

[*Sh. S.B. Chavan*]

A number of police personnel were injured. 13 civilians also lost their lives. About 32,000 people were displaced. In the view of the Central Government, these clashes between the Police Forces of the two States are most unfortunate and distressing. We are very much concerned that such armed clashes should have taken place at all. We are determined to see that there is no repetition of such unfortunate incidents. The Government have decided to appoint a Commission of Inquiry under the Commission of Inquiry Act 1952 to fully go into the facts pertaining to these clashes and to probe into the conduct of the officials of the two States and also to fix the responsibility.

We are also keen that these long-standing border dispute should be resolved through discussions and consultations. To that end we are currently holding consultations with the Chief Ministers of the two States with a view to working out a modality towards finding a permanent solution to the dispute.

MR. DEPUTY SPEAKER : We will continue this after Lunch.

13.03 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER *in the Chair*]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Armed clashes on Assam—Nagaland Border between Assam Police and Nagaland Police—contd.

[*Translation*]

SHRI LALIT MAKEN (South Delhi) : Mr. Deputy Speaker, Sir, in a clash between the Nagaland Police and the Assam Police, a number of persons were killed. This is an unusual situation. Outwardly, it does not appear to be a border dispute between the two States but a conflict between two countries. The way the firing was exchanged there, people were killed and bombs were hurled, it seems that

it is not a clash between States but a conflict between two nations, i.e., India and Pakistan or India and China.

The dispute is not fresh, but a long-standing one. The first clash took place in 1972 in which not only firing took place but mortars and stenguns were also used. A number of persons were killed at that time.

In the year 1979, some people of one of the States came shouting and attacked a village in which 180 persons were killed. After this on 5th and 6th June, 1985 probably four of our officers were killed by them. Instead of resolving the matter through talks, under their very nose firing took place on 5th and 6th June and about 35 persons were killed and 200 persons were injured.

After this, as the hon. Home Minister has stated, an agreement was reached on 7th June that this firing will be stopped but it is a matter of surprise that on the 8th June, the next day, after exactly 24 hours, 150 houses were set on fire and about 50,000 people had to flee abandoning their homes.

Probably the Chief Ministers of concerned States were called to Delhi and talks were held. It appeared as if the matter would be resolved and there would not be any further bloodshed, but on 9th July again, three houses were set on fire.

The most question is who is responsible for it? It is very strange, as we have read in the newspapers that the Police of one of the States entered 200 meters inside the territory of the other State and established a police-post and put up a wire fencing there. I would like to know who gave them the permission for setting up police post? Did they establish the police-post and put up the wire fencing on their own or did some leader, officer or Minister tell them to do so? Who asked them to set up a police post there.

The Government of the other State, in whose territory the police post was set up, instead of taking up the matter with the concerned State, ordered the demolition of the police post. All these things are happening in a way as if the people of China had entered our territory and

occupied our land and then we threw them out after inflicting a crushing defeat.

There were press reports to the effect that officers of one of the States posted at the border were arrested by the policemen of the other State. This is a strange situation. This situation does not exist on the border of India—Pakistan, India—China or India—Bangladesh but it is within the country itself that officers of one State posted at the border are arrested by the police of another State. The question is why this is happening and at whose instance and instigation this is taking place and who is responsible for it? It is very difficult to believe that without the help and backing of Government and leaders of that State, the policemen became so bold as to resort to firing and killing people at will. The persons belonging to a particular tribe, which I do not want to name, are involved. I am not prepared to believe that persons belonging to a particular tribe, without the help of the Police, entered the village, set 150 houses on fire and compelled 50,000 persons to flee their homes.

Perhaps the possibility is that some persons want to establish their leadership by advocating a narrow and parochial outlook among the people and with this end in view, they want to show that they are very brave and that their land is under dispute and they will reoccupy their land. There are 11 reserve forests on which Nagaland has staked its claim and another 12 thousand kilometres stretch is under dispute. Is it not the case that these persons are shedding the blood of their own countrymen just to show the people of their area that they would not yield even an inch of their land? This thing is happening in a country like India. I do not think that this problem should turn into a dispute; on the contrary this is a fundamental question which requires serious consideration. You must devise some method to deal with the criminals who were involved in the bloodshed. There are no two opinions that Government should hold talks and find out some solution to the problem. But the policemen who set the houses of those people on fire and killed them should not be spared at any cost. It would be no solution to let off the criminals on the plea that we should be flexible in our attitude;

it would rather complicate the situation. In this case stern action should be taken against the persons who issued orders to the police to intrude into the territory up to 200 metres and set up a police post there and also ordered the killings, irrespective of the fact whether such a person is a big leader or a high police officer. If we try to shield them, then the problem, instead of being solved, will become more complicated. So I demand from Government that they should be very firm in taking action in this matter. Such officers should not be allowed to take the Jaw into their hands and undermine the Constitution. No Government, no State Government, no Police officer, and no leader has the right to solve boundary dispute with the help of guns. As far as the solution to this problem is concerned, I want that Government should, of course, be flexible in its approach but cases should be registered against those who are criminals, those who were involved in murders and bloodshed whether he is a leader or a Minister or a police officer, and they should be put behind bars.

