

MR. CHAIRMAN: Now, the question is:

"That the Bill, as amended, be passed".

The motion was adopted.

17.01 hrs.

STATUTORY RESOLUTION RE:
 CONTINUANCE IN FORCE OF
 PROCLAMATION IN RESPECT OF
 NAGALAND AND NAGALAND
 STATE LEGISLATURE (DELEGA-
 TION OF POWERS) BILL.

MR. CHAIRMAN: We shall now take up item Nos. 26 and 27. These two items may be taken together. Shri Brahmananda Reddy may move the motion and then move for leave to introduce the Bill for consideration.

17.02 hrs.

[SHRI VASANTI SATHI *in the Chair*]

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Sir, I beg to move:

"That this House approves the continuance in force of the Proclamation, dated March 22, 1975, in respect of Nagaland, issued under article 356 of the Constitution by the President, for a further period of six months with effect from September 26, 1975."

I beg to move*:

"That the Bill to confer on the President the power of the Legislature of the State of Nagaland to make laws, as passed by Rajya Sabha, be taken into consideration."

Sir, the House is aware of the circumstances which necessitated the proclamation of the President's Rule in Nagaland, in the month of March, 1975. If I have to recall to your

memory what the Governor had stated then, it would read as follows:

"One cannot reasonably expect that another ministry, if formed out of the present Legislature, would be stable, or that unprincipled defections, induced by lure of office, would not continue. This would be an unhappy and disturbing situation in any State. And, it is particularly so in a State which has special security problems because of insurgency with the insurgents maintaining contact with, and securing arms from, foreign country. It is only a fresh election at which electors may withhold their support from defectors that holds out the prospect of a fully stable ministry."

At that time, it was felt that the Governor would explore the possibility to see whether a popular ministry would again come in. But, in view of the shifting loyalties of the Members of the Legislature of Nagaland, it was not possible and, therefore, the Governor, in his report, dated 18th May, 1975, had stated as follows:

"In view of the instances of shifting loyalties during the last five weeks or so, one could not reasonably expect that a ministry now formed would be stable... apart from the scale and frequency of defections, there have been allegations from both sides that Members had been taken away more or less against their will and kept under duress, that in addition to offer of ministerial office, substantial amounts of money had been offered or paid in certain cases. The reports I have received from independent sources suggest that these allegations are not wholly unfounded."

This is what the Governor has reported. Therefore, the Assembly was dissolved on the 20th May, 1975. I may also submit to this House that after the Governor has taken over on the President's Proclamation, there has

*Moved with the recommendation of the President.

[Shri K. Brahmananda Reddy]

been a considerable improvement in the situation of Nagaland, either from the point of view of surrenders or from the point of view of arrests or from the point of view of the several unlawful activities that the underground insurgents have been doing, namely, recruitment collection of money, etc., have also considerably gone down. I would like to say in one word "things are looking up."

I see that quite a great number of the even dwindling undergrounds have seen the futility of their attempts to seek any inspiration from outside or to get arms or ammunition from outside. It is a welcome sign and, I am sure, in the next few months it may be possible that Nagaland may be clear of a lot of these insurgent activities.

In addition to this the Administration there is keeping a watch over the developmental activity. In fact, the Plan of Nagaland has been increased from Rs. 38 crores in the Fourth Plan to about Rs. 83 crores in the Fifth Five Year Plan period. It is our desire to step up activity not only with regard to agriculture, animal husbandry etc. etc. but also with regard to communications. Though the item of communications is a low priority item so far as other States are concerned, as far as North Eastern sector is concerned communications is a very important item of activity in the Plan period. It should be so and it is so. Even this year the amount of Plan allocation is about Rs. 15.24 crores for Nagaland. We are seeing to it that even in the matter of some placements in the State of Nagaland—I need not go into the details—some care has been taken to see that some energetic officers are not there who can be expected to deliver goods. Therefore, Sir, I seek the approval of this House for this Resolution.

