

THE CONSTITUTION (THIRTEENTH
AMENDMENT) BILL, 1962, AND THE
STATE OF NAGALAND BILL, 1962

MR. CHAIRMAN: For the sake of convenience and economy of time, both the motions regarding the Constitution (Thirteenth Amendment) Bill, 1962, and the State of Nagaland Bill, 1962, may be considered together and moved by the Prime Minister.

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS (SHRI JAWAHARLAL NEHRU): I am grateful, Sir, for suggesting that these two motions should be taken up together. I shall move them one after the other; of course, in the consideration at the second reading stage they may be taken up separately clause by clause. But they are wholly interdependent, and it is difficult clearly to consider one without keeping in mind the other.

Sir, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, I also beg to move:

"That the Bill to provide for the formation of the State of Nagaland and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

This House is aware of the history behind these two Bills. About two years ago or thereabout this matter was considered together with the representatives of the Naga People's (Convention, and ultimately a certain settlement was arrived at about the formation of the State of Nagaland. It was, I admit, somewhat unusual for a relatively small area to be formed into a State. There is nothing against it, and the peculiar circumstances prevailing there—I am not referring to "the disorder and the law and order difficulties that we have had although "they are very much before us—the special circumstances of the place

induced us to agree to the proposal that they should be made a State. But although we agreed to that, there were certain difficulties in the way; first, the law and order position, and secondly, the financial position of the State was not a very happy one. It depended very largely on subventions made by the Central Government. Mostly subventions are for development of the area. It was, therefore, decided in agreement with the representatives of the Naga People's Convention that there should be for a certain period certain powers reserved to the Governor, certain powers relating to the law and order position and to financial position. These are only till such time as the Governor thinks that they are necessary. The Governor of course functions as a representative, as an agent of the Central Government, and he will be in constant touch with us. Now, as a matter of fact, although Nagaland was not declared to be a State of the Union, it has been a separate entity for some years. Constitutionally, I suppose, it has continued to be part of Assam, but some two or three years back it was formally separated and constituted into a separate entity under the Union Government, and Tuensang Division which was a part of NEFA, North East Frontier Agency, but which is inhabited by Nagas was attached to this Naga area. Now Tuensang is somewhat different from the rest of Nagaland because, I do not wish to use the word, but in some way it is a little more backward, and the Tuensang people's representatives themselves were a little anxious that they should not be put completely on the same level as the rest of Nagas, and they wanted a period when they should be both joined on to this of course as a State but where they would have a Regional Council and the Governor would have certain additional powers in regard to the Tuensang Division.

The whole point is that these two Bills resulted from the agreement arrived at with the representatives of the Convention of Naga leaders as

[Shri Jawaharlal Nehru.]

well as Tuensang leaders, and I submit, Sir, that having accepted that and created a separate entity and later accepted the idea of a State, you must abide by the agreement arrived at. Making changes here and there would probably not fit in with the scheme and would not fit in with the agreement arrived at. For instance, the reserve powers of the Governor both in regard to the Tuensang Division and generally in regard to Nagaland were specially agreed to by the representatives of the Convention who met us, and indeed they originally passed their resolution in a convention and subsequently came to discuss details with us and we agreed to them. So, I would beg of the House to consider these as a whole and not amend them so as to take away any essential part of them which was agreed to.

Some hon. Members perhaps do not like the name of the State to be Naga-land. Frankly the Naga leaders were anxious to have that name, and we thought that it was best to please them in this matter when they attach so much importance to it. There was no particular reason against it and so we agreed, and I hope this House will agree.

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, it becomes necessary to amend the Constitution, and the first Bill that I have moved before the House is therefore, the Constitution (Amendment) Bill. The second deals with details about the State of Nagaland. I submit, Sir, that these Bills should be accepted by this House and adopted. I would like to say that the law and order conditions in Nagaland, though very much better now than they were, are still not wholly satisfactory. Only about two or three days ago a member of the Interim Council of Nagaland, Mr. Phom, was murdered, and that itself is evidence of the

abnormal conditions that prevail there and the necessity of some reserve powers to be given in the hands of the Governor. But even so, even before these Bills are passed, although in theory the Governor had all powers, our instructions to the Governor were, when they were carried out, to consult the Interim Council on all the measures to be taken and to act as far as possible in accordance with their advice. He has done that. Now, of course, with the passage of these Bills, the Governor would all the more accept the advice of the Government of Nagaland that may be formed under these Acts. But it is desirable, in view of these law and order difficulties, for the Governor to have authority to deal with any emergency situation that might arise. As the House knows, the matter is being dealt with, to some extent, in parts of Nagaland by the Assam Rifles and by some of our Army people. It is easier for the Governor to deal with it than for any other State authority.

I submit, therefore, Sir, that these two Bills—the Constitution (Thirteenth Amendment) Bill, 1962 as well as the State of Nagaland Bill, 1962—be taken up for consideration.

The questions were proposed.

MR. CHAIRMAN: Any Member desiring to speak may take part in the discussion of both the Bills. I would call upon Shri Gurupada Swamy to speak.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Chairman, Sir, I welcome the Bills as anybody should do, granting the right and privilege of self-rule to the Nagas for which they have been fighting since more than a decade. These two Bills mark the political settlement of a problem which was afflicting not only the Nagas but also many people in the rest of the country. The Prime Minister was particularly right in stating that the Nagas should be treated a little bit differently because the conditions there are not yet settled, they are still not

normal. Moreover, the history of the Nagas—the traditions, the culture and the background of the Nagas—is a little bit different from the rest of country. So, it is natural that we should give a different treatment, a different gesture, to these people.

Sir, there was a report recently in "The London Observer" that this move of the Government of India was not an honest move, that it was an act of duplicity, as it was called. Such propaganda and such opinions are circulated in the foreign Press. It is most unfortunate. There is no duplicity about this there is no hypocrisy about this. We mean to settle this problem according to the wishes of the Nagas. But the only unfortunate thing about the whole thing was that it was not settled earlier than now. There was a little bit Of delay. Even after the agreement between the Prime Minister and the Naga leaders, there was some delay in introducing this legislation to bring about a democratic form in that part of the territory. Except for this delay, I think this House and the other House are unanimous in their opinion that the step that has been taken by the Government of India for introducing a democratic process in this territory is welcome.

Sir, this Bill is also particularly welcome for a more important reason. It gives an opportunity to the Nagas to integrate themselves with the rest of India. It gives an opportunity for civilised processes of democracy to exert their influence and impact on the lives of the Nagas. I hope that with the growth of this civilising influence of democracy there this tribal isolation, superstition, stagnation and separatism which have been prevalent for the last so many years would go and instead there will be the process of integration and the process of consolidation with the rest of the country.

Sir, I take this opportunity of saying that we do not want that the

Nagas should remain as tribals. The country is progressing and the world is progressing and we wish that the tribalism of the Nagas should be done away with. Of course, we want to preserve their traditions, their culture and their customs. All these things are very precious to them. But at the same time the civilising influence of democracy through democratic processes and cultural trends, should integrate them more and more with the rest of the country and they should feel that they are not only Nagas, they are not only tribals, but they are the nationals of India. This legislation gives an opportunity to* these processes. That is why thisjs particularly welcome to us.

Now, it has become a fashion to talk of unity in diversity. We have been talking of the basic principle from many platforms, even here. But in this process of talking, unfortunately, diversity is stressed upon more than unity. And I wish that while taking steps to give self-rule and political autonomy to this part of the land, this aspect of diversity should not be stretched too much, should not be emphasised too much. As it is, the country has suffered on that account. We have been talking less and less of unity but more and more of diversity. And, therefore, I would wish that we should take care, be very careful in dealing with the customs and traditions and even in dealing with the political privileges and rights to be given to particular areas, to particular people, the emphasis should be to integrate them but not to give or concede the right of self-determination which would imp'iedly mean separation or encouragement of diversity.

Sir, Nagaland occupies a very important area and is a strategic borderland, but all along the Government has been rather lukewarm in strengthening these border areas.

[THE DEPUTY CHAIRMAN in the Chair.]

[Shri M. S. Gurupada Swamy.]

These border areas can be strengthened, can be integrated better if only the people there feel that they are part and parcel of the country. I hope that the measures taken and this legislation in particular would bring about that kind of feeling among the Nagas. But it pained me when the Prime Minister said in his introductory remarks that even the other day there was the murder of a very important member of the Interim Council there. So, things are not normal, I recognise, but I feel that effective steps have not been taken to bring about normal conditions. I know there are certain provisions, certain reserve powers that have been kept for the Governor with a view to bringing about a better situation in this part of the territory, but as it is, I feel that a lot of things could be done, but the Government has not been able, unfortunately, to take effective steps to bring about a normal situation. There are only, I suppose, 3,000 people who are a little bit hostile, and after Phizo left India, their activities have become more softened; they have become less active; perhaps they may even be thinking of reconciling themselves to the present situation. When such is the case, I do not know why the Administration should not move in the matter, take more steps, concrete steps, meet them and try to bring about normal conditions in that area.

There are certain amendments I have given to the Constitution (Thirteenth Amendment) Bill. One is that which deals With the powers of the Governor. I do not still feel that it is advisable to clothe the Governor with larger powers than the powers that are already bestowed upon the Governor under the Constitution. I feel that the present powers of the Governor would be adequate to deal with such a situation, and when the Ministry is constituted, when the Assembly is elected, and when there is a responsible Government running, I think the existing arrange-

ment should be adequate to deal with the situation. Otherwise it may create a feeling among the Nagas that enough powers have not been conferred on them that there is a limitation on their powers, an abridgement of powers. Therefore, with a view to creating a more healthy climate, a better feeling and a good opinion in them, it would be advisable that these special powers of the Governor may not be there, and I would submit that if the powers that are already conferred under the Constitution are judiciously exercised by the Governor, I think it would be possible to deal with any situation. Suppose there is an abnormal law and order situation, suppose there is a breakdown of the normal machinery, the powers conferred under the Constitution are adequate to deal with such an abnormal situation. Therefore, I would say that the powers proposed under the Bill to the Governor seem to be a little big extraordinary and they should not be there.

THE DEPUTY CHAIRMAN: Would you take more time? How much more time would you take?

SHRI M. S. GURUPADA SWAMY: About one for two minutes to wind up. I have got one or two other amendments which are of a minor character. I would deal with them later, when the amendments are taken up for consideration.

Now, finally, I would whole-heartedly support the principle of the Bill, and I have no doubt that the Members of this hon. House would agree with me that this Bill has not come so soon. In any case, after it has been introduced by the Prime Minister and it has been approved by the leaders of the Nagas it should be acceptable to the hon. Members of this House.

Thank you, Madam.

SHRI A. THANGLURA (Assam): Madam, while I am very grateful to you for giving me this opportunity, I must confess that, as a new member

I feel somewhat diffident to express myself in this matter which, is so significant and so vital not only for the Nagas but for the country as a whole. But as I am a tribal myself hailing from Assam, I feel that I should have some say in this matter. As a matter of fact, I deem myself well in a position to make a little observation.

Madam, as you know, this Nagaland Bill has already been thrashed out in the Assam Legislative Assembly. Well, just to call a spade a spade, I must say that this Nagaland Bill was received by the people in Assam with mixed feelings; we forced ourselves to appreciate the circumstances that compelled the Government of India to commit itself to such an extent; nevertheless we cannot hide our feelings that this Nagaland Bill has made the people very much upset and rather downcast. Madam, as we always, say, Assam is a multi-racial and multi-lingual State. It consists of a number of different tribes, hill tribes—I would say in particular. And of all the tribals in Assam, I must say without any hesitation that the Nagas are the people who are very much intimate with and very close to the Assamese people of the Brahmaputra valley, so much so that it is quite natural that the people of Brahmaputra in particular should feel so much that the Nagas are going to be away from Assam now, though we do admit that they had a separate entity. The Nagas and the Assamese people are closely related to each other and are maintaining quite a good understanding and cordial relations among themselves. One will be surprised to see that even today, in the so-called Nagaland, the various tribes living in different areas are still using the Assamese language as their common language. That clearly shows that the Assamese people and the Naga people have been very close to each other. So, when the Assamese people are rather afflicted with this Bill, I as a layman fully associate myself with their feelings, and I do res-663 RSD—4.

pect their sentiments also. Again, apart from the fact that the bulk of the people of Assam have got a soft corner for the Nagas and are treating them like brothers, this Bill has not been appreciated as it should be for the simple reason that it became a fruitful source of agitation for further disintegration of Assam, which we cannot afford to do specially at the present juncture.

Now, Madam I am a Lushai hailing from the Mizo District which is sandwiched between Burma and Pakistan. As you must have noticed from the papers or from other sources, in my district there is a political organisation by the name of Mizo National Front. These people have been vigorously agitating for an independent Mizo State entirely separate from India. Now, specially when the Naga hostiles happened to slip away into East Pakistan, these fellows became very much inspired because of these Nagaland people. And, again, Madam, as you will know, the bulk of the tribal people in the hill regions of Assam are very much agitated for a Hill State. Their demand for a Hill State had been intensified specially after the passing of the Official Language Bill. Now, although these people have lost their ground very heavily after this general election since there has been a rift in their group, we cannot deny the fact that a big portion of them are still clamouring for a Hill State. They strongly maintain that since people like the Nagas, who are comparatively backward, could be given a separate State, there is no reason why they, who are far more advanced than the Nagas themselves, should not get a separate State. That is a very strong contention and I must say that that argument has got a terrific force behind it. But, Madam, though I take full liberty in expressing myself in that way, I must say, it will be very unfair on my part if I simply allow myself to be led away by emotion or sentiments and thereby overlooking or ignoring the significance of the Nagaland Bill.

[Shri A. Thanglura.]

Madam, in this connection I must say that this Naga independence movement is not at all a new thing in comparison to the demand for a Hill State or independent Mizo State. Unlike the demand for a Hill State which had been intensified just before the general election, or unlike the movement for an independent Mizo State which was put forth just before elections, the movement for an independent Nagaland had been there since long. The Nagas had already been imbued with the spirit of independence even before India got her independence. The reasons I cannot describe here. The ideas of independence have gone pretty deep into their mind and it is rather difficult to shake it off since these ideas have already been imprinted in their mind.