Besides, the hon. Home Minister has referred to a Commission. Regarding this, I have to say that if solution to the problems is to be found through Commissions, then no problem will be solved. If a Commission is appointed then the Government of Nagaland and Assam will come up with papers to support their case. The people of Nagaland and Assam will also present proofs to show that the land belonged to them 100 to 200 years ago. This will create a situation in which you will not be able to solve the problem.

Earlier also, an inquiry was instituted under the Chairmanship of Mr. Sundaram in 1972. The inquiry was completed in about four years. When Mr. Sundaram submitted his inquiry report, the Nagaland Government refused to accept it. That report was not published. So, if a Commission is appointed now and asked to find a solution of the problem then it will meet the same fate which the Sundaram report met 10 or 12 years ago. If a solution to the problem pertaining to Assam and Nagaland is to be found, then it can be achieved through political efforts. For this purpose it is

[*Sh. Lalit Maken*]

necessary to form a Committee comprising 3 to 4 important persons. The Home Minister can be included in it. The members of the Committee should be such as whose credibility is not in doubt and who want to maintain the unity and integrity of the country and remain above narrow considerations. That Committee should try to find a political solution to the problem after holding talks with Governments of Nagaland and Assam in the same way as is being done to resolve the Punjab problem. Had the issue of Punjab been handed over to the Supreme Court or to some Commission then I can say with authority that the situation which is developing now would never have taken place. The Prime Minister, the Home Minister and the other officials took interest in the matter and we have reached a stage where the solution of the Punjab tangle appears to be in sight. The Commission will not be able to find a solution to the dispute between Nagaland and Assam which has been there for two decades and which had resulted in bloodshed, in the same way as a solution to the Punjab problem is being found. So I want that a Committee should be appointed in which the Home Minister and three or four other important leaders should be included as is being done in the case of the Punjab problem. It should hold talks with both the parties to sort out the problem. It should not have any formal position.

I would like to ask two questions from the hon. Home Minister Firstly, how many persons were arrested and how many persons were prosecuted in connection with the exchange of fire which took place on 5th and 6th June in which about 35 persons were killed? If this matter is simply referred to some Commission, it would mean giving refuge to criminals and giving them a hint that as we are seeking a political solution, they can kill as many persons as they like. You can seek a solution to the problem, but I would like to know how many persons involved in the bloodshed were arrested and the number of persons against whom cases have been registered under section 302.

My second question is that it has been mentioned in the report of the hon. Home Minister that most of the persons who were uprooted from their homes and who became refugees have returned to their homes but,

according to the press reports, thousands of persons are not prepared to return to their homes even now. They are too scared, They do not believe that Government are capable of solving the problem. They are not ready to return even today. I want to know how many persons have not left the relief camps. What is the number of those people who instead of going back to their homes are residing with their relatives? All people had not gone to the relief camps. I want to make it clear. Some people were in relief camps and some had been putting up with their relatives. We are not prepared to accept that relief camps have been vacated completely and all the people have gone back to their homes. We want to know the number of persons who had gone back to their homes.

The third and the last question is whether the Home Minister proposes to set up a Committee. In order to solve this problem, a committee should be set up, instead of a Commission, consisting of the Home Minister and other big leaders. And also does he propose to solve this issue by holding talks with Government and representatives of both the States?

SHRI S.B. CHAVAN : Mr. Deputy Speaker, Sir, I have already stated in my statement that it is unfortunate that armed clashes took place between the police forces of the two States. It is true that efforts should be made by both the Governments to come to an agreement. Every effort has been made in this regard. In 1972, four agreements were concluded and some action was initiated on the basis of these agreements. Due to lack of full information, the hon. Member might have said that the Sundaram Commission was an Enquiry Commission. It was not a Commission at all. He was an Adviser. He went there and made investigation into the entire case and assisted the the Home Ministry about how this issue could be solved. He had gone into the details of every aspect in Nagaland and Assam and had advised both the governments to find out an amicable solution. He expressed his views about the extent to which he could go. But the recommendations of such a committee or officers are not binding. They can only advise them instead of resorting to confrontation, a peaceful solution may be found. He also advised them about the help which could

