

हैं उसको सुनने में मुझे कोई उज्र तो नहीं है, पर मुझे यही डर है कि इसके सम्बन्ध में नहीं होगा ।

श्री रामेश्वरानन्द : मैं इसी के सम्बन्ध में कहूंगा, और कोई दूसरी बात नहीं कहूंगा । प्रथम बात तो यह है कि यह विधान अनेक बार बदला जा चुका है और अब इसको फिर बदलने का यत्न किया जा रहा है ।

अध्यक्ष महोदय : यह दूसरी बात है ।

श्री रामेश्वरानन्द : मेरी बात सुन तो लीजिये । आज जो संशोधन पेश किया जा रहा है वह इसलिये है कि नागालैंड बने और उसके लिये यह यत्न किया जा रहा है कि यह बिल पास हो । मैं कहना चाहता हूं कि अपने बनाये हुए विधान को इस प्रकार बार बार बदलना ठीक नहीं । यह कोई खड़ की नाक तो है नहीं जिसको इस प्रकार बदला जा सकता है ।

दूसरी बात मैं यह कहना चाहता हूं कि एक महत्वपूर्ण विषय सदन के सामने पेश है । इसलिये जो तर्क उपस्थित किये गये हैं उनको हिन्दी में भी बताया जाना चाहिये । यह कोई इंग्लैंड की पार्लियामेंट तो नहीं है ।

अध्यक्ष महोदय : यहां सारा काम अंग्रेजी में होता है इसलिये हम उसकी चर्चा अंग्रेजी में कर सकते हैं । अब आप तशरीफ रखिये । आप कानून में भी दखल देते हैं ।

My intention was that motion might be made of both the Bills after suspending the rules; discussion might be had together of both so far as the consideration stage is concerned. Afterwards, we can put the question to the House first of the Nagaland Bill and then we can put the second after that. That was how I intended to proceed and that is the only procedure we can follow here. So far as suspension is concerned, why should there be objection about that? Sus-

pension might be allowed and we can proceed then taking both together.

Shri Hari Vishnu Kamath: The rule does not apply to the present case.

Mr. Speaker: Now, I put the question. The question is:

"That the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Constitution (Thirteenth Amendment) Bill, 1962 and the State of Nagaland Bill, 1962, be suspended.

The motion was adopted.

Mr. Speaker: The Motion is adopted and the rule suspended.

12.38 hrs.

CONSTITUTION (THIRTEENTH AMENDMENT) BILL AND STATE OF NAGALAND BILL

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Sir, I have followed with great interest the preliminary canter of some hon. Members of the Opposition. I confess that I was impressed by the volume of sound but not by the sense. Because, as you have been pleased to say, these two Bills are wholly and absolutely interdependent. Now, if the hon. Member Shri Hari Kamath's views are to prevail, it becomes impossible for us to deal with the question or give effect to our agreement with the Naga Convention in regard to the Bill. It will be an extraordinary position if an argument is raised on the basis of some rule—I do not think the argument is correct—that we cannot move at all in the direction we want to: that is presuming that this House wants to go that way, but it cannot.

Shri Hem Barua (Gauhati): We have closed that chapter. Why does he make reference to that?

Shri Hari Vishnu Kamath (Hoshangabad): It is irrelevant.

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: I am glad that the hon. Member realises that he is irrelevant.

Shri Hari Vishnu Kamath: Along with you. We share the honours.

Shri Jawaharlal Nehru: You cannot.

It is immaterial to me how at the time of voting, you, Sir, are pleased to get the voting done, whether on the one Bill first or on the other. But the two have to be considered at the consideration stage together, so that hon. Members may be able to deal with, and see, the whole picture and criticise it or try to amend it. Afterwards, we shall naturally take them separately. Now, I beg to move, therefore:

"That the Bill further to amend the Constitution of India be taken into consideration".

Shall I stop now or move the second motion too at the same time?

Mr. Speaker: He may move both the motions formally and then make a common speech on both.

Shri Jawaharlal Nehru: I also beg to move:

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

Shri Hari Vishnu Kamath: On a point of order. Leave has not been granted to move the second Bill, namely the State of Nagaland Bill.

Mr. Speaker: What leave?

Shri Hari Vishnu Kamath: I believe that the motion was made only for the first Bill. Leave must be granted first for the motion on the second Bill.