The second one is the Bill with regard to giving power to the President to make laws and in that connection

the most important point is that the President will constitute a Committee consisting of 10 Members of this House and 5 Members of the other House who would look minutely not only into the laws concerning the State but also in regard to many administrative matters. The same procedure was followed in other States where Presidential Rule had been imposed.

MR. CHAIRMAN: Motions moved:

"That this House approves the continuance in force of the Proclamation, dated March 22, 1975, in respect of Nagaland, issued under article 356 of the Constitution by the President, for a further period of six months with effect from September 26, 1975."

"That the Bill to confer on the President the power of the Legislature of the State of Nagaland to make laws, as passed by Rajya Sabha, be taken into consideration."

SHRI H. N. MUKERJEE (Calcutta—North-East): Mr. Chairman, in the conditions of today what the Home Minister has proposed is an unavoidable thing and I am sure the House would agree to his proposition.

Whatever might be one's view about the Presidential takeover last March and the dissolution of the Nagaland Assembly in May, today, the rule of the President has, in the changed conditions, necessarily to be extended to Nagaland. But, I think that Government should be aware of the challenge that it has taken over in respect of Nagaland in particular, just as it should be aware of the challenge it has taken over in respect of the whole country.

In so far as Nagaland is concerned, it is a good thing that recently reports have come about a certain improvement in the condition. I understand that the rate of surrender by Naga rebels or the capture of such rebels has substantially increased since the imposition of the President's Rule. We

have seen in the papers also how some officers of the underground army are among those who have been recently captured. From this, one might deduce that our security operations have been more successful lately or perhaps—it is the better thing even—there has been something like a change of thinking among some sections of the underground.

But, in relation to Nagaland which I had the advantage of visiting some ten years ago, there is no room for complacency. Recently, I found in the papers a report of the escape of some senior Naga underground leaders across the international border. Now, this is a matter of concern because they were obviously able to slip through our security cordon. Therefore, we should make sure that they are not able to come back and carry on their mischief-making potential. But, the position is still so bad that from Nagaland, some people can get away and carry on confabulations in China or elsewhere which do not redound to the benefit of our country. But, as I was saying, Government meets in Nagaland a challenge which is rather difficult and which cannot be discharged only in terms of administrative action. We have the task of winning over all varieties of recalcitrants and for that purpose, an imaginative policy of understanding is needed. If I can recall what I saw in Nagaland ten years ago, and I suppose the problems basically remain the same, it is that Government's action is not informed as a general rule by that understanding of the special requirements of the Naga people and that quality of imagination which bureaucracy conspicuously lacks. The Minister has told us about larger allocations for the Plans. We should see to it that these allocations are expended in a way which really and truly bring about benefit for the Naga people.

It is a pity that the political life of Nagaland has been so vitiated that defections have become a very common phenomenon. A people who are so

truthful in their normal ways of life have taken to the game of politics in a fashion which is nauseating. But, I am sure that is a kind of declension from the norms of Naga Life. We should go forward with an understanding of the better qualities which are so many in the Naga people and to try and make them understand that we appreciate their ways of life and appreciate also their right to their own form of social and other kinds of organisation. And if we do so, then only shall we be able to make any mark from the administrative point of view.

The grievances of the Naga people have, therefore, to be tackled seriously. I understand that even now many traders and such undesirable groups of people go from all parts of India and they hinder the genuine economic development of the Naga people. Grass-roots participation in so far as the implementation of the plan projects is concerned is what is absolutely necessary in relation to Nagaland.

The Minister has not been very communicative. I do not know what exactly is the position today about the UDF and the NNO and their respective quarrels, if the quarrels are going on in the same old fashion or things have been pushed under the carpet and the quarrels would be resumed at a later time. But let this opportunity which the emergency has given be utilised to an extent so that the conflicting elements in Nagaland can be brought together so that through administrative activity no vindictiveness is shown to one group or the other and that an attempt is made to bring about unity among the political elements in Nagaland.

