

4497 *Suspension of BHADRA 6, 1884 (SAKA) Constitution (Thirteenth Amendment) Bill and Proviso to Rule 66* *State of Nagaland Bill*

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 मुन 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 हूँ कि अपने बनाये हुए विधान को इस प्रकार बार बार बदलना ठीक नहीं । यह कोई रबड़ की नाक तो है नहीं जिसको इस प्रकार बदला जा सकता है ।

दूसरी बात मैं यह कहना चाहता हूँ 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-

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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 center 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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cumstances; 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 ज़रा 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 देते नहीं हैं।

अध्यक्ष महोदय : सारी चीज़ का तज़मा करना मेरे लिए मुश्किल होगा।

श्री रामेश्वरानन्द : आपके सामने हम भी बैठे हैं और हमारी कठिनाई को भी आपका 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 हमेशा ही सम्भव नहीं होता है। यह चीज़ पहले से ही चली आ रही है, पहले से ही ये अंग्रेज़ी 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 हकूक 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 चीज़ को भामने रखते हुए उन्होंने इस बिल को पेश किया जोकि आपके सामने है।

श्री रामेश्वरानन्द : आवश्यकता क्या पड़ गई, यह नहीं बताया 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."

Both the motions are before the House.

There are some amendments. Does Shri Bade want to move his amendments Both his motions are for reference to Select Committee.

Shri Bade (Khargone): I want to move both the amendments.

अध्यक्ष महोदय : नाम एक ही हैं ?

श्री बड़े : नाम अलग अलग हैं ।

अध्यक्ष महोदय : फिर दोनों के नाम पढ़ दीजिये ।

श्री बड़े : मैं मूव करता हूँ :

(i) "That the Bill to provide for the formation of the State of Nagaland be referred to a Select Committee consisting of Dr. M. S. Aney, Shri Brij Raj Singh, Shri Homi F. Daji, Shri Kashi Ram Gupta, Shri Hem Barua, Shri Hari Vishnu Kamath, Shri Gauri Shanker Kakkar, Shri Lahri Singh, Shri Narendrasingh Mahida, Shri Prakash Vir Shastri, Dr. B. N. Singh, Shri Pravinsinh Natavar-sinh Solanki, Shri U. M. Trivedi, Shri Yashpal Singh and the Mover, with instructions to report by the first day of the next session."

(ii) "That the Bill further to amend the Constitution of India be referred to a Select Committee consisting of Dr. M. S. Aney, Shri Brij Raj Singh, Shri Yudhvir Singh Chaudhary, Shri Homi F. Daji, Shri Kashi Ram Gupta, Shri Hem Barua, Shri Hukam Chand Kachwai, Shri Hari Vishnu Kamath, Shri Gauri Shanker Kakkar, Shri Lahri Singh, Shri Prakash Vir Shastri, Dr. B. N. Singh, Shri U. M. Trivedi, Shri Yashpal Singh, and the Mover, with instructions to report by the first day of the next session."

अध्यक्ष महोदय : इन सब माननीय सदस्यों की क्या सहमति प्राप्त कर ली गई है ?

श्री बड़े : जी हाँ, सहमति प्राप्त कर ली गई है और इसीलिए अलग अलग नाम दिये हैं ।

अध्यक्ष महोदय : अच्छी बात है । अब ये दोनों एमेडमेंट्स और ये बिल हाउस के सामने है । इसके लिए चार घंटे रखे गये हैं ।

Four hours have been allotted to both these Bills.

Shri Hari Vishnu Kamath (Hoshangabad): May I request that in view of the importance of the Bills, the time allotted, four hours, is far too insufficient and should be extended. For two Bills, four hours is far too little, and I am sure you and the House will agree to the extension of the time to at least six hours.

Therefore, under rule 292, by your leave I move:

"That the time allotted by the House on the 25th August, 1962 (*vide* Fifth Report of the Business Advisory Committee) for consideration and passing of the Constitution (Thirteenth Amendment) Bill, 1962, and the State of Nagaland Bill, 1962, be extended from 4 hours to 6 hours."

Mr. Speaker: The difficulty is that the Business Advisory Committee made a recommendation. It was not put before the House. No one objected to it, and the report was approved.

Shri Hari Vishnu Kamath: I was not here.

Mr. Speaker: Should that be a reason?

Shri Hari Vishnu Kamath: That is no reason, I know.

Mr. Speaker: One Member of his party must have been present in the Business Advisory Committee.

Shri Hari Vishnu Kamath: No, Sir. I am the only Member in the Business Advisory Committee.