be provided in this regard. Now there is a little confusion because the commission to which I have referred to is a fact finding commission and it has not been entrusted with the responsibility of finding a political solution. It will be a fact-finding commission only, whose job is to ascertain why a clash has taken place between the two States particularly when an agreement was reached between the officers of the two States that with a view to normalise the situation, firing would not be resorted to. I shall ascertain why firing was resorted to in spite of this agreement and which officer ordered the firing and on what authority. Unless all these things are enquired into, it will not be proper for me to apportion the blame on Nagaland or Assam. I shall make full investigation into it. Mr. Deputy Speaker, Sir, through you I would like to assure the House that after enquiry if we come to know that a particular person, howsoever highly placed he may be, is involved in it, then proper action will be taken against him. The question of shielding anybody does not arise at all. Even if any big police officer or any political person is found involved in it, he will not be shielded. At present, we are getting conflicting reports from Nagaland and Assam. That is why we are waiting for the report of this fact-finding commission. It is only a fact-finding commission. That is why I feel that no difficulty is likely to be experienced by it. I am, therefore, not in a position to say at this stage about the number of persons against whom prosecutions were launched in connection with firing because unless the report of the fact-finding commission is received, the question of initiating action against anybody does not arise.

SHRI LALIT MAKEN : I had asked about the number of persons arrested in this connection.

SHRI S.B. CHAVAN : If we try to take such action before getting the report of the commission, then the very purpose of appointing the commission will be defeated. The job of the fact-finding Commission is to ascertain who is *prima facie* involved in it and which officer did so and on what authority. Unless we get this information, we cannot arrest anybody and the question of prosecution does not arise at all.

Secondly, a reference has been made about the newspaper report in which it has been said that I said two different things during the last two days. But I have got an authentic report on the basis of which I can say that out of 32,000 or 32,500 displaced persons, about 28,000 or 29,000 persons have already gone back. It is possible that about 2,000 to 3,000 persons are still there. This figure includes not only the persons living in the camps but also the persons who had settled there and who are now not there. They have been given the guarantee that rehabilitation work will be completed properly and every effort will be made to protect them. In this way rehabilitation work is in progress there.

I think that this is the information which the hon. Member had sought and I have made the position clear on the basis of the information available with me.

SHRI LALIT MAKEN: Mr. Deputy Speaker, Sir, I had also asked whether he proposes to set up a committee consisting of the Home Minister himself and the other leaders, which may try to find a political solution after holding talks with both the governments?

SHRI S.B. CHAVAN: Mr. Deputy Speaker, Sir, a political solution is to be found. Unless both the Governments accept it, nothing will happen, no matter whether the Home Minister is the Chairman of this Committee. It will meet the same fate which the Sundaram Committee met. We are persuading both the Chief Ministers and are trying to appoint a person acceptable to both of them to head the commission. We will first ascertain from both of them whether they will accept this findings or not. After that we shall be able to take a decision in this regard. But the first thing is that both the governments must agree to it. If they do not agree to it, then it is not an easy job to find out a political solution to this issue.

[*English*]

MR. DEPUTY SPEAKER: Dr. A.K. Patel.

SHRI LALIT MAKEN: Just one small clarification, Sir.

MR. DEPUTY SPEAKER: He has already replied to so many questions. I have to give chance to others also.

SHRI LALIT MAKEN: This is my last question.

The Home Minister has said just now that unless and until both the Chief Ministers and both the Governments agree, nobody can settle this dispute. Suppose they do not agree, is the Government going to remain a silent spectator and allow the massacre to go on. We want an assurance that if there is again a clash, government will come down with a heavy hand.

SHRI S.B. CHAVAN: I think I have made the position absolutely clear. I have no mechanism under the present circumstances by which we can impose any decision howsoever powerful the committee we may appoint if they were to arrive at a political solution if both the State Governments were not agreed. I do not think that the Central Government can take this kind of attitude. At least I have not given up the hope. I feel quite confident that I will be able to persuade both the Chief Ministers to come to an agreed solution.

DR. A.K. PATEL (Mehsana): Every year the month of June is a month of disaster for our country. About a decade ago in the month of June emergency was clamped. Last year in the month of June the Blue-star Operation took place. This year in the month of June on the 4th the country witnessed a violent clash between the Police forces of Nagaland and Assam over Merapani.

This border dispute between Assam and Nagaland is a very old problem and Government could have solved it very easily because the ruling party is in power in both the States. But, I think the Centre is not prepared to displease anybody and that is why the problem is pending since long.. *(Interruptions)* They only talk of unity but do not practise it.

I would like to draw your attention to the fact that the Merapani clash is a very serious matter. The loss of property and lives is very high. According to official figure, 58 people are alleged to have died in

the firing but the actual figure may be many more. More important thing is that it is a clash between the police forces of two constituent States of the same nation.