The Minister of Law (Shri A. K. Sen): That is only at the stage of introduction.

Shri Hari Vishnu Kamath: We cannot consider the Bill unless it is introduced and the next motion is made.

Shri A. K. Sen: There is no necessity for leave for consideration.

Mr. Speaker: I do not quite follow. To what leave is the hon. Member referring?

Shri Hari Vishnu Kamath: The motion must be made first, and then only he can speak on the Bill.

Shri U. M. Trivedi (Mandsaur): He says that the motion has not been moved.

Mr. Speaker: That is what he has done just now.

Shri Hari Vishnu Kamath: We did not hear.

Mr. Speaker: He has just moved the two motions, one after the other, that the two Bills be taken into consideration.

Shri Jawaharlal Nehru: Almost exactly two years ago, I made a statement in this House in regard to Nagaland and in regard to a certain agreement that had been arrived at with the leaders of Nagaland, of the Naga Convention party there, so that what we are doing today is in continuation of that agreement that we came to. It is not an entirely new thing. An agreement was arrived at and it has been acted upon during these two years to the extent it could be, without having an amendment of the Constitution etc.

We would have had this earlier but for the fact that the situation in Nagaland was not normal and has not been normal, as the House very well knows, and we wanted it to approach normality before we took this step. I

do not pretend to say that it is absolutely normal, but, undoubtedly, it is much better now than it has been. And the Provisional Council of Nagaland that was formed as a result of that agreement has been functioning, on the whole, with success. And as they desired that further steps should be taken now, we thought that the time had come for us to implement that agreement of two years ago fully.

In effect, therefore, this House had accepted the basic point that these Bills raise, that is, of Nagaland with certain powers etc., apart from details which are given in the Bills; this House has accepted it, and we have acted upon that for all this period.

Now, I am happy to be able to move this amendment because it is in continuation of the policy that we have followed in regard to Nagaland throughout. We have never relied on using military forces merely to deal with the situation there, although, unhappily, we had to use them because of the activities of certain hostile elements there. We have always made a political approach, the approach to make these people friends and citizens of India. It was in continuation of that that we had these Conventions there which produced ultimately, two and a half years ago or thereabouts, a sixteen-point memorandum which the Nagas themselves brought before us and placed before us, that is, the Naga leaders of that Convention. We accepted it then not fully but we accepted it almost entirely except for some minor changes which we could not give effect to; and the matter was one of agreement between the Government representatives and the members of the Naga People's Convention. I submit that this matter, the basic matter, has been accepted, not in the form of a law, but it was placed before the House and it agreed that in the circumstances that should be done. Now, I am coming forward with detailed provisions to give effect to that agreement arrived at and broadly accepted by this House.

I do not propose to go into the history of what happened in the Naga Hills, because this matter has been before us in various forms, and many questions are asked from time to time. After the transfer of power in 1947, the Naga Hills district and the Tuensang district were incorporated in the North-East Frontier Agency, and they were included in the Sixth Schedule of the Constitution.

Later, some people organised armed resistance, and not only armed resistance, but there was a succession of murders, forcible exactions, arson etc. With great reluctance, we had to take measures, that is, military measures or police measures to deal with the situation. May I say here that our military and police forces and the Assam Rifles have had an exceedingly difficult time there, not difficult in the military sense, but difficult in the sense that they had always to be held back by us so that innocent people might not suffer? It was very difficult. It was not organised armies that we were dealing with but snipers and others. Occasionally, some innocent people did suffer. We are sorry for that. We even took steps to punish those who were guilty, although they might have been innocently guilty, that is, our forces. And yet, in spite of all this, in spite of all the care that we have taken, the kind of propaganda that has been made by Mr. Phizo and some of his lieutenants has been quite extraordinary and quite outrageous in its character.

I cannot guarantee, naturally, that in several years of operations, things have not been done by any individual member of the police or the Army, which are undesirable. We are trying to stop that, and our policy has been that these should not happen, but under the extreme stress and strain of this place, something may have happened; wherever we have found out, we have taken steps against them. But I do wish to pay a tribute to the general behaviour of our Army and the Assam Rifles in these Hills in the face of exceedingly difficult cir-

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circumstances; it is not regular fighting, but picking them off from behind, from bushes, ambushes and the rest.