Mr. Speaker: Then we are sorry that he was absent.

Shri Hari Vishnu Kamath: I was absent.

Mr. Speaker: But the business has to be done. If we proceed and if we find that the time is quite insufficient then the House can decide. The House is master of its own business. I have no objection, but I think we should first see how the debate goes on, and if we feel that the time is insufficient, we can extend it.

श्री राम सेवक यादव (बाराबंकी) :
संसोधन मंने भी भेजे थे, लेकिन वे आ नहीं सके हैं। मैं निवेदन करूंगा कि उनको भी मझे मूव करने की इजाजत दी जाये।

अध्यक्ष महोदय : पता लगा लूंगा कि अगर कल भेजे थे तो क्यों नहीं आये हैं। देरी में आने भेजे होंगे। इस को देख लिया जायेगा।

Shrimati Renu Chakravartty: Three days ago, on the 25th of August, the *London Observer* flashed the news that Mr. Phizo has termed the declaration of the proposed Nagaland within the Indian Union as an example of the duplicity which makes the patriotic Nagas distrust India. In this background, it is even more important that we pass this Bill, which actually incorporates, as the Prime Minister said, principles which on the whole we have accepted much earlier, and I think that it is necessary that this Bill herald to the world that the brave and the proud Naga people enter the great family of the Indian Union, comprised of a variety of peoples, races and religions, assured of the greatest measures of freedom to develop their language, their outlook and their culture according to their own genius, helped by the resources of the 400 million people of the Indian Union, based on equality, friendship and kinship of the sixteen States of the Indian Union.

It is also necessary to reiterate that this is not at all duplicity. It has arisen because of the desires expressed by the people of Nagaland and the Tuensang areas, and it has been evolved in the course of a long period through great travails, after long periods of negotiations and has, as the Prime Minister has stated, passed through many stages, the first phase being the Kohima Convention of August, 1957, where the Naga people and their representatives put forward before the Government of India that they desired to be administered by an agent of the President of India and under the Ministry of External Affairs. Since then they have been administered by the Governor of Assam as the agent of the President and under the Ministry of External Affairs.

The second phase was the Kohima Convention of May, 1958 where they desired maximum autonomy for their area.

The third period was when the Naga Convention met at Mokokchung in October, 1959, where they desired a separate State within the Indian Union, with a Governor and an administrative secretariat and a Council of Ministers and a Legislative Assembly.

After that came the sixteen-point memorandum first placed before the Governor of Assam and later before our Prime Minister on the 26th July, 1960. And the Prime Minister reaffirmed and Parliament upheld him in the policy which he enunciated that we shall give the maximum autonomy to the Nagas in their internal affairs and we shall accept their desire for a separate State of Nagaland and Tuensang area within the Indian Union. A new State, the Nagaland was to be born prior to it there was to be a transitional period, a period when an interim body has been functioning in this Nagaland. And, today we are just giving legislative sanction to what

we have already accepted—the establishment of separate State of Nagaland.

This is the entire history of the birth of Nagaland, arising out of the desires of these people. We, therefore, welcome certain clauses of the Bill which are of a special nature because we believe and have always accepted that there should be unity in diversity and that we have to give as much autonomy as possible to these units which, we think, have to be separate States of the Indian Union. I should like to recommend the first portion of the new amendment to Part XXI of the Constitution, where we say:

“Notwithstanding anything in this Constitution,—

- (a) no Act of Parliament in respect of—
 - (i) religious or social practices of the Nagas,
 - (ii) Naga customary law and procedure,
 - (iii) Administration of civil and criminal justice involving decisions according to Naga customary law,
 - (iv) ownership and transfer of land and its resources,

shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;”

I think this is very necessary especially because of the special conditions that prevail there and the fact that they have to be protected against encroachments by the more advanced plains people. It is, therefore, a very welcome amendment which we are putting into the Constitution.

Besides this guarantee of their freedom, we have also guaranteed to them autonomy of the Tuensang district by the formation of the Regional Coun-

cil. This too, the Prime Minister has stated, has been done because of the desire of the Tuensang people. Therefore, the Minister for Tuensang Affairs will also be there and he will be a part and parcel of the Council of Ministers functioning in the State of Nagaland.

After saying all these things, I would like to mention a few points which I would ask the Government to consider in greater detail. We have given certain special powers to the Governor. To my mind, these should devolve, as soon as possible, upon the elected representatives of the people. The only criteria for continuing with these would be the conditions of law and order as well as the overall consideration of keeping the integrity and unity of the Indian Union.