We are happy to notice certain signs of improvement, for example, that even Mr. Phizo has begun to see the futility of his earlier stand. I learn that his brother is no longer underground, but is living in a peace camp. There have been some reports that even Phizo himself seems willing for talks; he

[Shri H. N. Mukerjee]

has expressed his desire for an honourable settlement. Let Phizo come forward and let the Government of India also behave in such a fashion that we can have a solution on the basis of what India wants legitimately and that is that Nagaland is a part of the rest of India. Like Jammu and Kashmir, Nagaland may have its own special problems, but there is no reason why it cannot find an organic place of unity in the set-up that India has got.

Therefore, I say that in these days of difficulty, in these days of stress and strain, political, administrative and psychological, through which the country is passing, let the opportunity of the emergency be utilised really and truly to evoke a call to statesmanship not the bludgeon but brotherliness as a method to win over the Naga people who have shown that for their own ways of life they can go on fighting in all kinds of ways, but even so they can be incorporated into the larger community which is India. If we can go ahead under the Presidential dispensation in this respect that would be worthwhile.

Of course, it is a good thing that Parliament would be associated and the President would have a team to advise him in regard to what ought to be done in Nagaland. The problems of Nagaland have lasted for too long and again I repeat, let this opportunity of the emergency be utilised to the extent that the Naga people as well as the rest of the people of India expect.

SHRI G. VISWANATHAN (Wardha wash): It is unfortunate that this border State is going without a representative government. It is a very sensitive area, being next to the borders of China. Even when there were representative governments, whether of the NNO or of the UDF, these governments have come and gone, but no solution to the basic problem of Nagaland could be found. The only change I find in this House is that

when I entered this House in 1967 the subject of Nagaland used to be handled by the Ministry of External Affairs, but now it has come to the Home Ministry. That is the only improvement I find as far as the Nagaland situation is concerned. So many Home Ministers have come and gone, but still the fundamental problem which Prof. Hiren Mukherjee pointed out is still there without finding any solution. The President's rule is there now coupled with the emergency powers. We want the Central Government to take the initiative by sending their Governor. Let them have a special Governor for Nagaland so that he can contact all the elements of Nagaland. I think by this time the rebel elements would have understood that they can no longer continue harbouring intentions of having a separate identity of their own. They must be brought into the main stream of national life. The people of Nagaland should think that they are part and parcel of this vast country. I think the Government can do well to bring a number of Nagaland youngsters into Government service particularly through the Union Public Service Commission. Once that is done, they will be posted all over India; they will come to have a stake and they will feel that they are an integral part of this country because of their sons and daughters, one will be in Madras and the other in Kashmir and the third in Gujarat and so on. It is an administrative matter.

As for the political problem, the tussle between the political parties is going on and I think the Central Government have not taken any partial attitude. The Centre should see that the two parties come to some sort of a settlement so that sometime after the emergency is over, they can form a Government and the machinery such as the peace council which was there should also be utilised to bring the underground Nagas to the talking table. When there was cease fire we thought that there was going to be some real solution and the problem would be solved once for all. To our dismay

the problem is still lingering on. Shri Brahamananda Reddy with all his experience should take a personal initiative in this problem of Nagaland when he is the Home Minister and solve it so that there would be no element in Nagaland which will feel it should have a separate identity and they should have to do something with the other countries. China and other foreign States are in the border. It is a very sensitive area. I think our Army also should be careful. Nobody should be allowed to enter China or other foreign territories. Apart from taking precautions, we should see that a political settlement is reached.