Again, Madam, unlike the people who are demanding an independent Mizo State or a Hill State, these people are so adamant, so serious in their demand for independent State that they did not even care to accept a District Council as provided in the Sixth Schedule of the Constitution of India which is specially meant for the administration of the autonomous districts of Assam. On the other hand, the other tribal people of Assam like the Khasis, the Mizos, the Mikirs or the Garos were only too eager to have District Councils in their respective districts. That is a very clear-cut difference between the two cases.

Again, not to speak of the District Council, since the paramount objective of the Nagas was nothing short of an independent sovereign State, they did not care to send their representatives to the State Legislative Assembly even. Rather they boycotted totally all the elections, and we cannot deny the fact that that movement was very strong. In fact, there was no difference of opinion amongst themselves for quite a considerable time. They were so adamant in their demand for a sovereign State that nego-

tiation was practically out of the question. But, Madam, in course of time the atmosphere became favourable and rather palatable for negotiations through the sacrifices of the reasonable and loyal Nagas whose life had been made miserable by the hostile Nagas who had been indulging in all sorts of violence and diabolical activities? which indeed have darkened the pages of the Naga history. So, when we express our feelings we cannot overlook the sentiments of these Nagaland people also. As a matter of fact, in all fairness, I must say that this Bill is a remarkable achievement on the part of the Government of India and it is a real testimony to the diplomacy of the Prime Minister.

Now, Madam, as we all know, this Nagaland Bill happens to be the source of agitation for further disintegration. I assert that on no account should Assam be disintegrated. On the contrary, the Government of India must make it a point to see that instead of making a smaller Assam they must make it a bigger or larger Assam because Assam occupies a very important strategic position. If we do care at all for the security of the country, Assam cannot be ignored. It can be ignored only at the peril of the Government of India. If the Government of India can afford to do so, it is up to them.

Now, Madam, from this Bill we can see that the State of Nagaland is going to consist of three districts such as Kohima, Mokokchung and Tuensang. It further says that in every constituency the population will not be more than 6,000. As we can see very clearly, it is rather a small State with a very small population. In this connection, I would like to submit my humble suggestion. I feel that those areas which were contiguous to Nagaland and which are predominantly inhabited by the Nagas should be merged with or tacked on to Nagaland. As it is, Manipur happens to be the territory adjoining Nagaland. Manipur is a territory consisting of different areas

such as Imphal, Churachandpur sub-division, Jiribam sub-division, Tamenglon sub-division and Kang-pokpi areas. Those areas, to be frank, I must say that they are very troublesome areas. While I was the Chief Parliamentary Secretary to the Government of Assam, there was a very serious clash between the Kukis and Hmars and at that time the Chief Minister of Assam and the Chief Commissioner of Manipur, Shri Raina, decided to send me there to patch up the differences between the two conflicting tribes. So, I claim to know something about it. Those areas like the Tamenglon sub-division and a big chunk of Kangpokpi are predominantly inhabited by Kaboi Nagas. Those can be suitably merged with or tacked on to Nagaland.

SHRI SHEEL BHADRA YAJEE (Bihar): The Kukis, a Scheduled Tribe of Manipur, do not want to merge with Nagaland.

SHRI A. THANGLURA: The area of Churachandpur and others are predominantly inhabited by my own people. So, these can be merged with Assam. By doing this, we will be removing the burdens of the Chief Commissioner and other poor officers who have been considerably worried by those people. Actually in those areas there is no proper political climate. Political cannibalism has been prevailing till today but if you follow my humble suggestion by putting some portions in Nagaland and some in Assam, there will be a proper solution.

Though I have a number of things to say, but since I have already eaten up a big slice of time, I do not like to dilate upon this matter. What I would like to emphasise and urge is that Assam had been rather neglected but nowadays, since our position is so important and since our neighbours like Pakistan, and even the Chinese and others are not at all friendly with us, the Government should make it a point to see that proper attention is extended to Assam. They should see

that the economic developments and other matters that tend to appease the people are encouraged and materialised. Otherwise, when we are in the border, occupying every important place in the State, if we have too many disgruntled persons, no matter how loyal we might be to the Indian Government, no matter how sincere we might be to our ruling Party, there is a time when we cannot help it. So, with these words once again I support this Nagaland Bill and with great sincerity I wish my Naga brothers a great success so that sooner or later they may find themselves in the blissfulness, happiness, and prosperity. Thank you.

SHRI P. RAMAMURTI (Madras): I rise to give my whole-hearted support to this Bill not only because, as the Prime Minister said, this Bill is the result of agreement between the Naga leaders and the Prime Minister but because I feel that the basic picture underlying both these Bills, arises from the realisation of a sense of justice due to one of our tribal people. Whether there is agreement or not, I believe that such a Bill was necessary and I would like to say why it is that I am saying so. I am not going into the various clauses of this Bill but I would like to draw pointed attention to only one aspect, namely, this amendment that is sought to the Constitution;

"Notwithstanding anything in this Constitution:

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Nagas,

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources,

[Shri P. Ramamurti] shall apply to the State of Naga-land unless the Legislative Assembly of Nagaland by a resolution so decides;"

To me, this is the crux of the whole problem. My own feeling is that we have not been able to understand the tribal problem at all. I had occasion to refer to it when we were discussing the other day in this House the Report of the Dhebar Commission on the Tribal Areas and I had occasion to point out after quoting from the Report itself how everybody concerned with the task of implementing the specific Directives in the Constitution with regard to the welfare of the tribals had totally failed. That is a question which has been admitted even by the Dhebar Commission itself. There is no dissenting opinion on that. Why is it that we have not been able to discharge the responsibilities specifically cast on us by the Constitution? It is for the simple reason that these are precisely the things, namely, their customs, their manners—not only that, but quite apart from these—the peculiar type of landed property right that obtains in these tribal areas, which should be safeguarded; and if inroads are made in those properties, in regard to the land, then resentment is the direct result of it.

Unfortunately, for us, despite the fact that the Chief Ministers of many States have been given special responsibilities to see that some of these are safeguarded, the Dhebar Commission itself pointed out that unfortunately, many of them did not understand it with the result that we are concentrating only on certain Community Development Departments. Chief Ministers' Conferences take place, moneys and measures are decided upon in regard to what has to be done in order to develop the community development activities there. It is on these that we have our big concentration with the result that the primary and fundamental things on

which they feel very strongly are neglected. The Dhebar Commission pointed out that in respect of these tribal areas, later on money-lender? had gone there and the tribal property had gone there and the tribal property that has not been restored. It is not easy to restore it despite the many land reform legislations that have been passed in many of these States. Unfortunately in many of these States their land legislations do not apply to them at all because the very concept of property in land is something very different from the concept that has been there in the various States. That is what is pointed out. That is why I feel that this is the crux of the problem. As far as most of the tribals are concerned, in our country, we should really understand what it is that ails them and if we do try to understand it, we should also bestow our attention on that tribal problem a little more. I am not saying that for example just as you have a separate State of Nagaland similarly there should be a separate State for every tribe in the country but on the other hand we should also re-examine the position that we have taken. How far has it been possible for us to see that the Tribal Councils that have been set up in these areas have been able to discharge really the specific functions that have been specifically cast on them?

THE DEPUTY CHAIRMAN: Mr. Ramamurti, you may continue later. The House stands adjourned till two of the clock.

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

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

SHRI P. RAMAMURTI: Madam Deputy Chairman, as I was pointing out this morning, I think it is time for me, while discussing this Bill and passing it with reference to the Naga people, to also realise that we have

not been able to tackle this tribal problem in our country properly. I do not want to dilate very much on that fact. But I would like to particularly emphasise here the fact that the tribal people feel a tremendous sense of grievance against the fact that their landed property is being taken away from them by the inroads of the money-lenders and the land-grabbers from the plains.

Similarly, I would say that we do not understand the tribal customs, really speaking. For example, the previous speaker was talking of the flowering of democracy among these tribal people. That shows that we do not understand that the tribal people have got their own form of democracy, the tribal democracy, as we used to call it, where the entire population used to congregate together and make decisions affecting the entire tribe. Therefore, it is not as if democracy is something that is unknown to them. Only the form of it may be different. Our forms may be different and their form may be different. That does not mean that they are alien to the concept of democracy. On the other hand, the suppression of democracy itself began precisely about the period when there were conflicts and property relations began to acquire importance in society. Therefore, in the early period of tribal societies, when those societies were organized, it was done precisely on the basis of complete democracy for the entire people of that tribe. Therefore, let us not think in terms of teaching them democracy. Let us have a different approach to the entire problem of the tribals in our country.

Let us examine whether the provisions made in the Constitution in order to see that the rights of the tribal people in respect of their landed property, in respect of their forest produce, in respect of safeguarding their customary laws and their customs and manners, are really sufficient to safeguard these things. My own feeling is that there is a feeling among the tribal people themselves that things

are not properly safeguarded. Merely entrusting this work either to the Governors who are appointed or to the Chief Minister, does not solve the problem. Therefore, there is a ferment among the tribals and if this Bill occasions some re-thinking on the part of the Government, then it will be a very very good thing. I would appeal to the Prime Minister that he should take this opportunity to think about the whole problem and the Government should go through the Dhebar Commission's Report once again. I know Government have gone through it; but nonetheless, it is worthwhile doing it again for it will pay rich dividends. They should go through it once more and find out why we have not been able to discharge the responsibility cast upon us by the framers of the Constitution and by the Constitution itself. Therefore, on that basis it may be necessary for us to think in terms of giving to these people a certain type of autonomy. It does not mean that each tribe in our country should have a separate State. But they may have a little more autonomy so that they may feel that it is for them to safeguard their customs, that it is for them to safeguard their religious practices, it is for them to safeguard their property rights. Therefore, on that basis, let there be some amount of re-thinking.

Coming to the Bill itself, the Prime Minister himself referred to certain special and transitional provisions, some special provisions which confer on the Governor some special powers. He has also stated that this is as a result of an agreement between the tribal leaders and the Prime Minister and he does not want it to be disturbed. Well, it is not for us to disturb an agreement solemnly entered into. We are all for honouring that agreement. Therefore, we are not moving any amendment now for disturbing the agreement that has been reached between the Prime Minister and the tribal leaders. Nonetheless we are certainly glad that these provisions conferring special powers on the Governor are only for a very transitory

Lbnn f. Kamamurti.J period, namely, the period during which the present disturbances continue. But what I would like to point out here is that in clause 2 of the Bill, it is proposed to have this provision in article 371 A:

"(b) the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuen-sang Area immediately before the formation of that State continue therein or in any part thereof"

and so on. And ultimately it is for the Governor to decide whether such conditions do prevail. Using his own discretion he has got to decide whether such conditions prevail or not. I submit that once a person is accustomed to exercise certain power, it is very difficult for that person to decide suddenly one day that it is no longer necessary for him to exercise that power. Power corrupts and absolute power corrupts absolutely. Here it will be only for the Governor to decide whether this state of affairs still continues or not. That is a very dangerous thing. I am certainly aware that there is this proviso which says:

"Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Nagaland, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;"

I am certainly aware of that proviso. It is a saving clause, no doubt. But what I do want to emphasise is that the sooner these powers are terminated the better it would be. It is not good for us to advertise to the world that conditions there are very bad. Actually the Governor is apt to or prone to exaggerate the conditions. "There may be disturbances. But they need not call for the exer—

cise or special powers. Disturbances do exist in many parts of the country. Whether you call them special authority or special powers, they continue so long as the state of emergency lasts, and the Governor is apt to say that the emergency continues. Therefore, in our own interest and in the interest of the good name of our country before the world. I wish the President would terminate this state of emergency as quickly as possible by exercising the power conferred upon him by this proviso in this article.

Madam, the last thing I would like to refer to is this. I do not want the Prime Minister to be apologetic and to say that because we have entered into an agreement with the tribal people, it is necessary for us to pass this Bill. I do not like the apologetic tone at all. On the other hand, I would have heartily welcomed the Prime Minister's statement if he had said, "Whether there is an agreement or not, I feel that this is the just thing to be done for the Naga people. Therefore, on the basis of justice and on the basis of something that is due to them, let us pass this Bill." So, let us not talk in any apologetic tone.

As far as the provisions of this Bill are concerned, I am bringing in this question of tribal democracy again for the reason that no wrong impression should go round. The previous speaker from the tribal area said about an impression going round in Assam that if they also began an agitation and ask for a separate State, only then something would be done. I do not want such an impression to go round, because it is not good for the country and it is not good for the tribal people themselves. Therefore, let us wake up to the realities of the situation and let us give some more attention not only to the Naga people; let us think in terms of granting some more autonomy to all the tribal people so that we may really find unity in diversity. Thank you.