For instance, on page 3, there is a sub-clause (2) which says:

“(2) Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may on the recommendation of the regional council, by public notification specify in this behalf,—

- (a) the administration of the Tuensang district shall be carried on by the Governor.”

The provision clearly states that there shall be a further prolongation of the period, if necessary. But there is no provision also stating that, if necessary, this period may be reduced. I feel that that should be there, because even the overall powers given to the President given on page 5 to over-ride the power of the Governor. It says:—

“Provided that no such order shall be made after the expiration of three years from the date of the formation of the State of Nagaland.”

[Shrimati Renu Chakravartty]

I feel that the whole attitude should be that as soon as ever possible we should give over the right of governance to the elected representatives of the people and reduce the immeasurably big powers which we are concentrating in the hands of the Governor. I think this point should be considered, how far we are going to restrict and limit that and try to hand over power. In the Bill we should make provision that we should hand over power at the earliest possible moment to the people's representatives who have been elected directly by the people.

Regarding the regional council of Tuensang I find that they will send 6 representatives to the Assembly by indirect election. The Prime Minister has not told us the special reason why this indirect form of election has been specified for the Tuensang representatives within the Legislative Assembly of Nagaland. They may be backward people. But they are permitted to elect directly to the regional council. If that is so, what prevents the people of Tuensang area to elect directly their representatives to the Assembly of Nagaland? This is a question which has arisen in my mind. I feel the principle should be, as far as possible, direct representation based on the direct participation devolving upon the people of these areas in the choice of the representatives.

One point which I want to underline is this. Possibly because of special circumstances prevailing in Nagaland, we have given huge powers to the Governor. That is what Mr. Phizo is making a good amount of propaganda about, that this is duplicity. I have not brought the Observer here. It has always given much publicity among the British Foreign Press to Mr. Phizo. This is a point which he makes much of that actually all powers are really devolving upon the Governor. It is a fact too, that we have given wide powers to the Governor. We have given

them because of the very special conditions prevailing there. As a matter of fact, the Governor of Nagaland has not only full power of deciding law and order, exercise his individual judgment as to what action should be taken and that the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment, but it is not only a question of law and order. The second point in which he has wide powers is with regard to finances.

In passing I would like to make a point about finances. I was looking into certain questions and answers on Nagaland. Only the other day. I find, the Prime Minister said that we are giving a lot of help. I think we should give them more because they have really missed the First Plan and also the Second Plan and when it is only in the Third Plan that conditions have changed when they are beginning to get the fruits of some of the developmental plans which have been in action in other parts of India. Whether it is a question of handloom and cottage industries or whether it is a question of other developmental plans, I think, much more and greater emphasis should be laid on these new areas because as we bring them forward we would be able to integrate them further with the great Union of India.

The administration of the Tuensang district is to be carried on entirely by the Governor. Not only the composition of the regional council, but the manner in which the members of the regional council shall be chosen, their qualifications, terms of office, procedure of appointment of officers and staff and every single item is entirely under the jurisdiction of the Governor. If this is the work of the Governor, then, I am absolutely clear in my mind, knowing as I do the

topography of Assam, and its communications, that it is absolutely necessary for them to have a separate Governor. It is not a question of principle; it is a pragmatic approach which we have to make in this matter.

When I come to the second reading of the Bill I shall move an amendment. I have not made the consequential changes. If I think that I have the response of the Government to my amendment I shall have the consequential changes made.

If you look at page 3, you will find,—

“the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district;”

This power is vested in the Governor. He can if necessary, even repeal any Act of Parliament, leave aside the other laws. This is a point which should come under further scrutiny and I am sure the Prime Minister will throw more light as to exactly what would be its implications and why such a clause had to be introduced, whether it was desired by the people of Tuensang or the representatives of Nagaland. If so, we shall certainly listen to it with great deference because any difficulty which they may face in the integration of their State into the general comity of the States of India shall be borne in mind. Then, sub-clause (f) says:

“Notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion.”