श्री मूल चन्द डागा (पाली) :
 सभापति जी, यह आया राम गया राम की जो बीमारी गुरु हुई थी, वह बीमारी अब खत्म होगी। यह दल-बदल की जो प्रक्रिया है, इस की वास्तविक कई बार इस सदन में बहस हुई है। वे लोग जो दल-बदल करते हैं, लोभ, लालच, डर या धमकाने से करते हैं। यह प्रक्रिया मेरे खालसे कहीं भी अच्छा शासन नहीं दे सकती। इस मामले पर हम लोगों की एक कमेटी बैठी थी, उसने निर्णय लिया था कि संविधान में संशोधन होना चाहिए, वह विजय शीघ्र पारित होना चाहिए।

लोग कई बार कहते हैं—सब से पहले हरियाणा में यह बीमारी गुरु हुई और धीरे-धीरे सब जगह फैलती गई। नागालैण्ड में भी यही हुआ। वहाँ के लैफ्टीनेंट गवर्नर ने भी यह राय दी कि दल-बदल के कारण वहाँ पर शासन स्थायी न रह सका। मैं समझता हूँ कि गृह मंत्री जी कभी भी इस बात को ठीक नहीं समझेंगे कि कहीं भी शासन जनता का न होकर केन्द्रीय शासन हो जाय, यह कोई अच्छी बात नहीं है, लेकिन ऐसी परिस्थितियाँ कौन पैदा करता है। हम जो जनप्रतिनिधि यहाँ आते हैं, उन पर इस तरह के दल-बदल के मामले में रोक लगनी चाहिए। जब तक हम पर रोक नहीं लगेगी, इस बीमारी का इलाज नहीं हो सकेगा।

इस संशोधन के बारे में कई लोग ऐसा कहते हैं कि यह हमारी स्वतन्त्रता पर हमला है, किसी भी आदमी का यह अधिकार होना चाहिये कि वह चाहे जिस पार्टी में चला जाय लेकिन यह गलत चीज है। जो व्यक्ति किसी पार्टी के टिकट पर चुनाव लड़ता है, उस पार्टी के चुनाव घोषणा के प्रति अपनी ज़िम्मेदारी जाहिर करता है, उस को ईमानदारी के साथ उस पार्टी के साथ रहना चाहिये। इस पर रोक लगाने के लिये हमारे संविधान के आर्टिकल में कोई प्रावधान नहीं है, इसी वजह से ऐसी स्थिति पैदा हो जाती है। इसलिये मेरा अनुरोध है कि यह संशोधन जल्द से जल्द हाना चाहिये ताकि दल-बदल की प्रक्रिया जल्द से जल्द समाप्त हो जाय।

SHRI K. BRAHMANANDA REDDY: Sir, while thanking hon. members for their support, I have nothing much to say except to tell Prof. Hiren Mukerjee that though we may entertain some hope that things will further improve, we are not taking a complacent attitude. I agree that the allocations that have been made for Nagaland must be spent properly and purposefully at the field level. I am sure the administration will take all the necessary steps to see that not only the allocations made are properly spent but the anticipated physical targets are also realised.

So far as the political life is concerned, there is no Congress organisation as such there; it is only between the UDF and the NNO. NNO had been in power for quite some time in the State. Even last time, when the Proclamation was issued, I said, because the UDF got more number of seats, possibly with less votes, even then it was thought by the Government of India that they should be given an opportunity to form the Government and to work, so that this underground activity which was there at that time in a fair measure is reduced. In fact, they continued for a year and more and

[Shri K. Brahmananda Reddy]

the Chief Minister of the UDF Ministry came often to Delhi and saw me and the Prime Minister also. Whatever assistance we could give him, we gave him. I suppose he had no reason to feel at any time that we have done something to discredit him or to dislodge him from his place. Unfortunately, some young men in the Assembly, who came in as independents and some of them as party members, were shifting their loyalties quite too often sometimes in a matter of hours and sometimes in a matter of days. Therefore, in spite of best offers, the Government could not see to it that a popular ministry could function.

As I have said at the outset, it is clear that more and more people realise that there is absolutely no use in continuing this type of insurgent activity.