SHRIMATI BEDAVATI BUKAUU-HAIN (Assam): Madam Deputy Chairman, I rise to support this Nagaland Bill with a heavy heart, not because that I do not like that Nagaland should be created, but because of the fact that we have not been able to maintain the age-old bond of love and affection of the days gone by and that Nagaland is now going to be created. Madam, if we go back through the history of Assam,

we find it was a history of unity in diversity. Before the advent of the British rule, Assam was ruled by the indigenous people like the Kasaris who are known as plains tribals Koch, Chootias and lastly by the Ahoms. The Ahoms were not local people. They came from Thailand as conquerors, conquered Assam and ruled Assam for six centuries without a break. They had their own language, religion and social customs quite different from the rest of the people. They knew how to absorb and assimilate among the people of the plains as well as with the different tribes of hill people, especially with the Naga brothers and sisters because of the nearness of the Naga hill to the plains. The Nagas and other hill tribes are ancient people. Before independence, these tribes were not known much by the people outside Assam, though there are volumes of history about these tribes. In those days, there was free mixing and free eating among the hill and plains' people, especially with the Naga brothers. These were the main features of friendship and brotherhood. Even today that custom exists in some of the villages on the foothills. The Naga brothers are very hospitable in their own way. In those days, Assam was strong and prosperous enough. The mighty Mughals were driven out seventeen times when they came to conquer Assam. The simple reason behind this was that there was unity among all sections of the people living in the plains as well as in the hills. The Britishers came and completely took over Assam from the hands of the Ahoms in the year 1836, who were

ruling mere six hundred years. In the beginning, the Britishers also had very difficult time with the hill people. There was no access into the hills for them also but gradually with the help of the missionaries who had established a few schools and hospitals, these Britishers became friends of the people. For their own administrative purpose they kept the

Naga brothers separate from the plains. The Britishers formed excluded and partially excluded areas. Tuensang was an excluded area and Kohima and Mokokchung were partially excluded areas. Free communication was not allowed between the Nagas and the people of the plains. This led to the development of separatist tendencies. Sadly enough, the germ of discontentment arose from the British time. Fortunately or unfortunately, this feeling of discontentment grew more and more tense. I don't know whose fault it was. Maybe it was due to the lack of understanding of our people. It was not a healthy sign at all. The Nagas felt that their interests and welfare were not given proper and due attention. They felt that they are there where they were before independence and even after it. There were not much difference amongst them. Intelligent people as they are, they became politically conscious. Hence unfortunately, these things led to disorder, if I may say so, in the Naga Hills. Some of the Naga brothers wanted an independent Naga territory while others wanted a Nagaland with more autonomy in the Indian Union. There was no unanimity among them on this issue and so they split into two groups, the hostile and the loyal. In the name of independence under the leadership of Phizo, the hostile and the so-called self-styled leader of the Nagas killed hundreds and hundreds of their own kith and kin. Murder, kidnapping, looting were going on for many many years in different areas of Naga Hills. These troubles started in the year 1954. Prominent leaders like T. Sakhri and others were brutally murdered. So many men of the army who were

[Shrimati Bedavati Buragohain.]
deployed there to maintain peace and order were shot at. They also had to face a very difficult situation there. In 1957 December, if I am correct, amnesty was declared to taring round the hostile Nagas and to lead normal life but to no effect. In recent years, we have known of several conventions by the Nagas in the different areas of Naga Hills to arrive at an agreement but these conventions never produced any satisfactory results. Dr. Ao who was the President of the First Naga People's Convention and it was he, who through his effort took up the cause for a separate Nagaland in the Indian Union. Unfortunately, he is not here now. He was also shot dead in 1961. The Central Government ultimately committed itself because bloodshed, terror and violence is not to the liking of anybody anywhere.

Madam, many people might think and say that the creation of Nagaland will lead to disintegration and thus help people who are sitting on the other side of the boundary. But in my humble opinion, unless the people of our border areas are contented and satisfied the security of Assam will be at stake. So, it is essential that the people should be made happy and contented. Real integration depends not only on physical boundaries but mainly on the minds of the people. Our Naga brothers and sisters have their own way of life, socially, culturally and traditionally, and if they feel that they will be able to prosper and progress economically and politically by having more autonomy, I think, Madam, we all should welcome it. We all wish development and prosperity for one and all in this great country of ours and we surely wish the same for our brothers and sisters of Nagaland. Madam, geographically the plains and hills of Assam are so interlinked that one cannot live without the other, and particularly, the Naga hill is a contiguous hill along the plains of Assam. They cannot remain isolated or separated from

the plains. Besides, the Assamese language is the only *lingua franca* of the hill tribes living in different hills. Madam, it is very interesting to note that a Naga tribe, say the "Lotha", does not understand the dialect spoken by other tribes of Nagas, the "Ao" or the "Sema" living in different areas of the same hill. Broken Assamese is the only *lingua franca* not only of the plains but also amongst themselves. Though English is spoken nowadays among the handful of the educated people, Assamese is still there as the common language. The proceedings of the Naga Convention at Kohima were conducted not in any other language but only in Assamese. Madam, we all know that history repeats itself. The Bill provides for a common High Court. Considering all these aspects, through economic development, through progress and prosperity the Naga brothers in course of time, will realise that their real prosperity and happiness lay and still lies in their association with Assam and the Assamese people, and I hope on a day not too far will come forward to join hands with us for the security and welfare of the country. Now that our brothers of the Nagaland have chosen a separate unit and entity for themselves, all of us in the country wish them all happiness, success and prosperity.

SHRI M. RUTHNASWAMY
(Madras): Madam Deputy Chairman, while I join in the chorus of support that has been given to this Bill—it is in line with the policy so far pursued by the Congress Government of setting up new States at the request of people supported by a certain amount of political pressure—I should like to offer a few observations. First of all, I cannot congratulate the Government on the drafting of this Bill. It is not exactly an example of legislative artistry. One would have expected that the Bill which would in future be looked upon by the people of Nagaland as the charter of their autonomy and self-government would have been a legislative act

which would be self-sufficient in itself and by itself, which provides for all the institutions and powers of the government, in one single piece of legislation. What have we here? We have provision only for the setting up of new institutions like the Legislative Assembly. There is no mention here of other institutions like the Council of Ministers, the Governor. I quite realise that provisions for these other institutions are embodied in other legislative enactments and even in this ...

SHRI P. RAMAMURTI: The Constitution is there.

SHRI M. RUTHNASWAMY: But here you are setting up a new State and one would have thought that all the institutions and powers of the government should be mentioned here and provided for here so that when the people receive this charter of autonomy and self-government, they would be able to look upon it as something which is a matter of pride to them. Here you have the provisions of the new system of government scattered in the Constitution and in previous legislative enactments and you find some provision for other institutions in the Chapter called Legal and Miscellaneous Provisions. All the institutions, powers and officials not provided for in this Bill are provided for in other legislative enactments. This Act is not a thing which the leaders of Nagaland would like to present to their fellow countrymen or to show others. This is a thing fit only for a museum or an archival institution rather than for people to refer to and place before themselves and before their fellow Nagas.

Coming to the special provisions of this Bill, the special provisions had to be made because this is a frontier State and from time immemorial, whether in the days of the Roman Empire or in the days of democracy like the United States of America, frontier States have always had a special constitution for themselves.

In the Roman Empire, a distinction used to be made between Senatorial provinces and Imperial provinces, the Imperial provinces being frontier provinces placed directly under the Emperor. The Emperor appointed his own representatives—*Legati* they were called—and the frontier States, the Government and their administration, were directly dependent upon the Emperor. Even in the United States of America in territories like Alaska and Hawaii, till very recently, till the people of these States rose to Statehood a special system of Government was provided for them. The Governor of these States of Alaska and Hawaii were appointed by the President directly, not elected as they are in other States and were dependent upon the President and the Federal Government for all the finances and their administration. Special reserve powers have therefore had to be provided for in this Nagaland Bill for the Governor. But I wish the Nagaland people had a Governor of their own. Now, they have to share their Governor with the people of Assam. It is true that Governors may be expected to fill dual roles but it has never been found satisfactory. Under diarchy in India, the Governors had certain reserve powers, powers which they exercised in their own judgment, reserve powers, as they were called, for the defence of backward communities and other minorities. But it was found in practice that the Governors invariably followed the advice of the Council of Ministers. They used to do so even in regard to such a thing as the appointment of Vice-Chancellors. According to University Acts the appointment of the Vice-Chancellor is within the special discretion and judgment of the Chancellor who happens to be the Governor but invariably the practice has been that even in regard to the appointment of Vice-chancellors, the Governor, acting as Chancellor, followed the advice, almost servilely followed the advice of the Chief Minister or the Council of Ministers. I remember pleading

[Shri Ruthnaswamy.] with an English Governor of Madras for him to use the special powers that were reserved to him under the Government of India Act of 1935 and all that he replied to me was, "I want to have peace in my term and therefore I must yield to the advice of the Council of Ministers", even in those portions of his authority which the Constitution reserved specially for the Governor to be used in his own judgment and within his personal discretion. It may be that the Governors that the Prime Minister or the Government of India appoints to Nagaland may be able to separate their personality as Governor of Assam from their personality as the Governor of Nagaland. But they should not only be able to do so but they should seem so to the people of Nagaland to be able to do so. The memorandum presented by the people of Nagaland wanted a Governor of their own but the only argument that prevailed with the framers of the Bill, with the Government of India, was the financial argument, but as most of the financial burden that this new State will have will be borne by the Government of India, a few thousands of rupees spent upon a separate Governor for the Nagaland would not be too great a thing to ask. Therefore, Madam Deputy Chairman, while welcoming this Bill, I would like that provision be made for the appointment of a separate Governor for Nagaland. It is no use proposing amendments to Bills brought up by the present Government because, however well-buttressed they may be, they are all sure to be thrown out. Therefore, I would appeal to the Prime Minister to bring an official amendment on his own to this Bill so that the people of Nagaland may have a Governor of their own. In sending out this Bill from this House, we wish all prosperity and peace to the people of Nagaland, to these people to whom we are giving a new State and new powers of autonomy and self-government. At the game time, I would appeal to the Government of India to remember in

all the regulations and rules they may make for the administration of Nagaland that it is a frontier State and therefore it is bound up with the defence of India, with the integrity of India.

SHRI NAFISUL HASAN (Uttar Pradesh): Madam, I rise to support the two motions, for taking into consideration the two Bills, moved by - the hon. Prime Minister. I entirely agree with the salient features of the two Bills and welcome them. I agree that in the present circumstances, - it is absolutely necessary that the Governor should be vested with special powers for the maintenance of law and order. I also agree that the Tuensang area—that is to be a district now—should be administered by the Governor with the help of the proposed Council. I also agree that there should be only one High Court for both Assam and this Nagaland. Apart from other reasons, I feel that the area is so small that there will hardly be enough work for even one Judge sitting in the High Court for the decision of cases arising in that small area.

There is one provision in the	Bill
to which I would like to draw	the
attention of the Government	and
that is in the State of Nagaland	Bill.

Clause 27 of this Bill says:

"Notwithstanding that no provision or insufficient provision has been -made under section 26 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Nagaland, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case m&y be"

Just in the preceding olause there is a provision for adaptation of the existing laws, so that they may be applied to this State. I know that

power of legislation may be delegated to Government or to some other authority, but I do not think it will be proper, that the power of legislation should be delegated to courts. This will lead to uncertainty and this is not being delegated to only the highest court but to all courts. No court is given the discretion to interpret the existing laws in a way it likes. I am sure the business of the court is to interpret and administer the law as it is. The courts are bound "by the wholesome rule that the legislature will be presumed to have said what it meant and meant what it said. I hope such difficulty, will be avoided if under the preceding clause 26 action for adaptation of the laws is taken at as early a date as possible. Under that clause it can be done within two years when this Bill, if passed into an Act, comes into force.

There are two other points of a constitutional type, to which I would like to draw the attention of the Government. The first is about the manner in which these two Bills have been drafted. It would appear that the Constitution Amendment Bill seeks to amend the Constitution in two respects. There is the verbal amendment in the heading of Part XXI of the Constitution, and then a new article, 371A, is being inserted. These are the only two amendments that are proposed in the Constitution Amendment Bill. Now, if we look at the other Bill, we find that clauses 4 and 5 seek to amend the Constitution. Clause 4 says: —

"As from the appointed day, in the First Schedule to the Constitution, under the heading 'I. THE STATES',—

(a) in the paragraph relating to the territories of the State of Assam, the following shall be added at the end, namely: —

'and the territories specified in sub-section (1) of section 3 of the State of Nagaland Act, 1962';

(b) after entry 15, the following entry shall be inserted, namely: — '16. Nagaland "

There are certain other words. And similarly, clause 5 seeks to amend something in the Sixth Schedule of the Constitution. I am not in a position at present to appreciate fully the propriety of splitting the amendment of the Constitution into two Bills. We have got the Constitution Amendment Bill before us and whatever amendments we are going to make in the Constitution should have been contained in that Bill, instead of having these two amendments put in in the State of Nagaland Bill.

There is one more difficulty and that is this. There is only one provision, article 368, under which an amendment can be made to the Constitution.

SHRI K. SANTHANAM (Madras): Article 3 is there.

SHRI NAFISUL HASAN: Article 3 does not make any reference to the amendment of the Constitution.

SHRI K. SANTHANAM: Yes, creation of new States.

SHRI NAFISUL HASAN: That is different. We do not require the requisite majority of more than fifty per cent, there. Under article 368, if they are going to make any amendment to the Constitution, that amendment has to be passed by both the Houses by a majority of the total number of Members for the time being and by a two-thirds majority of the Members present. Therefore, even this provision, which is about the amendment of these two Schedules contained in clauses 4 and 5 of the States of Nagaland Bill, has to be passed as required under article 368. Whether we have that provision in this Bill or in that Bill, that is an amendment of the Constitution.

4687	Constitution (Thirteenth [RAJYA SABHA] Amendment) Bill, 1962	and the Statr of Naaaland Bill. 1!)2	4688
	SHRI K. SANTHANAM: The State of Nagaland Bill is an ordinary Bill.	SHRI KHANDUBHAI K. DESAI (Gujarat): If they do not, then what happens?	
	SHRI NAFISUL HASAN: But it seeks to amend two Schedules of the Constitution.	SHRI NAFISUL HASAN: It means that this Bill cannot become law unless more than half the number of States in the Union agree with it. They will have to agree to a resolution to that effect. The resolution will be moved there and, of course, it will be done subsequently.	
	SHRI K. SANTHANAM: Kindly refer to article 3.	SHRI K. SANTHANAM: It will have to be done.	
	SHRI NAFISUL HASAN: Let me see, I may be wrong.	SHRI A. K. SEN: We can do it after Parliament has passed It	
	THE DEPUTY CHAIRMAN: Article 4 of the Constitution.	SHRI NAFISUL HASAN: Madam, in the end I extend my full support to the Bill. Thank you very much.	
	THE MINISTER OF LAW (SHRI A. K. SEN) : Articles 2, 3 and 4 apply.	SHRI BAHARUL ISLAM (Assam): Madam, I rise to give rhy support to-these Bills, the Constitution (Thirteenth Amendment) Bill, 1982, and the State of Nagaland Bill, 1962. Madam, the Assam Legislative Assembly, when consulted under article 3 of the Constitution of India, adopted the following resolution:	
	SHRI NAFISUL HASAN: Then, there is one other matter. Under the Constitution Amendment Bill, subclause 2(g) of the proposed article 371A seeks to amend articles 54 and 55 and clause (4) of article 80. Articles 54 and 55 refer to the election of the President and clause (4) of article 80 to election to the Rajya Sabha, the Council of States, by the elected members of the Assembly. Now, if we took to article 368, we find that besides the requirement of the majority, there is also a proviso and it is to this effect: —	"This Assembly is of the opinion that in the interest of national solidarity and also with a view to bringing about a co-ordinated development and greater political stability of the eastern region of India, there should b_e an integrated political and administrative set-up of the various units within this area and that nothing should be done which may have an effect of weakening this unity.	
	"Provided that if such amendment seeks to make any change in: —	This Assembly further considers that in such an integrated set-up special arrangements could be made to meet th_e needs of different regions of the area.	
	(a) article 54, article 55 . . ."	This Assembly is of the view that the provisions of the State of Nagaland Bill, 1962, are not conducive to the aforesaid objectives."	
	SHRI A. K. SEN: It will have to be sent to the States also.		
	SHRI NAFISUL HASAN: Then, a majority of the States should have agreed to that.		
	SHRI A. K. SEN: Yes.		
	SHRI NAFISUL HASAN: I am not aware whether it has been done.		
	SHRI A. K. SIN: It will be done after this.		