Then according to press reports Nagaland police were alleged to have used 3 "mortars and other weapons which are usually with the military. To the question arises: from where did they get these things? If they were brought from outside the country, the matter is still more serious. Or did they get them from the Naga guerillas? This matter should be thoroughly investigated and effective steps should be taken.

About casualties, it is said that 50,000 people were made homeless and 58 people died. This is very serious and government should take steps to prevent any recurrence.

I heard the speech of the hon. Home Minister and I have read his reply very carefully. I would like to ask Hon. Home Minister if they had any prior information about tension mounting up before the clash took place? And if so why steps were not taken in time to prevent it. Then about the weapons used, the matter should be thoroughly investigated and remedial steps taken.

I think, it is very high time to solve this dispute. This Commission and other things are not going to solve the problem. They will actually delay. Let the respective Chief Ministers be called and from the Centre higher authority should talk with them and settle the problem as early as possible.

SHRI S.B. CHAVAN: Sir, the hon. Member has raised two points. One is about the type of weapons which were used by both the armed forces—the armed constabulary of Nagaland and Assam. Secondly, whether the underground insurgents have been responsible for providing them with weapons which, in fact, armed police is not supposed to use.

SHRI INDRAJIT GUPTA (Basirhat): BSF has get the weapons.

SHRI S.B. CHAVAN: Sir, so far as government's information is concerned, nothing of the type has happened. The arms which were to be provided to both the constabularies, I do not think, they have exceed-

ed their limit. The arms which were supplied to them have been used. There is no doubt about it.

SHRI INDRAJIT GUPTA: BSF did not participate:

SHRI S.B. CHAVAN: It was the allegation in some of the newspapers that some of the BSF personnel or even the CRPF personnel were also used by each side which, in fact, is not borne out by facts. There might be one incident on the side of Assam where when Nagas tried to attack CRPF personal who had their camp there in self-defence they had to fire but in which according to my information, there was no casualty as such. Thereafter they were asked to go out of this area and leave them alone.

So, the reports which have been given that weapons which normally the armed constabulary is not supposed to use have been used in this confrontation, at least so far as Government's reports are concerned, they are not borne out by the facts but if the Commission is to come to this conclusion that the correct report has not been given to the Central Government then it is a totally different matter but as far as my information goes nothing of the type happened.

I am in full agreement that political solution needs to be found of this issue. This has been going on right from the British days. In 1925 part of this was Nagaland hill district. They have been using definite nomenclature. It was taken away from that. Even according to the 1962 Act this was part of Assam, So, the Nagas have been claiming part of this territory which according to 1962 Act does not belong to Nagaland. The dispute is there. But this is not the method by which any border dispute can be settled.

Sir, we had the information on 28th. When I got the information I sent the wireless messages both to the Chief Ministers of Nagaland and Assam. Wireless messages were also sent to the Governors of both the States requesting them to diffuse the tension which was building up and see that amicable solution is found. Further, if they cannot find a political solution then at least see that the tension which was, in fact, built up in that

area is diffused. We were apprehensive that this might lead to a clash. That is why repeatedly—three times—I had requested both the Chief Ministers to come together and discuss the issue and see that the whole thing is diffused. Unfortunately, after the Chief Ministers agreed subsequent events happened due to which when they were supposed to meet at Gauhati they were unable to meet and they had to meet at Imphal. It took about three days to meet at Imphal and meanwhile this clash took place which is a very unfortunate thing. There is no doubt about it.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): Sir, I do not want to make any statement on the subject. My friend, Shri Lalit Maken has given a detailed account on this. But I think that this is a serious matter and a matter of great concern. This is a long standing dispute and it is really unfortunate that we have not been able to solve this dispute. The States have had armed interventions or armed clashes for solving this dispute and both these States are in the Indian union and the Union Minister should use his good offices for solving the dispute. I find from the statement that the Union Home Minister has been sending them advice from time to time. On the 28th March, the Union Home Minister rang up the Chief Ministers to ensure peace between the two States and no clashes should take place. Again on 28th May, he did the same thing. But unfortunately his advice has fallen on deaf ears and it is all the more strange and a matter of great anxiety that when the representative of the Home Ministry was present in a meeting at Dinapur the actual clashes took place on a war footing and as my friend, Mr. Lalit Maken said that mortars and lethal weapons were used causing casualties on a large scale and uprooting a large population of about 30,000.