So, this thing increased. The terrain was very difficult, and there was a frontier also, the frontier with Burma. Later, the hostile Nagas used to retreat on the other side of the frontier where we could not follow them; we could not go into the Burmese territory against the wishes of the Burmese or without their permission, and so, they found shelter there and came back when they could.

Now, this went on for some time when this Convention, to which I have referred, was held. The people of Nagaland became exceedingly weary of the suffering they had to undergo and all the exactions that were made from them by the hostile elements, and they gathered together in a big convention. I think that was the first Convention.

Shri Hem Barua: On the 26th August.

Shri Jawaharlal Nehru: It was in 1957.

Shrimati Renu Chakravartty (Barackpore): 22nd August.

Shri Jawaharlal Nehru: I have not got the exact date; it does not matter. But the first demand they made on us was that the Naga Hills area and the Tuensang Division should be made into a separate unit under the External Affairs Ministry. We acceded to that demand, so that although in theory and constitutionally these areas were still parts of the Assam State, in effect they were separate, made into a separate unit under the External Affairs Ministry, that is, under the Government of India. This has continued since then.

Now, I wish to draw special attention to this fact that this has remained a separate unit, because now that it is proposed to form the State of

Nagaland, it is largely renaming the area plus some powers given to it, Assembly etc. But the unit has been separate for several years. It is not creating a separate unit. It has been separate by the decision of Parliament and it has functioned as such. So that all that these present Bills intend doing is to rename it—in fact, even the naming part has been practically done—and to give it certain autonomy. The separation from Assam took place some years ago.

It was in December 1957 that this was separated and this was accompanied by the general amnesty, for the release of convicts and under-trials responsible for offences against the State. A second Convention of the Naga people was held in May 1958. They went to the extent of appointing a liaison committee to contact and win over the misguided Nagas in support of the Convention's policy of securing the maximum autonomy for the areas inhabited by the Nagas in order that they can share the responsibilities of the government of Nagaland.

This effort, however, did not meet with success. Then a third Convention was held at Mokokchung in October 1958 and this prepared the 16-point memorandum for the consideration of Government. Their main demand was for the constitution of a separate State within the Indian Union to be known as Nagaland. Then a delegation came under the leadership of Dr. Imkongliba Ao, President of the Convention, and met me, two years ago, in July 1960. That resulted in this agreement, and subsequently the matter being placed before Parliament. A Council was formed and during the last two years it has been functioning as a preliminary to the changeover; progressively, the Governor, although in law he had authority, has acted in accordance with the wishes of the Council of the Nagas.

The House may remember the tragedy when that great leader of the Nagas, Dr. Imkongliba Ao, was shot down by some of the hostiles. That

itself indicates the kind of people the hostiles are—shooting down one of their own great leaders who himself had at one time supported them earlier but had subsequently found that this would lead to no results, and had worked for an agreement and for peace and harmony there.

In the agreement that was arrived at, there was a transitional period, as desired by the Naga leaders themselves, during which an Interim Body consisting of 45 members chosen from the tribes of Nagaland and a Council of not more than 5 members from the Interim Body were to be constituted, to assist and advise the Governor in the administration of Nagaland. These interim arrangements were brought into force and had been functioning satisfactorily. Elections to the village, range and tribal councils had been held and the administration of Nagaland has increasingly become the responsibility of the representatives of the Naga people themselves.

Apart from the desirability of this change on the merits, it is something to which we are completely committed. I would submit that even this Parliament is committed to it, apart from the minor points of it, and any hesitation in giving effect to it will not have good results; it will show that we give our word and cannot keep it, which is not a good thing for a government and certainly not for Parliament.

The State of Nagaland Bill we are considering has certain special provisions. One is that for the time being the Governor will have special powers in regard to law and order and finance, but as soon as the situation is normal, that will not be so. That can be declared by the President. I may add that all those special clauses have been made by the Naga leaders. As for finances, the actual income of Nagaland is very little at present. It could be more, but it is little. The Government of India has been spending a large sum of money in welfare schemes, and we thought that the

Governor should have special powers to see that the finances were not misused.

These are the two temporary powers that he is given. As soon as the situation improves, the Ministry which will be in existence in Nagaland will be in charge completely.

But there is one part of this State of Nagaland, which is the Tuensang Division or District. That has been treated separately, not because we wanted to treat it separately but because the Tuensang representatives wanted it to be treated separately and the Naga representatives who had come to that Convention agreed with that. This area is some what more backward than the other two districts of Nagaland. Therefore, it has been decided that this area will have a Regional Council, and the Governor will play a little greater part in that area for the first ten years, the period being shortened if need arises.