Madam Deputy Chairman, I associate myself with the sentiments expressed in this resolution, but at the same time give my full support to these Bills. What is the reason for that? Before I do that, I am to see what are the causes that have led the Government of India to bring forward this State of Nagaland Bill which is going to create a separate State of Nagaland. These Naga people, immediately after the independence of India in 1947, thought that they were entirely different people, that they were not Indians. According to them, they were entirely different people, not Indians, as their manners, customs and usages were different. By and large most of them said like this. They said: "Before the coming of the British we were entirely independent, and after the coming of the British you, the Indians, were under them and we were also under the British; after the departure of the British you are independent, and let us also be independent" That was the general feeling. Thereafter, as the hon. Members of this House know, there was arson, murder, loot, and so on let loose by a section of the Nagas. This situation had to be tackled, and due to the very efficient handling of the situation by our Prime Minister a large number of them came to realise that it was wrong on their part to think that they were not Indians. As a matter of fact, till 1826 Assam itself was independent of any other place in India, up till 1826 Assam was under the Ahom rulers. Assam was never under Muslim rulers nor even under the most powerful Moghul rulers. Only in 1826 when Assam was invaded by the Burmese, the British took advantage of it, and then since 1826 she came under the sway of the British. But even then there is no one in Assam today who ever thinks or who ever thought that they are not Indians.

Similarly—it may be due to various reasons—the Naga people by and large were led to think that they were not Indians. However, due to the efficient handling of the situation, most of them came to change that view and now

they have come to feel: After all we are Indians, we must be Indians; but to lead an independent way of life we depend mostly upon our own manners and customs which are not similar to those of other Indian people, so, let us develop ourselves according to our own views; this is the best way." At one time they demanded an independent, sovereign Nagaland. Today, they are satisfied with a State in the Indian Union. So, the great achievement in handling the situation lies in this that the demand for a sovereign Nagaland is satisfactorily met with the creation of a Naga State within the Indian Union.

The Assamese people feel that these Naga people are their kith and kin. Even the common language of the Assamese and Naga people and between the different tribes of Nagas themselves is Assamese. Even as was said by Shrimati Buragohain, the proceedings of their Convention was conducted in Assamese. Naturally, therefore, the Assamese people are very sorry that these Naga friends are separating from them. But we must remember that they are not going away, they will be within the Indian Union, the achievement being that these people who demanded an independent, sovereign Nagaland are satisfied with being with us, Indians.

Now, there is a criticism that when we accede to the demand of Nagaland, there may be other forces that will be coming forward and demanding other separate States. But the point is that the background of other demands that might be made will not be the same as the demand of the Naga people, and apart from that, every demand, every case is to be judged and decided on its merit. Therefore, there is no reason for any apprehension that there will be other forces with similar demands and I believe the Government of India will not favour such demands, particularly in view of the strategic position of the eastern region.

Madam Deputy Chairman, when our Government have been able to bring

[Shri Baharul Islam.] our Naga friends to the present view, it is a great achievement, and I give my full support to these two Bills. With these words I conclude my speech.

SHRI DAHYABHAI V. PATEL (Gujarat):
Madam Deputy Chairman, while welcoming these Bills, I would like to make a few observations.

This Nagaland Bill has come before Parliament when there is so much talk of integration, of making the country as a whole feel as one nation more and more and of counteracting rissiparous tendencies. I do not know why the change that was proposed or even the alternative name of Naga Pradesh was not accepted. After all, Nagaland is something which sounds outlandish. It sounds like England, Scotland, Ireland, or something like that. At least as an alternative, according to the nomenclature that has been adopted in this country—we have got Uttar Pradesh, Andhra Pradesh, Madhya Pradesh, and so on—Naga Pradesh should have been accepted. I do not know why this is not accepted.

I would also like to know whether the State of Nagaland is going to have a Chief Minister or a Prime Minister. These are the distinctions which are necessary. Are we going to have a State within a State as, for instance, we have in Kashmir? Are the people of this country going to have the same rights in that State, or are the rights of the people in this country going to be restricted as they are, for instance, in the matter of Kashmir where no Indian can go and buy any land while the Prime Minister of Kashmir can come and buy huge property here, as he has, in fact, in Delhi and in Bombay? Are we going to have something like this? Is this going to help integration of the State? Is this going to make us feel like one nation? This is what I would like to ask the Prime Minister particularly

when he is sitting here to listen to the debate and the remarks that are being made by different Members on all sides of the House. I think these are matters which need attention particularly when we are thinking of integrating the country and of checking rissiparous tendencies. I hope that the Prime Minister will pay some attention.

श्री एल० ललित माधव शर्मा (मनीपुर) :

उपसभापति महोदया, मैं नागालैंड बिल का हार्दिक समर्थन करता हूँ क्योंकि वहाँ के कोहिमा, मौकोक्चुंग और त्वेसांग जिलों की जनता को अधिकार देने का जो बिल आज हाउस में रखा गया है वह जनता के कल्याण के लिये है। मैं इसका हार्दिक समर्थन करता हूँ। इस नागालैंड बिल में जो अधिकार दिये गये हैं मैं समझता हूँ कि मनीपुर का भी वही अधिकार दिये जायेंगे और हम इसी तरह से बड़ा आनन्द और खुशी मनायेंगे . . .

श्री शीलभद्र याजी (बिहार) : आ रहा है बिल, धबड़ाइये नहीं।

श्री एल० ललित माधव शर्मा : . . .

क्योंकि नागालैंड पुराने जमाने में १८६० साल तक मनीपुर का एक हिस्सा था। मनीपुर पर बाहरी आक्रमण को रोकने के लिये सुरक्षा केन्द्र कोहिमा में था। वह हमारे मनीपुर का एक हिस्सा है इसलिये वहाँ की जनता को हम अपना भाई समझते हैं और इन लोगों के कल्याण के लिये जो कार्य हुआ है उससे मुझे बड़ी खुशी है। जब १८६१ में ब्रिटिश गवर्नमेंट का मनीपुर पर अधिकार हुआ तो उस वक़्त नागालैंड को, कोहिमा, को अलग करके केन्द्रीय सरकार के अन्दर और आसाम सरकार की देख-रेख में रखा और यह ५६ साल तक रहा। इसलिये हमारे भाइयों को जो उनके दावे के मताधिक सुविधा दे रहे हैं उसके लिये मैं बड़ा खुश हूँ।

दूसरी बात यह है कि हमारे मिस्टर थंगलुरा ने जो यह दावा किया है कि मनीपुर के जितने ट्राइबल लोग हैं वे नागालैंड में चले जायें या मनीपुर आसाम में मर्ज हों, उसको आसाम में मिला दिया जाय, मैं उसका बिल्कुल विरोध करता हूँ क्योंकि ८ लाख जनता ने आसाम में मिलने का विरोध किया है। स्टेट रिआर्गेनाइजेशन के वक्त आसाम के जितने मिनिस्टर और एम० पी० लोग थे उन्होंने प्राइम मिनिस्टर के यहां यह दावा उठाया था कि मनीपुर आसाम के अन्दर हो लेकिन मनीपुर की ८ लाख जनता ने उसका विरोध किया। वह कोई नई बात नहीं है और हमारे प्राइम मिनिस्टर महोदय को खूब मालूम है क्योंकि हमारी भाषा आसाम में बिल्कुल अलग है, हमारी संस्कृति हमारी हिन्दी बिल्कुल अलग है। अनादिकाल से, महाभारत काल से ले कर अब तक मनीपुर चला आया है। इसको जान कर ही प्राइम मिनिस्टर महोदय ने वह दावा नामंजूर कर दिया था और आज अभी मिस्टर थंगलुरा ने जो दावा किया है वह हमारे यहां की ८ लाख जनता के विपरीत है, वह दावा गलत है और मैं उसका विरोध करता हूँ क्योंकि हमारा मनीपुर ६ पहाड़ों के घेरे में है और वह भारतवर्ष का पूर्व सीमांत का किला बन गया है। दूसरी वलंड बार वहां खतम हुई और वह भारत का गेट है, सिंहद्वार है। वहां दो, तीन दफ्ता प्राइम मिनिस्टर महोदय पधार चुके हैं और उन्हें देख चुके हैं। तो मनीपुर सिर्फ मनीपुर के लिये नहीं है बल्कि वह भारत का, बाहरी आक्रमण को रोकने के लिये, किला है। इसलिये मैं आशा करता हूँ कि मनीपुर के टुकड़े कभी नहीं करेंगे क्योंकि यह तो भारत के स्वार्थ में है। हमारे मनीपुर की जनता जो कि ८ लाख है भारत के लिये एक सिंहद्वार है। इसलिये जो दूसरे भाई ने दावा किया है, जो हाउस में सुझाव दिया है, उस पर ध्यान नहीं देंगे। मनीपुर के जो ट्राइबल लोग हैं वे इसके विरोधी हैं, किन्तु कुछ ३, ४,

१० आदिमी पदाधिकार के लिये कुछ दावा करते हैं और अब वह खतम हो गया है। हमारे यहां साढ़े तीन लाख लोग जो कि ट्राइबल लोग हैं वह आसाम में या नागालैंड में जाने का विरोध करते हैं और इसके अलावा मनीपुर के जो ५ लाख लोग हैं वे इसके विरोधी हैं। इसलिये जो दूसरा सुझाव है उसको यहां लाना उचित नहीं है और हमारी जनता के विरुद्ध है।

अखिर में, हाउस में मेरी यह प्रार्थना है कि हमारे नागालैंड के भाई लोगों का भविष्य उन्नतिपूर्ण हो और उनका यह छोटा सा स्टेट बन कर सफल हो और साथ ही छोटा सा मनीपुर स्टेट पूर्व सीमान्त में हमेशा भारत की सुरक्षा की व्यवस्था में रखा जाय। यही मेरा निवेदन है। जय हिन्द।

SHRI A. D. MANI (Madhya Pradesh) : Madam Deputy Chairman, I rise to support the Bill, and I hope that the enthusiasm with which this Bill has been welcomed in this House as well as the other House would convince even the dissident Naga leaders that this country is most anxious to welcome the State of Nagaland as a part of the Indian Union with a unprecedented state of autonomy.

Madam, there are features of the Bill which are very unusual, and I do not think it is proper for me to refer to them here because this Bill is based on a settlement reached with the leaders of the Naga People's Convention. I should like, however, the Prime Minister to throw some light on certain points of the Bill. Under clause 2 of the Bill about article 371A, the administration of civil and criminal justice involving decisions according to Naga customary law will not be amenable to any Act of Parliament. I should like to ask the Prime Minister whether this affects the position of the Indian Penal Code, the Civil Procedure Code and the Criminal Procedure Code in so far as they affect those decisions because it is a matter of great im-

LSfttri A. JL>. Mam. J pertance that we should have uniformity of law and administration in the country. I do hope, Madam, that whatever might be the future activities of those in charge of the State of Nagaland, they would have many occasions of co-operation with the Government of Assam with whom they have had many historical links. It is possible for them to have a common Public Service Commission and a common Service Cadre and in this way, they can try to strengthen their links with the State of Assam from which they will be parting shortly.

I would like to speak on my amendment now instead of at a later stage, as I am anxious that the Prime Minister should give consideration to the points that I am raising before him. The amendment that I have moved is not of a formal, verbal character. I would like the Prime Minister and the House to see page 2 of the Bill. I am reading sub-clause (b)—

"the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland . . ."

I have no objection to that. Now follows the clause as it stands in the Bill:—

". . . for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof . . ."

Madam, my objection is to making disturbances a part of our Constitution. In no constitutional history of the world is a present law and order situation described in Constitutional p

rovisions. Further, it is a bad omen. When we are going to start the State of Nagaland, it is a *dussa-huna* to mention in the Constitutional provisions that there are going to be disturbances in that area when a new State is inaugurated. Further, I would like the Prime Minister to see if he can, the implications of the word.

... intern*! cusxurDances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof . . ."

As it stands now, it would mean that if the State of Nagaland comes into existence on the 1st of December and if there are no disturbances on the 30th November and the disturbances start on the 2nd of December, this clause will not apply. If the disturbances start on the 2nd of December but not on the 30th of November, this clause will not apply, because the clause says: —

"... immediately before the formation of that State and continue therein" . . .

3 P.M.

Suppose the disturbances start later, this clause will not apply. I think that this draft is very clumsily worded, and I know that it is based on the terms of the agreement reached with the leaders of the Naga People's Convention. Now I would like to draw the attention of the Prime Minister to the terms of the agreement reached with the leaders of the Naga People's Convention. It says :

"The Governor shall have special responsibility with regard to law and order during transitional period and for so long as the law and order situation continues to remain disturbed on account of Naga activities."