Sir, I would like to know from the Government whether the Forest Minister of Nagaland had actually made a statement at Mokokchung Town Hall on 5th June and called upon people to support the war effort of Nagaland Government against Assam. If this so, what steps the Government proposes to take against the Forest Minister? Has any enquiry been made of the Chief

[*Sh. Satyendra Narayan*]

Minister of the State? Secondly I would like to know whether Nagaland Police has captured a number of crates of arms and ammunitions from the Assam Police headquarters near the border and that these crates have not been accounted for. Have they been passed on to some underground elements in Nagaland? I would like to know whether any enquiry or Commission will go into this question.

Then, Sir, as I said this dispute has been going on since 1945. Actually when the clash took place in 1979 in which 59 people lost their lives, the then Janata Government took a serious note of the incident and asked the Chief Ministers of both the States to resolve the dispute. But what happened thereafter? Nothing tangible took place and so far all efforts to bring the two Chief Ministers together in order to settle the dispute have proved futile. It is also reported that the Chief Minister of Nagaland is reported to have said that they would not have taken this step if those areas had not been occupied by foreigners. It means that the Chief Minister of Nagaland meant to say that the Assam Chief Minister or the Assam Government had actually allowed encouraged the Nepalese or refugees from neighbouring States to go and occupy the Forest areas and settle down there and act as a buffer State between Nagaland and Assam State.

Mr. Jamir's statement was that he would not have objected if the area had not been occupied for foreigners. Is it a fact that Nepalees or refugees from Bangladesh have been encouraged to go and settle down there, which has acted as a provocation to the Nagaland people?

What concrete steps have been taken to bring about a solution of the dispute? I have gone through this statement and it appears that only an advice has been tendered and so far nothing concrete has emerged and it has not been possible to produce any visible impact on the Chief Ministers. The House is naturally worried about this question and would not trust only the good offices of the two Chief Ministers. Therefore, I would like to know from the Home Minister whether he proposes to appoint a mini States Reorganization Commission to settle this border dispute, because Sundaram report

to the Home Ministry, or his recommendations were not accepted by either of the Government, and therefore, it was put on the shelf and it is gathering dust even now. No solution has been found so far. I agree with the Home Minister that he would talk to the Chief Minister of the two States and ask them to agree on somebody whose award or decision would be binding on them. Such a person should head the mini-States Reorganization Commission and make recommendations as soon as possible, so that this pestering sore could be opened and healed.

I endorse the view of my friend that this Commission of Enquiry which has been appointed will go into the question and find out which side had taken the initiative and who are the guilty persons, and whether the Government was behind this kind of clashes. All these facts will be brought out by this Commission of Enquiry and proper steps will be taken. The Home Minister has already assured us that appropriate steps will be taken even against high-ups, if they are found guilty. I would like to know whether a person mutually acceptable to both the Chief Ministers to head mini States Reorganization Commission would be appointed to make recommendations for a solution of this problem.

SHRI S.B. CHAVAN: I would take the last item first, and that is about the suggestion made by the hon. Member that a mini States Reorganization Commission needs to be appointed for finding a solution to this problem. I do not think that any mini States Reorganization Commission is required for settling a border dispute between the two States, if they are able to come to an understanding.

SHRI SATYENDRA NARAYAN SINHA: But it has defied solution.

SHRI S.B. CHAVAN: It has defied solution, because everybody would like to have a solution in his own way. They are always prepared to accept it otherwise,

SHRI INDRAJIT GUPTA: All disputes are like that.

SHRI S.B. CHAVAN: If they can possibly come to an agreed person, who according to both of them, is impartial.

objective, helpful to both the sides, he will try to find a fair and good solution under the circumstances, I do not think that the problem is so difficult that it is not possible for us to find a solution. But at the same time, personnel of this Commission should be agreed to between the two parties. If both the sides were to agree that they will accept these recommendations as a kind of award which is binding on both the parties, then there will be no difficulty.

If they are prepared to take that decision then of course, there is nothing like it. But we are still discussing with them and I feel quite confident that we will be able to persuade both the parties to find a person acceptable to both.

Sir, a point was made that some Forest Minister of Nagaland seemed to have made some kind of an instigating statement requesting the local people to support the police personnel who seemed to have been engaged in a warlike situation with the neighbouring State. I would not like to make any commitment at least at this stage. We have not yet received any report. But if it is substantiated by any findings, then of course, it will be brought to the notice of the Prime Minister and whatever political steps are necessary thereafter, they will definitely be taken. At this stage, I would not like to say anything more on this.