At every stage, the entire management of the Tuensang district is left

to the Governor. Clause 31 says that the President may, by order do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty, if any which may arise in giving effect to the provisions of the Act. This general proviso is there. There is a proviso that this will be applicable for three years from the date of formation of the State of Nagaland. Are we to understand that after that period, the Governor will be all in all and that the President or the Union Ministries' guidance or authority to intervene in anything which goes wrong are not there. Wide powers are given to the Government. This point should be explained further to us as to why the Governor of the State of Assam should be given these big and wide powers. I have read through the opinion of some Members as of Assam Legislature also the Chief Minister of Assam. They have tried to say that there should be an integrated administration that is to say, for the whole of the eastern region there should be one integrated administration, one administrative unit. That is of course absolutely impossible in the situation in NEFA and Nagaland, as it exists today and it is not granted by this Bill. We are putting up a separate administrative unit and that is desired by the people of Nagaland and that has been given. We welcome it. If we do that and if we give such wide powers to the Governor, it is only right that the Governor should be a separate entity from that of Assam. We are against the institution of Governors as we feel they are superfluous. But if you keep them and give such wide powers, almost powers of life and death, there should be a separate Governor for the State of Nagaland.

When the Prime Minister replies to the Nagaland Bill, Debate, we hope he would refer to the question of High Court also. It is a small State and we should not duplicate and should not incur extra expenditure; that is

[Shrimati Renu Chakravartty]

all true. We give them special position with regard to the Naga customary law; no Act of Parliament is going to apply to them in regard to this. Their procedure will continue. Their local village courts are functioning and render justice. If that is so, is it necessary that there should be the same High Court for Nagaland also? Possibly, it will be better if we divide the two so that the High Court too may be a separate one so that they may not travel all the way from Nagaland to Gauhati. The seat of the High Court should also be in a place which is convenient to them. With these few words, I commend the Bill and express my full support to it with the submission that more and more power should devolve to the people. Our policy has always been to give the fullest autonomy and opportunities to develop to the Naga people without interfering in any way in their internal affairs and ways of life. As the Prime Minister, said, that is the best way to bring about unity of India. We once again welcome our Naga brothers into the big comity of the Indian Union.

Shri P. K. Deo (Kalahandi): Mr. Speaker, being one of those who have surrendered their territories and States for the integration of this country for the formation of a stronger and prosperous democratic India, I cannot reconcile to these various processes of fragmentation and disintegration that has been taking place in this country. But at the same time, I feel that the decision of the Government in this regard is most appropriate. It is more or less a matter of administrative convenience. In the present state of affairs. I do not think there could have been a more appropriate decision than this, that is, the formation of a separate State for the Naga people. It will be most appropriate to pay a tribute to that patriot Dr. Ao who led a delegation to Delhi as President of Naga People's Convention and met our Prime Minister. I wish he were

with us today; and participated in the development of this Nagaland. It is our misfortune that he fell a victim to the terrorist Naga rebels and he is no more with us. The formation of Nagaland raises a few pertinent questions. Let us take the question of viability. This area comprises of 6300 square miles with a population of 360,000 people and has only three lakhs of rupees of resources. Viability was the main criterion for the formation of States within the Indian Union. Then, see the manner in which the Nagas got the Nagaland. In the meetings of the National Integration Conference we have stressed again and again that all avenues of conciliation and mediation should be explored before we yield to any pressure of violence or terrorism. I am sorry to remark that our Government yielded to pressure of violent tactics used by the Naga rebels. However limited in numbers they may be, they created such a situation that our Government had to yield to the formation of Nagaland. This is not a good sign. There may be demands for Vidarbha; there may be demands for a Punjabi Suba; our hon. friend Shri Jaipal Singh may be dreaming of a Jharkhand State. Shri Swell has started a movement for the separation of the hill districts from Assam proper. The Mizos in the Lushai hills have started a movement for a separate State of their own. So, at a time when our borders are threatened, at a time when we should think of India as a whole, such fissiparous tendencies should not be encouraged. That is a question which has to be examined from that context.

The third question that is posed is this: does it solve the problem? I feel that this is a temporary measure and in a short period we may have again to change this decision so that a bigger State and a more prosperous State can be formed in our north-eastern border. It has got its own importance and at that border we generally expect that a stronger unit

will be built up there. So, the question of the formation of a bigger State with this Nagaland-Tuensang Area and the hill districts and also with Manipur, in which there is a substantial Naga population, will have to be considered. We sincerely hope that in a short while we will have a bigger State. We came to learn that there has been some movement going on in the various Union territories for having some sort of a representative Government where they could have their own elected representatives. The demand is very great in Manipur and in other Union territories also. So, I beg to submit that the question of the formation of a bigger State in the north-eastern border may not be lost sight of and may be considered at the appropriate time.

The fourth question is, why should this new State be looked after by the Ministry of External Affairs. It is our domestic question. The Ministry of Home Affairs is quite competent to look into these matters. The very fact that they have yielded to the point that these areas should be looked after by the Ministry of External Affairs might give the Nagas a false sense that they are not part of India. They are, as it is, to be looked after just as our relations with foreign countries are being looked after by the Ministry of External Affairs. So, they may have a feeling that they are still foreigners to us!