There is no reference to internal disturbances; there is only reference to the law and order situation being disturbed, which is quite different from internal disturbances. I need not remind the hon. the Law Minister that the law and order situation may be disturbed on account of underground activity and there may be no overt civil disturbances. That would be a different situation. If the Government had only reproduced the terms of the agreement with Naga Leaders, the clause as it is worded would not have been open to objection, and I

nave thereiore suggested in my amena-ment that the following words be substituted :

"so long as in his opinion the internal situation in the Naga Hills— Tuensang Area or in any part thereof warrants the exercise of such responsibility."

The word "situation" has got a very respectable status, for it has been used in the Government of India Act, 1935, and whenever they have tried to define the special responsibility of the Governor, they have said:

"a situation which gives rise to a grave menace to peace and tranquillity."

They have not referred to disturbances. I do hope that this amendment, which is not merely of a formal character but which seeks to convey, in my humble opinion, the terms of the agreement with the Naga leaders in a better form, would be considered by Government. I know that the Constitution (Amendment) Bill has been passed in the other House, and •Government is in a great hurry to have this Bill out of the legislative way but, Madam, when we try to put on the statute book an amendment to the Constitution, we have got to be extremely careful in the phraseology that we employ in respect of every clause, and I do hope that this amendment would be accepted by Government, because it seeks to carry out the intentions of the agreement better than the present draft. In any case we do not want to give a habitation in our Constitution to the very concept of internal disturbances; it is very ugly to put in a Constitutional enactment that there is going to be disturbance and it is almost a Constitutional anticipation that these disturbances will occur before the State of Nagaland comes into existence. Why should we assume ? We know the situation is disturbed, and I think, Madam, if the Prime Minister were to make a statement again that

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this clause is only to carry out the intentions of the terms of the agreement reached with the Naga leaders, it would be more or less an annotation of the concept of special responsibility. We do not want the special responsibility of the Governor to be a permanent part of the Constitution; we would like it to be purely a transitory provision, and I do hope that the leaders of Nagaland would so conduct the administration that there will be no occasion for the Governor to exercise his special responsibility.

SHRI N. B. MAITI (West Bengal): Madam Deputy Chairman, I have the honour and the privilege to support this motion as it has been supported by so many hon. Members of this House. This is an epoch-making measure though it has been doubted in some quarters on certain points or others. One of them is that this may be promoting fissiparous tendencies in the country, but I think that this will be undoing them. The tendencies are there and it is to stop those tendencies and to direct them to fruitful channels that this measure has been devised on the agreement reached between the Government of India and the leaders of the Naga People's Convention, and it has been most honourable on the part of the Government to bring this measure as early as possible.

A point was raised by a certain hon. Member that this has not been done earlier. It could not have been so as the area was too much disturbed to bring in a measure of this kind. Now it has settled down to some extent though not quite, and this is the proper time to bring forward this measure and to translate it into action.

A question has been raised as to the viability of the State. The State is a small one and the number of people is not large—there is no question about that—but for a tract of area like those areas, the question of viability does not count so much as the contentment of the people; their progress, their peace and their affection, and attachment to the great country, namely, India, we shall be

[Shri N. B. Maiti.] earning those precious things by going through this measure. Therefore the question of viability should not count so much here on this occasion. The financial aspect of the matter is small; it will bring in Rs. 30 lakhs, but as the provision has been made for at least Rs. 5 crores annually, there is no doubt that more money has got to be spent there, and I believe, for very good reasons. The area lacks communications, good roads, air communication, etc. They are very much needed there, and also education and medical facilities, and in order to protect that area from external infiltration and from internal disturbances, more money may be required. Therefore the Government of India will have to supply as much funds as are required there so that the people could be got round and they may feel that they have an equal responsibility for the country as the people of the other areas have. Madam, it has been pointed out that the Governor should not have been endowed with the power that has been given to him. In the circumstances that prevail there it is only proper that the Governor should have some more powers than those of a Constitutional Governor. In a State which is settled the Governor might be a Constitutional Governor, but here he must have some extraordinary powers. Therefore, the amendment that has been brought forward by some hon. Member over there is not, in my humble opinion, proper. Of course, in course of time when that area is well settled down, the Governor's special power will automatically go. It has been pointed out that the Governor is himself left to decide whether he should enjoy that power or not. He should not be given that latitude. Not only the Governor himself but, I think, there is the Government of India and others, who will look into this thing. Therefore, the Governor, is not left alone to decide whether the extra power that he enjoys now should continue or not.

Madam, the administrative set-up will deal with civil matters. They will

not deal with tribal matters and for that a separate organisation will be set up. That is proper also because it may be that unwittingly the ordinary-civil or criminal authorities might trespass into the regions which are those of the tribals alone. It is they who know the intricacies of the thing. In this connection I might put before this honourable House the case of the East India Company, how they dealt with Indian matters. At the beginning of their reign they asked not only the pundits who were versed in Hindu Law etc. but also they were very scrupulous not to interfere in the matters which pertained to the Hindu community at that time.

Madam, now that a Legislative Council is going to be set up as also a responsible Ministry headed by a Chief Minister, it will not be long when the country will settle down to peace and those people who are for States independent of India will come down and see that they will have their self-expression and self-fulfilment in co-operating with the Government and will regard themselves as Indians.

In this connection I am glad to know that the feeling in Assam is rather conciliated and they have taken the thing as best as they can. Regarding the division of Manipur, as suggested by one of my friends, I believe the representative from that area has controverted that question.

Madam, as my time is up, I hope and believe that the steps taken by the Government of India will go not only a long way but the fullest way to bring in that part of the area with, us, and those people will prosper and develop and have their full expression in course of time.

SHRI JAIRAMDAS DAULATRAM
(Nominated): Madam Deputy Chairman, I have felt it necessary to say a few words on this occasion because I happen to have had a fairly good close-up view of things in Nagaland and the neighbouring regions. Having, all that experience before me, I consider the passing of this Bill to be *am*

act of statesmanship, an act of great political wisdom. It has been said that the step that we are taking is in the direction of disintegration and division. I look upon this as a step definitely in the direction of integration. I am not here talking of physical integration. I am talking of emotional integration.

Who are the people living in Nagaland? They are, what is called, Indo-Mongoloid by race. They have no cultural tradition, no cultural heritage which is common to the rest of the country. The emotion which the word 'Bharat' gives rise to in our heart cannot be the emotion which that word can arouse in their heart. Naturally, we prepared the way for it. These are the people whose political history has been on their own line, with almost no connection with the rest of India. These are people among whom the British Government worked with a special purpose of isolating them from the rest of the country. These are people among whom the missionaries carried on propaganda which would create a certain amount of contempt for the religious practices and social customs of the rest of India. We are taking a step to integrate these people emotionally with the rest of India and I have no doubt that unless India plays its part well and accepts its responsibilities, unless the rest of Indians accept the responsibilities involved in the passing of this Act, we will not succeed in sufficiently, adequately, properly, permanently integrating them. We have just taken the first step. The other steps have to be taken by us, at various levels, cultural, political, social and others. These are the implications of the passing of this legislation. As a matter of fact, I fully understand the feelings of the people of Assam. They feel that a part of their State is being separated from them and I thoroughly appreciate and sympathise with and understand their point of view. This physical separation took place about two years ago when administratively the area was separated. Constitutionally

me separately. I suggest to my friends from Assam to look at this, on the contrary, as the first step towards emotional re-integration. It oftentimes happens that two brothers sharing a common house, two brothers sharing a common partnership, do unfortunately develop certain feelings towards each other and certain tensions arise. Well, in the course of time separation takes place. It appears to be separation but there are thousands and thousands of cases of brothers having separated and yet the two families coming together closer than before and developing new friendship and new love and affection. I have no doubt that a people who produced a great statesman like Lachit Barphukan would at all act otherwise and I believe that the statesmen in charge of the Assam State will take certain steps of a psychological, emotional, nature which will win back the Nagas to their heart and I have no doubt that these two peoples will develop friendly and fraternal feelings. It is for us to help towards that consummation and I doubt whether either the Assamese friends or the Naga friends will in cooler moments think and act otherwise. I am sure they will accept the suggestion which I am making to them.

I feel that on this occasion, there should be a unanimous vote for this Bill. Let us send our best wishes to this young State. We do not know what great responsibilities have been undertaken by the young group of Naga leaders who are to-day in charge of this State. We do not even know how young they are. I do not think anybody is above 45. There are some who are in their thirties, some who are in their twenties. One of them graduated from the University of Delhi two years ago. Some of them were junior officers in the administration only a while ago. They have undertaken this responsibility and their contribution to the integration of their people with India is 400 lives lost. They have sacrificed 400 lives for the cause of integration with India. They have

[bnn Jairamdas Daulatram.] sacrificed a great leader Dr. Im-kongliba Ao, the Chief Minister. Which State in India has lost its Chief Minister for the cause of integration? They have lost two or three days ago a young man, Pauting belonging to the I Phom tribe, a man hardly educated I but yet he had the feeling that they should remain integrated with the country. I do not think any State Government has the tough task which this young State is facing. They have to run the administration, they have to carry on the developmental activities with a view to winning back the allegiance of the people; at the same time they are to maintain law and order and that against heavy odds. I therefore feel that we should send our heartiest good wishes to this young State and whatever might have been said on any amendments, I do hope that those amendments will not be pressed. Even if they are pressed, I do hope that ultimately this Bill will be unanimously voted for, with not a single dissentient voice in this House. There has been some criticism about the special provisions with regard to Tuensang district. I think a realistic view of the state of things there will enable every Member to appreciate what the Government have proposed. I do not intend to take up much of the time of the House but I want to give you a little bit of the picture which I have seen at most intimate or close quarters. On the one side are the districts of Mokokchung and Kohima. The tribe which neighbours Tuensang is the Ao tribe. That is the most educated tribe in the entire Nagaland. You may know that the British Government, through the Missionaries, educated both the Kohima and the Mokokchung districts. They shut out the missionaries from the Tuensang area. They did not allow the foreign missionaries to enter the Tuensang area. Well, whatever might have been the reason and justification for that, the result is that in Kohima and the Mokokchung districts education has spread widely and today the AOR have a Parliamentary Secretary in the Parliament—Shri Chuba Jamir He

is a double graduate of the Allahabad University. So also young Daying Er-ing of The Adi tribe in NEFA is another Parliamentary Secretary. He is a graduate from Gauhati but in the Tuensang area where the British Government shut out the light of education, conditions are very very backward. May I give you one or two illustrations? I happened to go the heart centre of the most numerous tribe in Tuensang. The most numerous tribe not only in Tuensang but the most numerous tribe also in the entire Nagaland is the Konyak tribe. I went into its heart-centre. These Konyaks had a great tradition of head-hunting. The British Government had tried to control that practice and by the time we took charge that practice had practically ended but yet its spirit was a live force in the life of the people. Headhunting affected their culture. Headhunting affected the designs of their cloth. Head-hunting affected their social customs. It was a part of their religious ritual. All these things were still there. I went to this place, the heart-centre called Mon. I did about 75 miles of walking, coming and going, up and down, on that occasion. When I entered the village Mon, I found near the house of the Chief, whom they call Ang, a mound of stones, slabs. I asked him: "What is this mound for?" He said: "These slabs represent the heads that we have taken;" and when I asked one of my officers to count them up, the number of these slabs was found to be 1502. This was the record of their village of which they were proud till to-day. They are proud of it up to today I will give you another instance. The trouble of hostile activities started in Tuensang, in 1953. The first attack by the hostiles on a Government servant took place at the hands of two men belonging to a village called Chingmei. The Chingmei village is one of the villages of another tribe, the Changs. These two hostiles killed a postal runner on the road, who happened to belong to the village Pangsha of another tribe called Khiemnyugnan. Then what happened? The entire tribe of Khem-

nyugnan considered the murder of one of their men as an offence by the entire village of the Changs against the entire village of Pangsha. So having planned secretly about 200 men accompanied by about 50 women who gave them food, on one night went up to raid the Chang village of Ching-mei. They passed a night on the shoulder of the hill unknown to the village people. Early at dawn, they invaded the village. They massacred 60 people, men, women and children and there were cases where they cut off the breasts of the women. But the brother of the man who had been killed, belonging to this village of Pangsha did not care who killed whom but he went after the man who had killed his brother, the postal runner. This happened in 1953. And having killed him, he separated the head and brought the head to the village Pangsha. There was then a ceremony in which everybody participated. And what did the man do? Having removed the entire hair from the head he talked to the skull in all the choice language he could use against the man for having killed his brother. He spoke to the skull and then he broke the skull. He roasted the brain and then he ate a part of it telling the dead man, "I am eating you." This is an instance out of my own knowledge. Well, this is a rare instance, but there it is and it shows the level at which at least some people of these tribes are. There are other things also which indicate the backwardness of the people. I do not want to go into details. But in a broad way, socially the people are in a comparatively very backward state. They cannot compare with the people who are in the Mokokchung and the Kohima districts. Educationally they are backward. The British gave them no education. We started education for them. I sent a young boy of Pangsha village to school with my money and I left Rs. 2,000 to continue the education of that boy and I think he must have reached the matriculation class by now. We introduced schools there. There is only one high school there and only two high schools in the entire District. I

do not think we have had there a single matriculate whereas in Moko-kchung and Kohima Districts there are ten high schools and two colleges and a large number of students go to other colleges in other parts of India. So educationally, politically and socially, the state of things cannot be compared with either Kohima or Mokokchung. Inevitably, the political consequences of that have to be understood by any administration if one is to act responsibly. Therefore, whatever provisions we find in this Bill, intended to give a little different treatment to Tuensang area are amply justified. If we do not do that, we will err and make mistake and actually act irresponsibly. Therefore, we should allow these provisions to remain there and we should give our best possible support to this young State. After all, this is the youngest State of the family and as the youngest child in the family it needs all our affection. It also needs a little attention and also a little more care and may I add, a little guidance too. Therefore, whatever provisions are embodied in the Bill have ample justification, against the background of the realities of the situation. Therefore, I do hope that the House will carry this Bill with acclamation and without a single dissenting voice. There was one little remark of my h'on. friend, Shri Dahyabhai Patel, which I do not want to allow to go uncontradicted. It is not a question of Indians having the right to have land there. It is not a question of our rights there at all. It is a question of their rights in India. It is not they who should take steps to get themselves integrated with us. It is we who should with open arms, integrate with them, not only through the silken ties—soft and firm—of the Prime Minister, but all of us, whether we are Members of Parliament or whether we are members of the Cabinet, every one of us ought to take a very deep and intimate interest in this and other border areas, because they are the most backward parts of the nation. It is our duty to help them to grow up and to stand on their feet and to feel as much Indian as a Gujarati or a Ma.