It is true that the Nagaland police has been able to capture a huge quantity of arms and ammunition. The Assam Police Force seemed to have left quite a good quantity of weapons, ammunition and other things which were captured by Nagaland police. We have requested the Assam Government to give a total list of arms and ammunition which they have left and we have also requested the Nagaland police to give us information as to how much they have been able to recover out of it. A substantial quantity has been recovered and there are some weapons which are still to be traced and recovered. If they were to fall into the hands of those under-ground Nagas, it is [not going to create problems for others, but mostly it is going to create problems for Nagaland and for the country as a whole. That is why, I am specially impressing upon the Chief Minister of Nagaland that this is a serious matter and that he has to take it

seriously and see that every weapon is properly accounted for, whatever it may be. Information has been exchanged between the two State Governments and I am sure they are after it. As soon as the information becomes available, it should be possible for us to find out whether any of the weapons have gone into the hands of the underground Nagas who, as the situation prevails, have been creating quite a problem in that area.

Sir, on the border of this Merapani area, a mixed population has been living there. The local Assamese people are there, some tribals are also there, some refugees are also there and some Muslims have also gone and settled there. So, it is a kind of a mixed population and I do not think that any State Government can possibly say as to what kind of population should be on their border. Ultimately, those who have been living in the area are bound to be there and it cannot be a source of any kind of a provocation for any of the State Government to justify their action that they must be taking under these circumstances.

Sir, about the Mini States' Reorganisation Commission, as the hon. member wanted, I have given the information. I do not think that I should say anything. It is true that this border problem has been defying solution for the last so many years and that is why it becomes all the more serious. If both the Chief Ministers, both the State Governments were to come to an agreement in finding a proper third person and give him powers of an arbitrator, I think that will be the best solution under the circumstances. But I have still not come to that conclusion. I am still discussing with them and I have to find out whether they are going to accept or not accept the recommendations of such a Commission.

[*Translation*]

SHRI MOHD. MAHFOOJ ALI KHAN (Etah): Mr. Deputy Speaker, Sir, much has been said in this connection. It is a matter of regret that despite Congress (I) Governments at the centre and in Assam and Nagaland, this dispute could not be solved so far. To what extent is it true that our Armed Forces are fighting among themselves over the internal boundary disputes? Our Armed Forces should be used to meet the

[*Sh. Mohd. Mahfooj Ali Khan*]

challenges from Pakistan and China and not for internal matters. People are fighting there and are resorting to bloodshed. Shri Maken has stated just now the number of persons rendered homeless and the fate they met. It is the weakness of the Central Government that even a border dispute cannot be settled by the Punjab problem and other issues are still pending. I would like to know from the hon. Minister what action has been taken against the local I.G., D.I.G. and other officers. The two Forces are fighting with each other and people are being killed. You should prevent it. During the British regime also, the Nagas had behaved like this and excesses were committed on the Assamese and they became homeless. I do not want to say much as detailed discussion has already taken place here. A Commission was also set up but to no use. I would like to request the Home Minister to find a permanent solution to this dispute. No purpose will be served by appointing a commission. I would like to know what action has been taken against the local officers and how this border dispute is proposed to be solved. Other disputes are also there. Mr. Maken has rightly said that a Commission should be set up under the chairmanship of the hon. Home Minister. The politicians should also be associated with it.

SHRI S.B. CHAVAN: Mr. Deputy Speaker, Sir, all the points have been covered in the reply given by me just now. It is regrettable that the police forces of the two States resorted to such an action against each other over a border dispute. We feel that the action resorted to by them does not behove any uniformed Force. If I.G., D.I.G., D.C. and S.P. are involved in this action, we are appointing a fact-finding commission to go into this matter. It will make an indepth investigation into the matter and fix responsibilities. If we receive a report to the effect that some officer has exceeded his authority, Government will not hesitate to take action against him. It is another thing that I.G., D.I.G., D.C. and S.P. of both the areas might be directly or indirectly linked with such a conflict. We have asked the State Governments concerned to transfer these officers. Further action will be taken after receipt of the report of the Commission. The

immediates steps to be taken is to transfer the persons, suspected to be involved in this conflict. Seasoned and broad-minded persons should be posted there. We have advised them that this step would be very helpful.

SHRI ZAINUL BASHER (Ghazipur): Mr. Deputy Speaker, Sir, armed clash between two States of any country is a very serious matter. I am pained to note that the hon. Minister of Home Affairs is not treating this matter with the seriousness which it merits. If two States are at war with each other, if the Police Forces of two States exchange fire resulting in large scale casualties, then what is the responsibility of the Central Government? Was the incident which took place between 4th and 6th June, a sudden development or did the Central Government have any prior information about it? Did you receive any information from your intelligence agency that armed clash could take place between these two States? If the Central Government had received any such information, what action was taken by them to prevent it? If any two States decide to sort out matters through armed clash, can the Central Government resort to armed intervention or not? You could have sent the Central Police there and, if need be, the Army could have been deployed there. Mr. Deputy Speaker, Sir, the responsibility of the Central Government does not end with simply advising the two Chief Ministers to put an end to the bloodshed and armed conflict. Such an incident should not have taken place. If the discontent simmering unnoticed, our Home Ministry and the Home Minister should have had prior information about it. If they had no such information, then we can say that once again, our intelligence agency has failed.

