. Michael Scott and the peace mission that is now touring in Nagaland. We were told that we should be strict but at the same time we should be kind; that is, we should not do anything which would make us a sort of arbitrary power interfering with the life, liberty and happiness of the people. It was the policy of the Government of India all through that the Naga people themselves should come to an understanding with the hostiles and especially, after the creation of the State it became more incumbent on the Government to see that peace was maintained, in whatever way it was possible. It was then that the Baptist convention met and they thought that this murder, killing and arson that are committed by the hostiles, should cease and Nagaland cannot prosper unless there is internal peace. And it is with the concurrence and at the request of the Nagaland Administration that Rev. Michael Scott was given permission to go to Nagaland, and we are very happy to inform the House that Rev. Michael Scott and his colleagues were able to contact the hostiles; and day before yesterday, I think, we have had the information that over 200 persons have surrendered with their weapons and really the chances of peace seem very bright now.

A question was asked why we are having this extended from year to year. Madam, every year we start with the hope that peace will be restored before the end of the year. We hope that with all our attempts to ensure peace in Nagaland, either by declaring amnesty or by promising them to meet their demands, we will be able to ensure peace but that has not been possible and even now,

[Shrimati Lakshmi N. Menon.]
although the chances seem to be very bright, we find that the Armed Forces must have the powers that they have been exercising these years in order to see that peace is ensured. It is really a case of triumph of experience over hope. Therefore, Madam, it is with the very noble intention of not using these powers for a minute longer than is necessary that we have this extension from year to year.

As far as the development of Nagaland is concerned, we have answered many questions in the House and hon. Members know that it is the policy of the Government of India to see that the State becomes economically viable and all kinds of development projects are undertaken so that the prosperity and happiness of the people of Nagaland will be guaranteed. But as far as this Bill is concerned its scope is very limited and not at all controversial, and I hope that House will pass the Bill.

THE DEPUTY CHAIRMAN: 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 DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI LAKSHMI N. MENON:
Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) AMENDMENT BILL 1964

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): Madam, I beg to move:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, as passed by the Lok Sabha, be taken into consideration."

Madam, this is a very small Bill and it is really intended to give certain benefits to the areas of Telangana, Himachal Pradesh, Manipal and Tripura. The House will recall that in 1957, we passed this Act and the reason for passing this Act was that under article 16(1) of the Constitution, discrimination in matters relating to employment in the State on grounds of religion, caste, sex, descent, place of birth, etc. was banned or prohibited. Everybody is to have an equal opportunity so far as employment is concerned and there should be no discrimination whatsoever between one section of the community and the other on any of these grounds. So far this is concerned, we are dealing with the qualification with regard to residence of the people to be employed. Under article 16(1) of the Constitution there is this prohibition. Article 16(3) of the Constitution, however, enables Parliament to make any law prescribing, in regard to a class or classes of employment or appointment to an office under any State or any local or other authority within its territory any requirement as to residence within the State or the Union Territory prior to such employment or appointment. But under article 35(1) of the Constitution only Parliament has the power, and not the State Legislatures, to make laws as mentioned under article 16(3).

Now, in some of the old States there were rules with regard to residence qualification in respect of