Dr. M. S. Aney (Nagpur): Does that state of affairs continue even under the present arrangements? If that is so, you may ask the Government to clarify the point.

Shri P. K. Deo: Yes. I entirely agree with my hon. friend, Shrimati Renu Chakravartty, who pointed out that there has been too much power given to the Governor in respect of finance, maintenance of law and order, etc., and full powers have been given to him so far as the governance of the Tuensang area is concerned. I per-

sonally feel that these powers are very wide, and there could be some restrictions put on the powers, because we all want that a legislature should function there in no time and that the representatives of the people will be elected on adult franchise and not in the way as is envisaged in this Bill, namely, that there will be tribal representation in these councils and that instead of adult franchise the tribes will send representatives of their own. It should not be so.

I feel that this measure of ours will bring permanent peace in Nagaland and that peace, we expect, should not be the peace of the grave but should be the peace of the brave. We feel that for the uplift and prosperity of Nagaland, our Government should extend the hand of co-operation and goodwill and, at the same time, forgive and forget what has happened in the past. There should not be cases of victimisation. Rather, we should try to win them over and make them feel that we are brothers and we will join hands in building up a prosperous India.

Lastly, I would like to speak a few words about the high court. As pointed out by my hon. friend, instead of being located at Gauhati, the high court may have a branch somewhere at Kohima, because Gauhati is so far from Nagaland and if we want that justice should be available to them cheaply and conveniently, this question of having a circuit of the Gauhati high court in Nagaland should be considered.

Finally, our association with Nagaland has been there from the mythological times. Lately, it is at Kohima that the Indian tricolour was first hoisted by the Azad Hind Fauj under the able leadership of Netaji Subhas Chandra Bose. So, we all want that that historical land should prosper and be an equal partner in the co-operative commonwealth of this country.

Bill and State of
Nagaland Bill

The Parliamentary Secretary to the Minister of External Affairs (Shri S. C. Jamir): Mr. Speaker, Sir, I rise to support the Bill that has been introduced in this House. It is my feeling that at the end there will be unanimity on this matter. Though the Prime Minister has mentioned the background, I would like to add a few words in regard to the background and the Nagaland political movement which has culminated in the present Bill. This is just with a view to enlighten hon. Members to understand the Naga problem and the viability or non-viability of this State.

13.39 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

As you all know, Nagaland is rather small in area and population, but it was considered necessary to constitute it into a separate State within the Indian Union. The creation of Nagaland State within the Indian Union is a matter of pride for India, because we have in the Nagas a brave, honest and hard-working set of people. Therefore, it should be a welcome unit making up a composite Indian Union.

I would like to mention here about the historical background. The year 1830 saw the first attack on Nagaland by the British, and it was followed by a period of intermittent wars between the Nagas and the British. The Nagas were forced to recognise the superior might of the British and thus the Britishers came to stay in Nagaland from 1834 itself. Though Nagaland was a part and parcel of the Indian Union, it was kept excluded from the rest of the country during the British period; may be, because of this reason that the representatives of the Nagas submitted a memorandum to the Simon Statutory Commission when they visited Kohima in the year 1919. The demanded that the Nagas should be left free to determine their future if and when the British rule in India comes to an end. As

years rolled by the Nagas became more and more political conscious and in the year 1946, in the month of June, at Wokha the Naga National Council was formed to work for the cause of the Nagas.

The demand made in 1947 for a sovereign homeland for the Nagas was not thus a new idea; it was with the people since the visit of the Simon Commission in the year 1929. I too would like to mention here that when India achieved her independence there was great rejoicing all over the country; but, unfortunately, under new India, the Naga areas became bifurcated and were placed under different administrations—some were added on to NEFA, some became part of Assam and some came to be in Manipur. This arrangement greatly upset the feelings and sentiments of the Naga people.

The efforts of the Tribal Sub-Committee under the chairmanship of the late Gopinath Bordoloi also failed because the Nagas eventually rejected the provisions of the Sixth Schedule of the Constitution of India which were then being drafted.

Subsequently, the then Governor of Assam, late Sir Akbar Hyder Ali, visited Kohima and negotiated a settlement with the Naga leaders and proposed an agreement known as the 'Nine-points Agreement'. But differences arose as to the wording of the last clause and thus this agreement also did not materialise.