The occurrence of such an incident is a serious matter. It will not be a good thing if we happen to read in tomorrow's newspapers that Assam and Nagaland have once again clashed or Punjab and Haryana have also clashed. We have seen that the Police Forces of Uttar Pradesh and Bihar are also ready for confrontation. Fortunately, there has not been any exchange of fire so far, but we know that the police forces of both the sides are ready to exchange fire. What will happen to the integrity and unity of this country, if such confrontation and armed clashes are resorted to? How can the

integrity and unity of this country be maintained?

I, therefore, do not appreciate the step of the Home Minister that he has advised both the Chief Ministers and he will call both of them and will persuade them to reach an agreement because such types of talks have been going on there for long. It is not a new dispute. It has been there even during the British regime when some forest land of Sibsagar and Nowgong districts of Nagaland was transferred to Assam. It is a longstanding demand of the people of Nagaland and whenever Naga representatives held talks with the Government of India, they always pleaded for transfer of this forest land to Nagaland. This matter had been hanging for the last 20 to 25 years and it could not be solved so far. I do not know how it will be solved now. In 1979 also, there was an armed conflict between the two States. Prior to that also, an armed conflict had taken place and now a conflict has taken place for the third time. Nothing can be said now whether there would be recurrence or not. Such things are developing in other States also. In some States there is boundary dispute whereas in others there is the river-water dispute. There is a dispute between two States on certain other issues also. It is high time that the Government of India should appoint a standing commission or tribunal to hear the States involved and settle boundary disputes and its decision should be final.

15.00 hrs.

It is now necessary to set up such a commission and there is no need to hold bilateral talks as are held between India and Pakistan or between India and China as it is not an international issue. It is an internal issue. This issue should not be allowed to assume such serious proportion that it may lead to bloodshed. I would, therefore, like to know from the hon. Home Minister whether time has not come for setting up such type of a permanent institution. Whatever name is given to it, it should be autonomous and it should have full powers to hear both the States and the Centre and to give final decision which must be binding on both the State Governments and the Central Government. Does

the hon. Home Minister propose to set up such an agency or institution? Such a demand is being made in the country for long.

A consensus can be reached with the opposition parties on this issue and if all are of the unanimous view that such an institution can be set up, whose verdict would be final and binding on all, only then such matters can be resolved. Otherwise, Mr. Deputy Speaker, Sir, I am pained to say that such issues will become further complicated.

The hon. Home Minister has said that everybody wants a decision in his favour, but it is not possible. There must be a spirit of give and take. Unless a give-and-take policy is followed, such matters cannot be resolved.

Mr. Deputy Speaker, Sir, I do not want to make a long speech. I want to know two things which I had asked earlier also. Did the hon. Home Minister have prior information about it? If so, what effective steps were taken to prevent this conflict? I feel that merely advising the Chief Ministers not to resort to firing is not sufficient. Secondly, I want to know whether he proposes to set up a permanent institution, tribunal or commission to deal with such matters? Even if the Constitution is to be amended or a separate law is to be enacted, a commission should be set up and it should have the powers to hear both the States and the Centre and its verdict should be binding on all.

15.03 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

SHRI S.B. CHAVAN : Mr. Chairman, Sir, first of all I would like to know why and how my friend Shri Zainul Basher has reached the conclusion that the Ministry of Home Affairs and the Home Minister have not taken this matter as seriously as it should have been taken. They might have read my statement which contains replies to all the questions raised by him. One can have one's own views but if he feels that in the existing circumstances the Centre should resort to armed intervention in a dispute between two States, I am not

[*Sh. S.B. Chavan*]

prepared to make any comment about the revolutionary suggestion made by him.

SHRI ZAINUL BASHER : You cannot remain silent spectator when two States resort to armed clash.

SHRI S.B. CHAVAN : After considering its implications with a calm and cool mind, if you feel that this is the proper solution then as per my information, the Central Government would be compelled to resort to armed intervention at several places and chances are that the situation is likely to deteriorate further instead of improving. Therefore, it is also not proper for me to give a negative reply to your suggestion. I, therefore, do not think it proper to express any opinion about it.

Secondly, a reference has been made about the failure of I.B. The difficulty is that the information collected by I.B. personal and the sources through which they collect information cannot be disclosed. If some charges are levelled against them, they cannot defend themselves openly. In this matter, we had received reports from I.B. and from other officers also and a Chief Minister had repeatedly informed us about it. That is why efforts were made to bring them together in order to solve the matter peacefully. If one State resorts to force in order to change its boundary, it will not be recognised without a constitutional amendment.