[Shri Jairamdas Daulatram.]

harashtrian. Therefore, the entire duty is on our side. There are no rights which we may claim from them today. I support the measure.

SHRI JAWAHARLAL NEHRU: Madam, I would like to express my gratitude to all the Members of the House who have spoken and welcomed this measure. In particular, may I express the feeling which I have had and which I am sure, every Member of this House will share, of gratitude to the last speaker Shri Jairamdas Daulatram, for the fine, eloquent and wise speech that he has delivered? And he delivered it out of his knowledge, not merely from a theoretical approach, because he was himself concerned with Nagaland and Tuensang Division, and as Governor of Assam, it was his special responsibility to deal with the NEFA area and other territories. What he said was so much to the point and so relevant to the conditions there that there is little that I can add.

I would, however, like to explain one or two points. Prof. Ruthnaswamy said that this Bill was not artistically drafted. Perhaps, he is right. But we were not writing on a clean slate. We had to incorporate in it an agreement arrived at with the representatives of the Naga People's Convention, and that perhaps to some extent, came in the way of artistry. Also we were not writing a full constitution for the State, but rather putting in this agreement that we had, and that introduced some special features which otherwise would not have been there. If the agreement had not been there and only a new State had been created, the Bill would have been a very small one, not a whole complete introduction of a State. All that the Constitution contains. Their charter is not this Bill. Their charter is the Constitution of India plus this Bill. So, it is true and may be that if we had the advantage of some of the hon. Members of this House, we might have improved the language here and there. For instance, Mr. Mani has suggested

an amendment which, *prima facie*, appears to be a better form of words. Yet I dare not accept it because it is a form of words and it is not of vital consequence, and I would rather adhere to what the agreement lays down than change it. Apart from that, Mr. Mani objected to the phrase "internal disturbance" and said something about it. I would like to remind him that in our Constitution in articles 352 and 355 these words occur repeatedly. For instance, article 352 says:

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect."

Again in article 355 it is stated:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance".

So, it is not a new phrase that is used here. I would submit that though the words of Mr. Mani's amendment read better, nevertheless, because of the fact that this represents more the agreement, it should be there. Also, frankly, I should not like that this Bill should be delayed and go back to the Lok Sabha again.

Now, many of our hon. Members will have in mind the history of the past ten or twelve years in regard to this area. I do not wish to go into it. Mr. Jairamdas Daulatram referred to an incident where the killing of the postal runner led to retribution and revenge on a big scale. It may interest the House to know that this incident had nothing to do with our forces, it was one tribe against another, and yet this is one of the major charges that Mr. Phizo brings against our forces. He is collecting all these charges and says that we sacked and killed sixty persons to which reference was made. It was the early days when this thing happened. Since then, much has happened.

Now, from the very first stage, I cannot say the first stage but from the earliest period, the then Governor of Assam, Sir Akbar Hydari, dealt with the Nagas and came to some kind of agreement with them, the ten-point agreement, I think, it is called. I confessed frankly to him that we were so wholly occupied with our troubles here—it was immediately after independence and we had the vast migration and other troubles—that although I was the Prime Minister I had not considered the ten-point agreement. Later on, when the Constitution was being drafted, the Sixth Schedule was introduced specially for these tribal areas in Assam, Nagaland, etc. and although we all took part in it, perhaps if we had the knowledge that we possess today, we might have worded it differently. The question of amending the Sixth Schedule has been with us for the last several years not merely because of Nagaland but because of the hill areas, the hill districts and the autonomous districts. Even then, according to the Sixth Schedule, these hill areas including Nagaland were given a considerable measure of autonomy for their districts. Our first approach, therefore, was to give them autonomy, maybe less or more, but to give them autonomy. Subsequently, we repeatedly discussed the matter in the early days with Mr. Phizo himself and then with others representing the Nagas, hostile or not, and always we made it clear to them that we want to give them the fullest autonomy within the Indian Union. It is true that I told them that I was not prepared to discuss any secession from the Indian Union but short of that I was prepared to discuss anything with them.

So, this is not a new development of policy or a change in our outlook that has induced us to bring this Bill but rather certain developing circumstances. We could not by ourselves enact anything like this unless they were willing to have this and unless we agreed with them. This process took a number of years. They

never in their first convention and then a year or two later the second convention was held which was largely attended by the representatives of the various tribes of Nagaland and in the third convention in another year they passed and formulated this paper of sixteen heads of agreement. It was only then that the matter became ripe enough for us to consider. We did not want to produce a constitution for them and thrust it on them. We wanted it to come from them so that they may have a feeling of getting what they wanted, not that they had to accept whatever was given to them.

These areas were troubled areas, and as the House knows, constantly there were attacks, there were ambushes and people were killed.

Large numbers of people have been killed in these areas. While we had to deal with them in the normal manner, maintain normal law and order with the help of the police or the military we had always in view the fact that we had to win over the Nagas and make them feel that they were one with us. When they talked of independence to me, I asked them, "What do you mean by talking about independence? You are independent just as much as I am and you have as much freedom and authority as any other person in India." Now, to get this idea accepted by them was a problem. It was, as Mr. Jairamdas Daulatram said, a question of some emotional integration. You cannot do that unless you realise completely that all the steps we are taking, army steps, military steps, were essential, were necessary. They were essential, they were necessary and we could not do without them but some other process had to be adopted. We tried to start it although it was difficult in the circumstances. You cannot have two rather contradictory processes, that is, a military process fighting people and a conciliatory process. They somehow conflict and yet they were carried out during all these years, except for the early two years or so when it was difficult to have

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any developmental work there, to have any schools, even the old schools ceased to function because of the terroristic tactics of the hostiles, yet, within the last two or three years, we have started developmental works. I am sorry I have not got the figures but hundreds of schools were started, a number of high schools, some colleges, technical institutes, etc., were started and in the field of agriculture too much was done. All this was done partly because the people required it and partly, and deliberately, to make them feel that they can live a free and happy life so that this then is the developmental policy that has been pursued right from the beginning. Sometimes circumstances made it difficult for us to go ahead in this direction as much as we wanted but I am happy that at present although we are not wholly out of the wood, I admit, yet I feel we are very near the edge of it and the situation is much better even though, as I said, a young man, a member of the Naga Council, was shot dead only two or three days ago. It shows how the people are functioning. The members of the Naga Council and other Naga leaders are co-operating. Our officers and others are constantly facing danger and even death. I am happy that this stage has been reached and these two Bills will soon, I hope, be the law of the land and will establish the new State in the brotherhood of the States in India and I am sure that they will have this idea of emotional integration and feeling that they are part of India and that they can live freely as independent citizens governing their own State as they wish and they will be partners in the larger adventure that we are undertaking in India. This idea will grow there.

Now, Madam, although the State is just like any other State—it has to be realised that it is a full State—certain powers are reserved temporarily for the Governor. It is not permanent. As soon as he thinks or feels that the

situation so necessitates, he will give up his power and the State will have full autonomy and powers.

Shri Dahyabhai wanted to know whether the Chief Minister will be called the Prime Minister or the Chief Minister. He will be called the Chief Minister, of course, like any other place. Well, in regard to the powers of the Governor, apart from the fact that this is part of the terms of the agreement, I would like to assure the House that it was not as if we laid great stress on these powers. They were agreed to without much discussion and as for fixing the powers of the Governor in regard to the Tuensang district, pressure came from them, not from us. Actually, pressure came from the Tuensang representatives who, I believe, were a little nervous at being put under the new Government of Nagaland to begin with. As Shri Jairamdas Daulatram said, the people of Nagaland minus Tuensang are educationally and otherwise more advanced. And these Tuensang people wanted, if I may use the word, some protection and it was their proposal, their insistence that the Governor as representing the Government of India, should have these powers for ten years or so. At the same time they wanted to join. They have got a Regional Council. The House will observe that it has been laid down that one of their number will be among the Ministers of Nagaland Government. So, while they become part and parcel of this Nagaland State they want some kind of a slightly separate existence for ten years. And we agreed and I must say that the Nagaland people also agreed. This was not a disputed point. This was an agreed point so that broadly speaking all the powers that are given to the Governor were parts of the agreement, of course, broadly speaking. But what I meant was they did not give rise to much argument and I think we should keep them. All these things depend very greatly on the persons who exercise them. The Governor, of course, is the represen-

tative of the Government of India, of the President; whatever he does he refers to the Government of India, that is, the External Affairs Ministry, but apart from that the personality does count, and we have taken trouble therefore to choose for the Governors of Assam rather specially. A distinguished Member of this House, Mr. Jairamdas Daulatram, was there as Governor. The Governor there has a double function or triple function. Not only is he the Governor but he is the direct representative of the Government of India for the North East Frontier Agency and used to be for Nagaland also. There was Mr. Fazl Ali who became very popular and indeed I understand that the people are putting up a memorial to him in Nagaland in the shape of a college called after his name. Then there was General Shrinagesh who was peculiarly suited to the place because unfortunately in the last few years there have been these military operations there and we thought a military person of note would be able to understand them and co-ordinate civil activities with the military. And now within a few days we are sending one of our most experienced Officers, Shri Vishnu Sahay. So, what I wanted to put before the House was that the Governors we send there are even more specially selected than Governors elsewhere where they have to be only purely constitutional Governors.

I think Mr. Ruthnaswamy laid great stress on a separate Governor for Nagaland. Well, to begin with we have this; it is open under the Act, there is nothing to prevent separate Governors being appointed when considered necessary, but at the present moment we did think and we do think that one Governor is more desirable. It is not so much a question of more money being paid although there is no reason why we should waste money; it is not that question. The question is, the Governor of Assam even under the present circumstances has special responsibilities for NEFA; they are special

responsibilities and much the same I should say for Tuensang and because of that we thought that one man dealing with these areas with relatively common problems would be desirable. And some of our friends in Assam are regretful about Nagaland becoming a separate State. Although they accept it they are naturally rather sorry although I might remind the House that separation really came in effect some years ago when it became a separate entity. It is only constitutionally it has come now. So, although it is a separate State we thought it would be a good thing if one or two links were left. One link was the common Governor. Another link was the High Court. They do not interfere with the internal freedom of the State and we thought it would be a good thing to have these two links because after all they are neighbours and they have to carry on in a friendly way.

Then Mr. Nafisul Hasan said something about clause 27 of the Nagaland Bill. He seemed to think that there is some difficulty about this. There is nothing extraordinary about this. This has been repeated in many other places. If you see article 3 of the Constitution it says that Parliament may by law form a new State by separation of territory from any State, increase the area of any State, diminish the area of any State, etc. It did not require, therefore, a constitutional amendment if only this had to be done. Articles 2, 3 and 4 refer to this being done by law.

Now clause 27 of the Bill refers in particular to certain adaptation of a law for a particular area, the substance remaining the same. Sometimes very minor things come in the way and if you apply the law as it is in its rigidity, it may not fit in with the Tuensang District. It is obvious conditions are very different. But it is not construed entirely differently but accepting the substance minor matters may be there. It is a very desirable provision which has been given I believe in other Acts too. My colleague here reminds me that it

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;the recent Act passed about Nagaland
this particular phrase occurs,

Mr. Dahyabhai Patel said something about the name, Nagaland. Frankly I would have preferred—not that I have any objection to Nagaland—Naga Pradesh. We did suggest that but they have strong sentimental attachment to Nagaland. They have been calling it this way for some years past and sometimes, as hon. Members will realise, sentiment is a strong thing and we did not think that we should by-pass or come in the way of that sentiment. Well, it did not make any difference and so we accepted Nagaland.

Mr. Dahyabhai also referred to the question of land in Nagaland and he referred to Kashmir too. May I remind him that the rule in Kashmir that no non-Kashmiri can possess land is a very old one, I should think at least 100 years old? It is from the 19th century; the old Maharaja introduced it. The original reason for its introduction was rather a wise one. They did not want crowds of Britishers to come in, occupy land and settle down there, because the climate of Kashmir was peculiarly suited to them and peculiarly pleasant. They did not just want it. At some time about a hundred years ago, there was actually a rule that at one single time not more than three Britishers could remain in Kashmir, only a fiat of the then Maharaja. Gradually, those rules were relaxed, but this rule continued. At that time chiefly Britishers went there. Very few Indians went there. Some Indians went from Lahore or other places of North India. Then, came the further reason that monied Indians go there and buy up the land there—it is a poor country and the people are poor—and thereby deprive the people living there of their land. I think it is a very healthy provision and I do not see why even now it should be changed. I cannot buy land there. I may by origin be a Kashmiri,

but I do not come within the definition. Otherwise, a large number of people, rich people, who have no particular alignment with Kashmir, if I may say so, historically, culturally or otherwise—only for the climate may go there—buy up large quantities of land, thereby depriving the other people, who are possessing it, of land later on. Now, here in our Constitution, in regard to hill areas, Nagaland and the other hill districts of Assam, there is already a provision in the Sixth Schedule of the Constitution preventing land being alienated to any outsider. It is a very good provision too, because otherwise the people of those areas, who feel passionately about their land, would gradually be dispossessed of it. Difficult situations would arise. So, I think some reference has been made even here that land in Nagaland will only vest in the new State. No outsiders will be able to go there. Clause 24 says:

"All property and assets situated in, or used for, or in connection with the administration of, the Naga Hills-Tuensang Area and vested in the Union immediately before the appointed day (other than any property or assets so vested for purposes of the Union) shall, as from that day, vest in the State of Nagaland."

Anyhow, it is for the people of Nagaland to make their rules about their land.

I have nothing further to say in the matter. I entirely agree with Mr. Jairamdas Daulatram that we should pass these Bills unanimously and I repeat I cannot accept the amendments that have been proposed.