Again, I would like to mention about plebiscite which Phizo also quoted in his press conference in London. Definitely, there was an unofficial plebiscite on the issue of independence held in the year 1951 by the Naga National Council. We cannot deny the facts. Among those who participated almost cent per cent voted in favour of a sovereign State of Nagaland. Of course, there had been irregularities and pit-falls in

the conduct of this plebiscite. But that is also a fact. The practical effect of the plebiscite was the non-acceptance of the Constitution of India by the Nagas. The Nagas also staged a boycott of the two General Elections of 1952 and 1957 respectively, as a result of which the situation in Nagaland became tense.

The first violence was started in Tuensang Division in the year 1954 by A. Z. Phizo and his followers, where the Nagas were illiterate and more excitable. Similar violence was followed in Mokokchung and Kohima areas. His group murdered innocent Nagas in the name of independence. So far they have murdered more than 400 innocent Naga lives. The situation became more tense after the murder of prominent leaders like T. Sakhrie and many government servants and village elders.

The situation became very bad that the Government had to deploy security forces in aid of civil power. The villages in many areas had to be grouped in order to deny the hostiles food and material from the public and also to provide protection to the innocent villagers. But the Nagas could not stay long under these circumstances because the hostile activities were so serious that the public could not carry on their normal duties peacefully. They started voicing their opinion and condemning the activities of the hostiles. They started holding local meetings in their respective areas. All this resulted in the meeting of the First Naga People's Convention at Kohima in August, 1957. This was attended by representatives of all the tribes. It was well attended. Never in the history of Nagas we have seen such a big convention well represented. The other day, at a press conference in the United States of America, Phizo is reported to have said that the Naga People's Convention was un-representative in character. I wonder if he was really quoting his own view on that. I cannot understand his say-

ing like that because he was away from Nagaland. We were there. The people were there. But he says that it was un-representative in character. I do not quite understand him. When it is well attended by people, we say that it is representative in character.

It was in this first convention that the historic decision was made to find out the final political settlement within the Indian Union. According a delegation was deputed to New Delhi to meet our Prime Minister. There was discussion, as a result of which complete amnesty was declared all over the Nagaland. The villages were degrouped, and military operation was suspended with a view to give chance to those underground to come overground and lead a peaceful life. An appeal was given to the underground people, to come overground. They were told that they would be given pardon for their past offences. Enough time was given to the underground people. Another big step was taken at the Second Naga People's Convention at Ungma in May, 1958 by appointing a Liaison Committee to contact the underground people. Four month's time was taken in the effort to bring round the underground people and during this period about 70 per cent of the underground people came overground and settled down in the villages. The efforts of the Liaison Committee was not successful because the underground people were unwilling to negotiate with the Government of India except on the issue of independence whereas the Government of India had already indicated that no political discussion could be held on the issue of independence. So there was disagreement and the Select Committee of the Naga People's Convention, therefore, after a full deliberation of the report of the Liaison Committee, decided to go ahead with the difficult task of preparing the draft proposals for the final political settlement within the Indian Union. Accordingly, the Drafting Committee was formed in December, 1958 at

[Shri S. C. Jamir]

Kohima. After that enough time was given and the door was kept open to incorporate the views and opinions of the underground people as well. The Draft proposal was presented to the Third Naga People's Convention which was held in the month of October, 1959. After nine day's discussion and deliberation of the 16-points memorandum the Convention unani- mously accepted it and also resolved to send a negotiating body to meet the Prime Minister and discuss the 16- points memorandum. As a result of the talk with the Prime Minister came the creation of a separate State of Nagaland under the Indian Union on the basis of the 16-points memoran- dum. In pursuance of the Delhi Agree- ment, the Interim Body with Execu- tive Council was inaugurated on the 18th February 1961 to prepare the ground for ushering in a full-fledged State of Nagaland.

Since the inception of the Interim Body, it has been carrying on work of re-construction of the Nagaland and various schemes of development work and during the last one year period remarkable achievements have been made in all fields of activities. Forma- tion of all the Councils are now com- plete and they have started function- ing in all the areas.

Having seen the rapid progress and the influence of the Interim Body, the underground people have become more jealous and more desperate. So they tried to kidnap members of the Interim Body and the Executive Councillors. They have even fired at a convoy of Executive Councillors. In this tense situation, Dr. Ao, the first President of the Naga Peoples' Convention and the First Chairman of the Interim Body was shot at by the hostile Nagas in the broad day light at Mokokchung Town on the 22nd August, 1961 and he died on the 24th August 1961. Whatever may be the future progress of Naga- land, the late Dr. Ao will ever be re- membered by the future generations of the Naga people and the rest of India as the architect of the State of

Nagaland. Much blood was shed and many lives were lost while working on the creation of the State; however, their sacrifice has further strengthened Nagaland to be with the Union of India.