In 1979 also, a similar incident took place. At that time it was said that they were bound to honour the boundary under the Constitution. If some change is sought to be made, it should be discussed here and both the portion must convince each other. If your case is strong, persuade the other Chief Minister and convince the Central Government and thereafter we can think of what changes should be made.

Such incidents have taken place between Assam and Nagaland three or four times. Under the new suggestion a commission will be appointed which will go the bottom of the matter and highlight its implications to both the states.

In fact, the anti-social elements in both the States have cleared all the thick forests there.

The root cause of the dispute is how to dispose of such a large quantity of timber. How to earn more is the basic cause of the dispute. Actually, the forest in dispute no longer exists there as more than half of it has been cut. Attempts are being made by both sides to forcibly occupy the vacant land. Vested interests and anti-social elements are behind it. It is not known how both the Governments got involved in it, otherwise such a situation would not have developed. We do not feel that such an act behaves either of the two State Governments. Before saying anything against any State Government, we must at least get a report about the factual sequence of events and then nobody can charge us with bias against any of the State governments.

As I said in the beginning, if it is found *prima facie* that any officer has indulged in excesses, some big officers are involved, and certain undesirable elements were brought there by both the sides, which led to such a situation, then we shall be able to take some final decision after receiving the report. Till that time no such dispute should be raised.

Except Assam and Nagaland, there are no other States where such disputes are sought to be resolved by the use of armed police by both the sides. Such a situation should not develop in any State. After receipt of the report of the commission, deterrent action will be taken to avoid recurrence of such a situation in future. We are helpless. Until a report is received, we are not in a position to say anything about the action proposed to be taken in the matter.

SHRI ZAINUL BASHER : Is there any permanent commission ?

SHRI S.B. CHAVAN : We are considering it. Once we set up a standing committee, many disputes will arise even in the States where there is no dispute at present. A demand will be made to refer even those disputes which can be solved through mutual talks to the permanent machinery. In this way, this issue will become further complicated. However, the Constitution contains a provision for inter-state Council. It is there but it has not

been utilised so far because its implementation will create more complications. An amicable way out will soon be evolved. We have to find out a solution with honesty and dedication.

15.11 hrs.

**CRIMINAL LAW AMENDMENT
(AMENDING)* BILL**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAINING ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K.P. SINGH DEO) : I beg to move for leave to introduce a Bill further to amend the Criminal Law Amendment Act, 1952.

MR. CHAIRMAN: The question is :

“That leave be granted to introduce a Bill further to amend the Criminal Law Amendment Act, 1952.”

The Motion was adopted

SHRI K.P. SINGH DEO : I introduce the Bill.

MATTERS UNDER RULE 377

[Translation]

- (i) Need for giving high priority to build Houses in rural areas during the Seventh Plan.

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Chairman, Sir, under Rule 377, I would like to draw the attention of Government to the problem of the homeless people.

A welfare State should guarantee food, clothing and housing to each one of its citizens. A good number of the 70 crore people of the country homeless. Government should set-up Rural Housing Boards in rural areas in each State to solve the problem. The Board should build houses

for the rural homeless depending upon the local needs of each village. 1987 would be celebrated throughout the world as the year of “Home for the homeless.” Therefore, Government should give priority to build houses in the rural areas during the Seventh Plan and approve the scheme therefore.

- (iv) Collective steps needed to remove unemployment in Delhi.

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : Mr. Chairman Sir, the problem of unemployment is on the increase in Delhi. Despite the 20 point programme and the facility of loans from banks for self-employment, unemployment is increasing at an alarming rate. The administration introduced many schemes to remove unemployment but the targets were not achieved. It is not only an economic problem but a serious human problem also. The rate of increase of unemployment is more than the rate of increase in the population of the city. More employment opportunities can be provided to students and youths by setting up transport etc. small-scale, handicrafts and cottage industries, and developing them through the latest techniques. The present system of providing employment is so lax that it does not reach those for whom it is meant. The feeling of frustration is increasing among the youth for want of employment which is not good for the further of the country. Therefore, effective steps should be taken to solve the unemployment problem in the capital.

[English]

- (iii) Demand for immediate steps for revival of closed jute units in West Bengal

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : The Textile Minister had assured the House in the previous session during a call Attention Motion that the closed jute units and sick units of Bengal would get his sincere attention for revival but none of closed units have been re-opened so far.

Raw jute has started arriving in the market. Neither Mill owners are purchasing jute nor JCI is showing any interest in