SHRI A. D. MANI: On a point of clarification. I should like to ask the Prime Minister one or two points for clarification. At page 2 of the Bill, proposed article 371A (1) (a) (iii) says:

"administration of civil and criminal justice involving decisions according to Naga customary law."

Does this mean that in so far as those decisions conflict with the Indian Penal Code, the Civil Procedure Code and the Criminal Procedure Code, these Codes will have to be set aside? The second point I should like to ask is whether the right of the Supreme Court to hear appeals against decisions according to the customary law of the Nagas is admitted in this Bill or has been denied in this Bill.

SHRI A. K. SEN: The whole scheme of the Bill is that no law of the Central Government will have automatic application to the new State. They will apply only if they are so applied

by the new Legislature of the new State of Nagaland. That is the whole scheme.

THE DEPUTY CHAIRMAN: I shall first put the motion regarding the Constitution (Thirteenth Amendment) Bill, 1962, to vote.

The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

THE DEPUTY CHAIRMAN: Ayes—175; Noes—Nil.

AYES—175

Abid Ali, Shri.
Agrawal, Shri J. P.
Ahmad, Shri Ansaruddin.
Ahmad, Shri Syed.
Ammanna Raja, Shrimati C.
Anis Kidwai, Shrimati.
Annapurna Devi Thimmareddy, Shrimati.
Anwar, Shri N. M.
Arora, Shri Arjun.
Asthana, Shri L. D.
Atwal, Shri Surjit Singh.
Baharul Islam, Shri.
Bansi Lal, Shri.
Barooah, Shri Lila Dhar.
Basu, Shri Santosh Kumar.
Bedavati Buragohain, Shrimati.
Bharathi, Shrimati K.
Bhargava, Shri B. N.
Bhargava, Shri M. P.
Chakradhar, Shri A.
Chatterji, Shri J. C.
Chaturvedi, Shri B. D.
Chauhan, Shri Nawab Singh.
Chavda, Shri K. S.
Chinai, Shri Babubhai.
Das, Shri L. N.
Dasgupta, Shri T. M.
Dass, Shri Mahabir.
Deb, Shri S. C.
Deokinandan Narayan, Shri.
Desai, Shri Khandubhai K.
Desai, Shri Suresh J.
Deshmukh, Shri R. M.

Dharam Prakash, Dr.
Dikshit, Shri Umashankar.
Doogar, Shri R. S.
Dutt, Shri Krishan.
Dwibedy, Shri Bairagi.
Gaikwad, Shri B. K.
Ghose, Shri Surendra Mohan.
Ghosh, Shri Sudhir.
Gilbert, Shri A. C.
Gopalakrishnan, Shri R.
Gurupada Swamy, Shri M. S.
Hathi, Shri Jaisukhlal.
Iyer, Shri N. Ramakrishna.
Jairamdas Daulatram, Shri.
Joshi, Shri J. H.
Kakati, Shri R. N.
Karmarkar, Shri D. P.
Kasliwal, Shri N. C.
Kathju, Shri P. N.
Keshvanand, Swami.
Khan, Shri Akbar Ali.
Khan, Shri Pir Mohammed.
Khandekar, Shri R. S.
Koya, Shri Muhamed.
Krishnamachari, Shri V. T.
Kulkarni, Shri B. T.
Kumaran, Shri P. K.
Kumbha Ram, Shri.
Kurre, Shri Dayaldas.
Lakshmi Menon, Shrimati.
Lal, Prof. M. B.
Lingam, Shri N. M.
Lohani, Shri I. T.
Mahesh Saran, Shri.

Maiti, Shri N. B.
Mallik, Shri D. C.
Malviya, Shri Ratanlal KishorilaJ
Mani, Shri A. D.
Mathen, Shri Joseph.
Maya Devi Chettry, Shrimati.
Mehta, Shri M. M.
Menon, Shri K. Madhava.
Mishra, Shri S.
Misra, Shri M.
Mitra, Shri P. C.
Mohammad, Chaudhary A.
Mohammad Ibrahim, Hafiz.
Mohanty, Shri Dhananjoy.
Moideen, Shri M. J. J.
Muhammad Ishaque, Shri.
Nafisul Hasan, Shri.
Nagpure, Shri V. T.
Naicker, Shri M. A. M.
Nair, Shri Govindan.
Nandini Satpathy, Shrimati.
Narasimham, Shri K. T. _..
Narasimha Rao, Dr. K. L.
Neki Ram, Shri.
Pande, Shri C. D.
Pande, Shri T.
Panj hazari, Sardar Raghbir Singh
Parmanand, Dr. Shrimati Seeta.
Patel, Shri Dahyabhai V.
Patel, Shri S.
Palhak, Shri G. S.
Patil, Shri P. S.
Patil, Shri Sonusing Dhansing.
Pattabiraman, Shri T. S.
Pattanayak, Shri B. C.
Pawar, Shri D. Y.
Pillai, Shri J. S.
Punnaiah, Shri Kota.
Puttappa, Shri Patil.
Rajagopalan, Shri G.
Ramamurti, Shri P.
Ramaswamy, Shri K. S.
Ramaul, Shri Shiva Nand.
Ramesh Chandra, Shri.
Rao, Shri B. Ramakrishna.
Ray, Dr. Nihar Ranjan.
Ray, Shri Ramprasanna.
Reddi, Shri J. C. Nagi.
Reddy, Shri K. V.
Reddy, Shri N. Narotham.
Reddy, Shri S. Channa.
Reddy, Shri M. Govinda.
Rohatgi, Dr. Jawaharlal.
Ruthnaswamy, Shri M.

Sadiq Ali, Shri.
Sahai, Shri Ram.
Saksena, Shri Mohan Lai.
Santhanam, Shri K.
Saraogi, 'Shri Pannalal.
Sarwate, Shri V. V.
Satyacharan, Shri.
Savnekar, Shri Baba Saheb.
Seeta Yudhvir, Shrimati.
Sethi, Shri P. C.
Shah, Shri K. K.
Shah, Shri M. C.
Shakoor, Moulana Abdul.
Shanta Vasisht, Kumari.
Sharma, Shri L. Lalit Madhob.
Sharma, Shri Madho Ram.
Sherkhan, Shri.
Shervani, Shri M. R.
Shetty, Shri B. P. Basappa.
Shukla, Shri M. P.
Siddhu, Dr. M. M. S.
Singh, Shri Anup.
Singh, Thakur Bhanu Pratap.
Singh, Sardar Budh.
Singh, Shri D. P.
Singh, Dr. Gopal.
Singh, Shri Mohan.
Singh, Shri Santokh.
Singh, Shri Vijay.
Sinha, Shri Awadeshwar Prasad.
Sinha, Shri B. K. P.
Sinha, Shri Ganga Sharan.
Sinha, Shri R. B.
Sinha, Shri R. P. N.
Sinha Dinkar, Prof. R. D.
Solomon, Shri P. A.
Sur, Shri M. M.
Syed Mahmud, Shri.
Tankha, Pandit S. S. N.
Tapase, Shri G. D.
Tara Chand, Dr.
Tara Ramachandra Sathe, Shrimati.
Tariq, Shri A. M.
Tayyebulla, Maulana M.
Thanglura, Shri A.
Tripathi, Shri H. V.
Uma Nehru, Shrimati.
Varma, Shri B. B.
Venkateswara Rao, Shri N.
Vijaivargiya, Shri Gopikrishni.
Vyas, Shri Jai Narain.
Wadia, Prof. A. R.
Warerkar, Shri B. V. (Mama).
Yajee, Shri Sheel Bhadra.

The motion was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

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

Clause 2—Amendment of Part XXI.

SHRI M. S. GURUPADA SWAMY:
Madam, I move:

"That at page 5, after line 18, the following further proviso be inserted, namely —

'Provided further that every order made under clause (3) of

this article shall be laid before both Houses of Parliament and if both Houses agree in making any modification in the order, the order shall, thereafter, have effect only in such modified form."

The question was put and the motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN: Ayes—175;
Noes—Nil.

AYES—175

Abid Ali, Shri.
Agrawal, Shri J. P.
Ahmad, Shri Ansaruddin.
Ahmad, Shri Syed.
Ammanna Raja, Shrimati C.
Anis Kidwai, Shrimati.
Annapurna Devi Thimmareddy, Shrimati.
Anwar, Shri N. M.
Arora, Shri Arjun.
Asthana, Shri L. D.
Atwal, Shri Surjit Singh.
Baharul Islam, Shri.
Bansi Lal, Shri.
Barooah, Shri Lila Dhar.
Basu, Shri Santosh Kumar.
Bedavati Buragohain, Shrimati.
Bharathi, Shrimati K.
Bhargava, Shri B. N.
Bhargava, Shri M. P.
Chakradhar, Shri A.
Chatterji, Shri J. C.
Chaturvedi, Shri B. D.
Chauhan, Shri Nawab Singh.
Chavda, Shri K. S.
Chinai, Shri Babubhai.
Das, Shri L. N.
Dasgupta, Shri T. M.
Dass, Shri Mahabir.
Deb, Shri S. C.
Deokinandan Narayan, Shri.
Desai, Shri Khandubhai K.
Desai, Shri Suresh J.
Deshmukh, Shri R. M.
Devaki (Gopidas), Shrimati.
Dharam Prakash, Dr.

Dikshit, Shri Umashankar.
Doogar, Shri R. S.
Dutt, Shri Krishan.
Dwivedy, Shri Bairagi.
Gaikwad, Shri B. K.
Ghose, Shri Surendra Mohan.
Ghosh, Shri Sudhir.
Gilbert, Shri A. C.
Gopalakrishnan, Shri R.
Gurupada Swamy, Shri M. S.
Hathi, Shri Jaisukhlal.
Iyer, Shri N. Ramakrishna.
Jairamdas Daulatram, Shri.
Joshi, Shri J. H.
Kakati, Shri R. N.
Karmarkar, Shri D. P.
Kasliwal, Shri N. C.
Kathju, Shri P. N.
Keshvanand, Swami.
Khan, Shri Akbar Ali.
Khan, Shri Pir Mohammed.
Khandekar, Shri R. S.
Kova, Shri Muhamed.
Krishnamachari, Shri V. T.
Kulkarni, Shri B. T.
Kumaran, Shri P. K.
Kumbha Ram, Shri.
Kurre, Shri Davaldas.
Lakshmi Menon, Shrimati.
Lal, Prof. M. B.
Lingam, Shri N. M.
Lohani, Shri I. T.
Mahesh Saran, Shri.
Maiti, Shri N. B.
Mallik, Shri D. C.
Malviya, Shri Ratanlal Kishorilal

Mani, Shri A. D.
Mathen, Shri Joseph.
Maya Devi Chettry, Shrimati.
Mehta, Shri M. M.
Menon, Shri K. Madhava.
Mishra, Shri S.
Misra, Shri M.
Mittra, Shri P. C.
Mohammad, Chaudhary A.
Mohammad Ibrahim, Hafiz.
Mohanty, Shri Dhananjay
Moideen, Shri M. J. J.
Muhammad Ishaque, Shri.
Nafisul Hasan, Shri.
Nagpure, Shri V. T.
Naicker, Shri M. A. M.
Nair, Shri GoVindan.
Nandini Satpathy, Shrimati
Narasimham, Shri K. L.
Narasimha Rao, Dr. K. L.
Neki Ram, Shri.
Pande, Shri C. D.
Pande, Shri T.
Panj hazari, Sardar Raghbir Singh.
Parmanand, Dr. Shrimati Seeta.
Patel, Shri Dahyabhai V.
Patel, Shri S.
Pathak, Shri G. S.
Patil, Shri P. S.
Patil, Shri Sonusing Dhansing.
Pattabiraman, Shri T. S.
Pattanayak, Shri B. C.
Pawar, Shri D. Y.
Pillai, Shri J. S.
Punnaiah, Shri Kota.
Puttappa, Shri Patil.
Rajagopalan, Shri G.
Ramamurti, Shri P.
Ramaswamy, Shri K. S.
Ramaul, Shri Shiva Nand.
Ramesh Chandra, Shri.
Rao, Shri B. Ramakrishna.
Ray, Dr. Nihar Ranjan.
Ray, Shri Ramprasanna.
Reddi, Shri J. C. Nagi.
Reddy, Shri K. V.
Reddy, Shri N. Narotham.
Reddy, Shri S. Channa.
Reddy, Shri M. Govinda.
Rohatgi, Dr. Jawaharlal.
Ruthnaswamy, Shri M.
Radi'n AH CViyi

Sahai, Shri Ram.
Saksena, Shri Mohan Lai.
Santhanam, Shri K.
Saraogi, Shri Pannalal.
Sarwate, Shri V. V.
Satjacharan, Shri.
Savnekar, Shri Baba Saheb.
Seeta YudhVir, Shrimati.
Sethi, Shri P. C.
Shah, Shri K. K.
Shah, Shri M. C.
Shakoor, Moulana Abdul.
Shanta Vasisht, Kumari,
Sharma, Shri Madho Ram.
Sherkhan, Shri.
Shervani, Shri M. R.
Shetty, Shri B. P. Basappa.
Shukla, Shri M. P.
Siddhu, Dr. M. M. S.
Singh, Shri Anup.
Singh, Thakur Bhanu Pratap.
Singh, Sardar Budh.
Singh, Shri D. P.
Singh, Dr. Gopal.
Singh, Shri Mohan.
Singh, Shri Santokh.
Singh, Shri Vijay.
Sinha, Shri Awadeshwar Prasad.
Sinha, Shri B. K. P.
Sinha, Shri Ganga Sharan.
Sinha, Shri R. B.
Sinha, Shri R. P. N.
Sinha Dinkar, Prof. R. D.
Solomon, Shri P. A.
Sur, Shri M. M.
Syed Mahmud, Shri.
Tankha, Pandit S. S. N.
Tapase, Shri G. D.
Tara Chand, Dr.
Tara Ramachandra Sathe, Shrimati.
Tariq, Shri A. M.
Tayyebulla, Maulana M.
Thanglura, Shri A.
Tripathi, Shri H. V.
Uma Nehru, Shrimati.
Varma, Shri B. B.
Venkateswara Rao, Shri N.
Vijavargiya, Shri Gopikrishna.
Vyas, Shri Jai Narain.
Wadia, Prof. A. R.
Warerkar, Shri B. V. (Mama). Yaiee.
Shri Sheol Bhadra.