This, Sir, is the background of the Bill that is now before the House. I have explained it at some length and in some detail because it is necessary for the House and the country to be aware of the depth of Naga feelings on this issue and of the historical rea- sons for these feelings. Although until recent years the people of India had no chance to be seized of them, they have existed without modification or compromise ever since the beginning of relations between the Nagas and the rest of India. It is not, therefore, any fragmentation of India at which the Bill aims but rather at the first practical step to integrate Nagaland into the federal structure of the Indian Union from which they had hitherto, in heart and mind, held aloof. There have been some elements, some sec- tions of the people, who still feel that a full-fledged State was not granted to the Nagas. By the passing of this Bill by this House, their suspicions and doubts would be removed. There have been some sections of the people who were trying to disrupt this arrange- ment but they can never succeed.

Some people have made mention about the name Nagaland. The name of the new State is Nagaland, because that is the choice of the people. Let it not be imagined that it is some new or exotic choice. It has been the ideal of a whole generation of Nagas who have lived through blood and sacrifice to achieve it. It is not unnatural, in the circumstances of its birth, that special constitutional provisions should attend to this.

Then I would like to mention about the special provisions for land and its resources. In accepting these special provisions regarding the unfettered ownership by the Nagas of the land and its resources, the Government has not only recognised the intensity of

Naga tradition regarding such ownership but it has shown a magnanimous understanding in the tradition of Ashoka and Akbar that the strength of India lies in her unity in diversity.

Then I would refer to the provision about Tuensang district. Special and, at the first sight, complicated provisions exist for the administration of Tuensang District. These were formulated in exact keeping with the provisions of the Constitution to remove inequalities in India as a whole by granting for a time certain special facilities and concessions to the backward areas and the tribal people. The same problem arose even within the Nagaland because in Tuensang District the people are still backward and they lag behind the people of Makokchung and Kohima District. It was for this reason that the Naga Peoples' Convention formulated this provision for the Tuensang District so that they can grow with the rest of the Nagas.

Shri Bade: Do you like the use of the word "backward"? Are you satisfied with the provisions which are contained in the Bill and the powers which are given to the Governor? I am asking this because so many tribes do not like the use of the word "backward."

Shri S. C. Jamir: We cannot deny the fact that the people in that area are backward. It is a fact. So, we have to admit it.

In order to give them training, they will have representation in the Naga Legislative Assembly and also in the Cabinet. A reference was made to the Governor's powers. Here I may say that the Minister will be entirely and solely in charge of the Tuensang area, and the Governor will have to act according to the advice of the Minister.

Shrimati Renu Chakravarty: Not always.

Shri S. C. Jamir: Under this provision, we have given them the right to elect even Government servants to become members of the regional council so that they may assist the people

in the running of democratic institutions until they are capable of looking after themselves.

Lastly, I would like to point out that from the very outset the Naga political demand was for special treatment which will fit in with it the Naga way of life and will also enable them to enjoy enlightened and progressive form of Government according to their taste.

Some friends have stated that this agreement was made under pressure and violence. I do not agree with that view. I feel that the Nagas have got a right to claim a place in the Union of India. This is a matter of right. So, we should not treat the creation of the State as due to any policy of appeasement.

Then I would like to refer to some financial matters. Due to long years of neglect by the British, the New State has to depend entirely on the Centre for finance. But I assure the House that once the funds are given and normally returns, the people would be in a position to develop the resources and thereby substantially reduce the heavy expenditure that is now being incurred by the Centre. In this initial stage, if hon. Members are really sincere and serious in helping a new State grow side by side with the rest of India, finance should not be made a problem for the development of that area. Once the money is given, the State Government should be given full power to utilize it in the way it likes for the development of that area.

The development of the frontier area is beneficial not only for the people of that area, the local people; it is needed much more needed in the interests of the country as a whole. So, Sir, I renew my request that the Bill should receive the unanimous support of the House.

Shri P. C. Borooah (Sibsagar): Mr. Deputy-Speaker, after hearing the hon. Member for Naga Hills describing the history of the Naga Movement, I will try to confine myself to the feelings of the people of Assam on this

[Shri P. C. Borooah]

subject. Coming as I do from the State of Assam, it is with no small sorrow and pain that I rise to take part in this debate and give my support to the State of Nagaland Bill, 1962.