I do not want to mention the names. While our security forces need not be complacent, while it is necessary for them to keep the legitimate pressure, still as you are all aware it has been said quite often on the floor of this House either by myself or by the Prime Minister that naturally when underground elements surrender, we will treat them with consideration and sympathy and they should be able to rehabilitate themselves.

I agree with my friend, Mr. Vishwanathan, that we should encourage the Nagas to come to the mainstream of life. My friend, Professor, has said that we should not encourage all kinds of mischievous and exploiting elements to go into Nagaland. Nobody can go there without permission. While it is so, still there is some mixing otherwise it will be closed society. While we should encourage such thing, we should not encourage any exploiter or any man who is likely to exploit the situation there, to go and interfere in the affairs of that place. Though a few MLAs are

trying to shift their loyalties, yet it is true that it is not the characteristic of a Naga. We should not conclude that all the Nagas are being exploited. They are quite brave people, of course, proud people and we should encourage them also to remain so. You must be knowing the Naga history and you know the constitutional amendment and you know the constitutional guarantee that we have given to their culture. Therefore, there is no question of anybody trying to play with their culture etc. We have been trying to see that in the entire North-eastern area apart from Nagaland, whatever influence—foreign missionaries etc—is there, is being reduced and no fresh permits are being given to anybody.

Mr. Daga rightly mentioned about the directions. There is a bill and many many leaders of all parties are there on that Committee, I do not know what is happening to that Committee. I have not attended the meeting of that Committee, I can only say that the Government of India have either directly or indirectly, no hand in the defections from one side to the other in the State of Nagaland.

Therefore, Sir, I request you to give your approval; and you know, and everybody knows, that this is monsoon period and it is not possible to hold elections either in September or October. Therefore, it becomes necessary to extend this; and as Parliament is not likely to be in session in August or September, I have to come quite early to seek your approval.

MR. CHAIRMAN: Now, the questions is:

"That this House approves the continuance in force of the Proclamation, dated March 22, 1975, in respect of Nagaland, issued under Article 356 of the Constitution by the President, for a further period of six months with effect from September 26, 1975"

The motion was adopted.

MR. CHAIRMAN: Now we come to item 27. The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Nagaland to make laws, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now we take up Clause-by-Clause consideration. There are no amendments. Therefore, I will put Clauses 2 and 3 for adoption. The question is:

"That Clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

SHRI K. BRAHMANANDA REDDY: I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.33 hrs.

DEFENCE OF INDIA (AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Sir, I beg to move:

"That the Bill to amend the Defence of India Act, 1971, as passed by Rajya Sabha, be taken into consideration."

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Sir, the Proclamation of Emergency was made by the President on the 25th June 1975 in the context of threat to the security of India by internal disturbances. There was immediate need for enactment of a suitable law to meet the requirements of the emergent situation. The Defence of India Act, 1971, which was passed by the Parliament in the wake of the Proclamation of Emergency made on 3rd December 1971 was meant to provide for "special measures to ensure the public safety and interest, the Defence of India and civil defence and for the trial of certain offences and for matters connected therewith" in the perspective of threat to the security of India by external aggression. It was felt that the provisions of the Defence of India Act which had been found useful in dealing with a situation where the security of the country was threatened by external aggression could also be effectively used for dealing with the new Emergency which was declared when the security of India was threatened by internal disturbance. This, however, required the enlargement—this is the main thing—of the scope of the Act to specifically cover the needs of the Proclamation made on the 25th June 1975. As the Parliament was not in session, the President had to promulgate the Defence of India (Amendment) Ordinance, 1975, on 30th June 1975, to extend the Defence of India Act to meet the requirements of threat to the security of India by internal disturbance. The present Bill seeks to replace the Ordinance.

As may be seen from its provisions, the Bill does not envisage any new powers which are not already available under Defence of India Act and the Rules framed thereunder, which are in force since the promulgation of the earlier Emergency on the 3rd December, 1971. All that the Bill seeks to achieve is to specifically extend the scope of the Defence of India Act to cover the requirements of internal