I should like to stress that this proviso about the Tuensang district is not of our seeking. We agreed to it because the representatives of Tuensang and the representatives of the Nagas put it forward, and we thought it was a proper provision to make for the future, because conditions are different, and they were a little afraid, that is the people of Tuensang, that their interests might not be properly looked after otherwise.

13 hrs.

It is proposed that the Governor of Nagaland will also be the Governor of Assam, or the other way about, the Governor of Assam will be the Governor of Nagaland; that is, he will be there not as Governor of Assam, but as Governor of Nagaland.

Also, it is too cumbersome a procedure to have another High Court. The High Court of Assam will continue to function for Nagaland.

I do not wish to go into further details of this. Naturally, in forming a

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State with all kinds of special provisions, the Bills are rather lengthy. For instance, we do not wish to interfere with their tribal customs, tribal ways of justice, and therefore, we have left these tribal laws in tact, and their tribal councils will deal with them; and an exception has been made about that, as well as about transfer of land.

Thus, by these Bills, we do an important part, that is add to the number of autonomous States of the Indian Union. The State is a small one; and the State, for the time being, will have certain restrictions on its autonomy in regard to law and order and finance, and certain special provisions in regard to the Tuensang District. Otherwise, it will be a full State of the Union, and in course of time, I hope as the situation returns to normality, it will have all the other powers of the States of the Indian Union.

I think that considering the background that we have had, and the trouble we have had in this area, it is a happy consummation that we solve it not purely by military means, but by this political and friendly approach, making them equal partners in this Union of India to all the other States and to ourselves. I beg to move.

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष महोदय, हिन्दी में भी जहाँ समझा दीजिये क्योंकि यह क महत्वपूर्ण विषय है। हमारे प्रधान मंत्री जी हिन्दी भी जानते हैं और वह हिन्दी में भी समझा सकते हैं। बिना इस को समझे हुए हम कैसे इस के पक्ष में अथवा विपक्ष में मत दे सकेंगे ?

अध्यक्ष महोदय : मैं ने आप से पहले भी एक दो बार कहा है कि थोड़ी सी मदद जो आप प्रधान मंत्री जी से मांगते हैं, आप अपने साथ बैठे हुए किसी माननीय सदस्य से भी मांग लें।

श्री रामेश्वरानन्द : आप से मांग रहा हूँ लेकिन आप देने नहीं हैं।

अध्यक्ष महोदय : सारी चीज का तजुमा करना मेरे लिए मशकिल होगा।

श्री रामेश्वरानन्द : आपके सामने हम भी बैठे हैं और हमारी कठिनाई को भी आपको अनुभव करना चाहिये। कैसे हम अपना मत दे सकेंगे जबकि इसको हम समझ ही नहीं पाये हैं। ऐसी बात नहीं है कि मैं अकेला ही नहीं समझा हूँ बल्कि और भी कई माननीय सदस्य हैं जो इसको समझे नहीं हैं।

अध्यक्ष महोदय : ऐसा करना हमें ग्राही सम्भव नहीं होता है। यह चीज पहले से ही चली आ रही है, पहले से ही ये अंग्रेजी में मूव होते आ रहे हैं। हम ने आहिस्ता आहिस्ता हिन्दी की तरफ जाना है। जहाँ तक हम पहुँचे हैं उसमें आगे जाने का हम यत्न कर रहे हैं।

जो बिल पेश किया गया है, उसको आपने पढ़ा ही होगा और उसको समझने की कोशिश की ही होगी। उन्होंने बताया है कि एक असें से १९५७ से उनको वैसे तो हक दे चुके हैं और वैसे वे करते चले आये हैं तमाम हक़ का इस्तेमाल करते चले आये हैं। मगर अब उनको एक अलहदा नाम देना है और कुछ ताकत देनी है। यह इसका मकसद है और इसी चीज को भाँपने रखते हुए उन्होंने इस बिल को पेश किया जोकि आपके सामने है।

श्री रामेश्वरानन्द : आवश्यकता क्या पड़ गई, यह नहीं बनाया आपने।

Mr. Speaker: Order, order. Now Swamiji would allow me to proceed. Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

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