The motion was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

THE DEPUTY CHAIRMAN: The question is: "That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided

THE DEPUTY CHAIRMAN: Ayes—175;
Noes—Nil.

AYEES—175.

Abid Ali, Shri.
Agrawal, Shri J. P.
Ahmad, Shri Ansaruddin.
Ahmad, Shri Syed.
Aramanna Raja, Shrimati C.
Anis Kidwai, Shrimati.
Annapurna Devi Thimmareddy, Shrimati.
Anwar, Shri N. M.
Arora, Shri Arjun.
Asthana, Shri L. D.
Atwal, Shri Surjit Singh.
Baharul Islam, Shri.
Bansi Lal, Shri.
Barooah, Shri Lila Dhar.
Basu, Shri Santosh Kumar.
Bedavati Buragohain, Shrimati.
Bharathi, Shrimati K.
Bhargava, Shri B. N.
Bhargava, Shri M. P.
Chakradhar, Shri A.
Chatterji, Shri J. C.
Chaturvedi, Shri B. D.
Chauhan, Shri Nawab Singh.
Chavda, Shri K. S.
Chinai, Shri Babubhai.
Das, Shri L. N.
Dasgupta, Shri T. M.
Dass, Shri Mahabir.
Deb, Shri S. C.
Deokinandan Narayan, Shri.
Desai, Shri Khandubhai K.
Desai, Shri Suresh J.
Deshmukh, Shri R. M.
Devaki (Gopidas), Shrimati.
Dharam Prakash, Dr.
Dikshit, Shri Umashankar.
Doogar, Shri R. S.
Dutt, Shri Krishan.
Dwibedy, Shri Bairagi.
Gaikwad, Shri B. K.
Ghose, Shri Surendra Mohan.
Ghosh, Shri Sudhir.
Gilbert, Shri A. C.
Gopalakrishnan, Shri R.
Gurupada Swamy, Shri M. S.
Hathi, Shri Jaisukhlal.

Iyer, Shri N. Ramakrishna.
Jairamdas Daulatram, Shri.
Joshi, Shri J. H.
Kakati, Shri R. N.
Karmarkar, Shri D. P.
Kasliwal, Shri N. C.
Kathju, Shri P. N.
Keshvanand, Swami.
Khan, Shri Akbar Ali.
Khan, Shri Pir Mohammed.
Khandekar, Shri R. S.
Koya, Shri Muhamed.
Krishnamachari, Shri V. T.
Kulkarni, Shri B. T.
Kumaran, Shri P. K.
Kumbha Ram, Shri.
Kurre, Shri Dayaldas.
Lakshmi Menon, Shrimati.
Lal, Prof. M. B.
Lingam, Shri N. M.
Lohani, Shri I. T.
Mahesh Saran, Shri.
Maiti, Shri N. B.
Mallik, Shri D. C.
Malviya, Shri Ratanlal Kishorilal.
Mani, Shri A. D.
Mathen, Shri Joseph.
Maya Devi Chettry, Shrimati.
Mehta, Shri M. M.
Menon, Shri K. Madhava.
Mishra, Shri S.
Misra, Shri M.
Mitra, Shri P. C.
Mohammad, Chaudhary A.
Mohammad Ibrahim, Hafiz.
Mohanty, Shri Dhananjoy.
Moideen, Shri M. J. J.
Muhammad Ishaque, Shri.
Nafisul Hasan, Shri.
Nagpure, Shri V. T.
Naicker, Shri M. A. M.
Nair, Shri Govindan.
Nandini Satpathy, Shrimati.
Narasimham, Shri K. L.
Narasimha Rao, Dr. K. L.
Neki Ram, Shri.

Pande, Shri C. D.
Pande, Shri T.
Panjhazari, Sardar Raghbir Singh.
Parmanand, Dr. Shrimati Seeta. Patel,
Shri Dahyabhai V. Patel, S/hri S.
Pathak, Shri G. S. Patil, Shri P. S. Patil,
Shri Sonusing Dhansing. Pattabiraman,
Shri T. S. Pattanayak, Shri B. C. Pawar,
Shri D. Y. :Piilai, Shri J. S. Punnaiah, Shri
Kota. Puttappa, Shri Patil. Rajagopalan,
Shri G. Ramamurti, Shri P. Ramaswamy,
Shri K. S. Ramaul, Shri Shiva Nand.
Ramesh Chandra, Shri. Rao, Shri B.
Ramakrishna. V^ay, Dr. Nihar Ran Jan.
Ray, Shri Ramprasanna. Reddi, Shri J. C.
Nagi. Reddy, Shri K. V. Reddy, Shri N.
Narotham. Reddy, Shri M. Govinda.
Rohatgi, Dr. Jawaharlal. Ruthnaswamy,
Shri M. Sadiq Ali, Shri. Sahai, Shri Ram.
Saksena, Shri Mohan Lai. Santhanam,
Shri K. Saraogi, Shri Pannalal Sarwate,
Shri V. V. Satyacharan, Shri. Savnekar,
Shri Baba Saheb. Seeta Yudhviri,
Shrimati.

Sethi, Shri P. C.

Shah, Shri K. K.

Shah, Shri M. C.

Shakoor, Moulana Abdul, Shanta Vasisht,
Kumari. Sharma, Shri L. Lalit Madhob.
Sharma, Shri Madho Ram. Sherkhan, Shri.
Shervani, Shri M. R. Shetty, Shri B. P.
Basappa. Shukla, Shri M. P. ! Siddhu, Dr.
M. M. S. Singh, Shri Anup. Singh, Thakur
Bhanu Pratap. Singh, Sardar Budh. Singh,
Shri D. P. Singh, Dr. Gopal. Singh, Shri
Mohan. Singh, Shri Santokh. Singh, Shri
Vijay. Sinha, Shri Awadeshwar Prasad,
fc.'nha, Shri B. K. P. Sia'aa, Shri Ganga
Sharan. Sinha, Shri R. B. Sinha, Shri R. P.
N. Sinha Dinkar, Prof. R. D. Solomon, Shri
P. A. Sur, Shri M. M. Syed Mahmud, Shri.
Tankha, Pandit S. S. N. Tapase, Shri G. D.
Tara Chand, Dr.Tara Ramachandra Sathe,
Shrimati Tariq, Shri A. M. Tayyebulla,
Maulana M. Thanglura, Shri A. Tripathi,
Shri H. V. Uma Nehru, Shrimati. Varma,
Shri B. B. Venkateswara Rao, Shri N.
Vijaivargiya, Shri GoDikvishna. Vyas, Shri
Jai Narain. Wadia, Prof. A. R. Warerkar,
Shri B. V. (Mama). | Yajee, Shri Sheel
Bhadra.

NOES--Nil.

*The motion was adopted by a majority
of the total membership of the House
and by a majority of not less than two-
thirds of the Members present and
voting.*

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

SHRI JAWAHARLAL NEHRU:
Madam, I move:

"That the Bill be passed."

THE DEPUTY CHAIRMAN: The
question is:

"That the Bill be passed."

The House divided.

THE DEPUTY CHAIRMAN: Ayes—176; Noes—Nil.

AYES—176

Abid Ali, Shri.
Agrawal, Shri J. P.
Ahmad, Shri Ansaruddin.
Ahmad, Shri Syed.
Ammanna Raja, Shrimati C.
Anis Kidwai, Shrimati.
Annappurna Devi Thimmareddy, Shrimati.
Anwar, Shri N. M.
Arora, Shri Arjun.
Asthana, Shri L. D.
Atwal, Shri Surjit Singh.
Baharul Islam, Shri.
Bansi Lal, Shri.
Barooah, Shri Lila Dhar.
Basu, Shri Santosh Kumar.
Bedavati Buragohain, Shrimati.
Bharathi, Shrimati K.
Bhargava, Shri B. N.
Bhargava, Shri M. P.
Chakradhar, Shri A.
Chatterji, Shri J. C.
Chaturvedi, Shri B. D.
Chauhan, Shri Nawab Singh.
Chavda, Shri K. S.
Chinnai, Shri Babubhai.
Das, Shri L. N.
Dasgupta, Shri T. M.
Dass, Shri Mahabir.
Deb, Shri S. C.
Deokinandan Narayan, Shri
Desai, Shri Khandubhai K.
Desai, Shri Suresh J.
Deshmukh, Shri R. M.
Devaki (Gopidas), Shrimati.
Dharam Prakash, Dr.
Dikshit, Shri Umashankar.
Doogar, Shri R. S.
Dutt, Shri Krishan.
Dwibedy, Shri Bairagi.
Gaikwad, Shri B. K.
Ghose, Shri Surendra Mohan.
Ghosh, Shri Sudhir.
Gilbert, Shri A. C.
Gopalakrishnan, Shri R.
Gurupada Swamy, Shri M. S.
Hathi, Shri Jaisukhlal.
Iyer, Shri N. Ramakrishna.
Jairamdas Daulatram, Shri.
Joshi, Shri J. H.
Kakati, Shri R. N.
Karmarkar, Shri D. P.
Kasliwal, Shri N. C.
Kathju, Shri P. N.

Keshvanand, Swami.
Khan, Shri Akbar Ali.
Khan, Shri Pir Mohammed.
Khandekar, Shri R. S.
Koya, Shri Muhamed.
Krishnamachari, Shri V. T.
Kulkarni, Shri B. T.
Kumaran, Shri P. K.
Kumbha Ram, Shri.
Kurre, Shri Dayaldas.
Lakshmi Menon, Shrimati.
Lal, Prof. M. B.
Lingam, Shri N. M.
Lohani, Shri I. T.
Mahesh Saran, Shri.
Maiti, Shri N. B.
Mallik, Shri D. C.
Malviya, Shri Ratanlal Kishorilal.
Mani, Shri A. D.
Mathen, Shri Joseph.
Maya Devi Chetty, Shrimati.
Mehta, Shri M. M.
Menon, Shri K. Madhava.
Mishra, Shri S.
Misra, Shri M.
Mitra, Shri P. C.
Mohammad, Chaudhary A.
Mohammad Ibrahim, Hafiz.
Mohanty, Shri Dhananjoy.
Moideen, Shri M. J. J.
Muhammad Ishaque, Shri.
Nafisul Hasan, Shri.
Nagpure, Shri V. T.
Naicker, Shri M. A. M.
Nair, Shri Govindan.
Nandini Satpathy, Shrimati.
Narasimham, Shri K. L.
Narasimha Rao, Dr. K. L.
Neki Ram, Shri.
Pande, Shri C. D.
Pande, Shri T.
Panjhzari, Sardar Raghbir Singh
Parmanand, Dr. Shrimati Seeta
Patel, Shri Dahyabhai V.
Patel, Shri S.
Pathak, Shri G. S.
Patil, Shri P. S.
Patil, Shri Sonusing Dhansing
Pattabiraman, Shri T. S.
Pattanayak, Shri B. C.
Pawar, Shri D. Y.
Pillai, Shri J. S.
Punnaiah, Shri Kota.
Puttappa, Shri Patil.
Rajagopalan, Shri G.

Ramamurti, Shri P. Ramaswamy,
Shri K. S. Ramaul, Shri Shiva
Nand. # Ramesh Chandra, Shri. Rao,
Shri B. Ramakrishna. Ray, Dr. Nihar
Ranj an. Ray, Shri Ramprasanna.
Reddi, Shri J. C. Nagi. Reddy, Shri
K. V. Reddy, Shri N. Narotham.
Reddy, Shri S. Chamna. Reddy,
Shri M. Govinda. Rohatgi, Dr.
Jawaharlal. Ruthnaswamy, Shri M.
Sadiq Ali, Shri. Sahai, Shri Ram.
Saksena, Shri Mohan Lai.
Santhanam, Shri K. Saraogi, Shri
Pannalal. Sarwate, Shri V. V.
Satyacharan, Shri Savnekar, Shri
Baba Saheb. Seeta Yudhvir,
Shrimati Sethi, Shri P. C. Shah, Shri
K. K. Shah, Shri M. C. Shakoor,
Moulana Abdul. Shanta Vasrsht,
Kumari. Sharma, Shri L. Lalit
Madhob. Sharma, Shri Madho Ram.
Sherkhan, Shri Shervani, Shri M. R.
Shetty, Shri B. P. Basappa. Shukla,
Shri M P

Sid ft i_v Dr. M. M. S.
Singh, Shri Anup.
Singh, Thakur Bhanu Pratap.
Singh, Sardar Budh.
Singh, Shri D. P.
Singh, Dr. Gopal.
Singh, Shri Mohan.
Singh, Shri Santokb.
Singh, Shri Vijay.
Sinha, Shri Awadeshwar Prasad.
Sinha, Shri B. K. P.
Sinha, Shri Ganga Sharan.
Sinha, Shri R. B.
Sinha, Shri R. P. N.
Sinha Dinkar, Prof. R. D.
Solomon, Shri P. A.
Sur, Shri M. M.
Syed Mahmud, Shri.
Tankha, Pandit S. S. N.
Tapase, Shri G. D.
Tar_a Chand, Dr.
Tara Ramachandra Sathe, Shrimati
Tariq, Shri A. M.
Tayyebulla, Maulana M.
Thanglura, Shri A.
Tripathi, Shri H. V.
Uma Nehru, Shrimati.
Varma, Shri B. B.
Venkateswara Rao, Shri N.
Vijaivargiya, Shri Gopikrishna
Vyas, Shri Jai Narain.
Wadia, Prof. A. R.
Warerkar, Shri B. V. (Mama).
Yajee, Shri Sheel Bhadra.

NOTES—Nil.

*The motion was adopted by a majority of
the total membership of the House and by a
majority of not less than two-thirds of the
Members present and voting.*

THE DEPUTY CHAIRMAN: The question
is:

"That the Bill to provide for the
formation of the State of Nagaland and for
matters connected therewith, 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 33 and the Schedule were
added to the Bill.*

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

SHEI JAWAHARLAL NEHRU: Madam, I
move:

"That the Bill be passed."

*The question was put and the motion was
adopted.*