I am unhappy mainly for two reasons. First, the Bill aims at carving out a new State by cutting a limb of the State which Mahatma Gandhi once described as lovely Assam, whose damsels both from the hills and the dales meet together to tell fairy tales and to weave dreams in their primitive handlooms.

14.00 hrs.

Secondly, at a time when an all-out effort is being made to put an end to the disastrous fissiparous and disruptionist tendencies that are prevailing in the country and to bring about national integration, it has been necessitated us to debate a subject introduced by the same great Prime Minister, the aim of which goes counter to the very concept of our much striven for national integration.

After fifteen years of our independence we find that the North Eastern region comprising Assam, Manipur, Naga Hills, Tripura and NEFA is not settled. The different experiments made at different times have not been able to bring stability there. If we look back to the history of the last fifteen years, we will find that in the year of our independence there were twenty districts in Assam taking into consideration the six districts of NEFA and also Manipur. Sylhet had gone to Pakistan. Then we introduced the system of Part A, Part B and Part C States. Manipur was taken out of Assam and made a Part C State and there came two administrations. Then, by introducing the Sixth Schedule in the Constitution, the six Hill Districts of Assam were made autonomous and placed under a District Council in each. Nagas, of course, did not accept this autonomy. But the five Hill Districts formed their District Councils and five separate administrations came into existence. This raised

the number of administrations to seven. Then, with the object of effecting quick development, by a stroke of pen, NEFA which has six districts was separated from Assam and placed under the External Affairs Ministry. This made the eighth administration. Now comes the State of Nagaland, that is, the ninth administration. So, where there was one administration in 1947, today we have got nine administrations and if we take Tripura into the fold it becomes ten administrations in the North Eastern region having 21 districts, with the result that people from one region have been separated from the other region and the country in that part has been torn to pieces administratively.

It is very unfortunate that a certain section of the people always bring in the question of language in any matter relating to Assam. They always try to taint any action taken by the ruling party there, good, bad or indifferent, and think as if there are some motives. They go to the extent of professing that the demand for a Hill State as also for a separate State of Nagaland in the outcome of the language controversy. I emphatically say that it is absolutely not true. It has got no bearing with that. The demand for a Hill State came as early as the time when the States' Reorganisation Commission was set up, that is, about 8 or 10 years prior to the coming to the forefront of the language movement.

We have seen in yesterday's papers that the All Party Hill Peoples' Conference wants to start civil disobedience in support of their demand for a separate State from the 24th October this year, that is, two years after the passing of the Assam Language Act. It is a very amusing affair. May I ask whether the Conference have given up their original ground or for fear of losing the original stand have taken a new stand on the language controversy which has come ten years after their demand for a separate State?

It will not be out of place to mention here that the **Assam Language Act** is one of the most liberal Acts in this country so far as language is concerned because this Act goes a bit more in giving safeguards to the linguistic minorities than any other State. In the Hill Districts, so far as the Assam Language Act is concerned, English will continue until it is replaced by the languages of the respective districts. There is no question of Assamese there. But in other States it is not so. Take the case of Darjeeling in West Bengal. There the people wanted Gorkhali but, besides Gorkhali, Bengali is also put as the State language there.

Shri N. R. Ghosh (Jalpaiguri): Both are State languages.

Shri P. C. Borooah: Whatever it may be, I do not grudge it. But I say that the Assam Language Act is more liberal to the linguistic minorities than any other part of the country. That is my point. Anyway, it is not the subject-matter of this debate. I introduced it only to stress the point that there is no quarrel between the Nagas and the Assamese at least so far as the language is concerned. This is my point and that is why I had to bring in this language question.

The Assamese language is well understood in the Naga Hills Districts. There are many tribes in the Nagaland and each tribe speaks its own dialect which is not understood by the others. Assamese is the only language through which people of one tribe talk to the people of the other tribe. That has been like the *lingua franca*. You will perhaps know, Sir, that the proceedings of the Naga Peoples' Convention were conducted in the Assamese language and in the Constitution which has been framed by the Nagas themselves and has been passed by the Naga Peoples' Convention they have provided three languages, namely, Naga, Assamese and English. This at least proves that nobody can blame the Assamese so far as the matter of language of the Nagas is concerned.

Nagas are a very ancient people. A mention was made by our hon. friend, Shri P. K. Deo, that there is a mention of them in the Mahabharata. **Ulupee**, the daughter of Nagabhoomi, was the wife of Arjuna. The Assam districts being contiguous to the Naga Hills there are many things common between the Nagas and the Assamese and between their culture. They are living as brothers since time immemorial. There has never been any quarrel or a fight between them; rather, there are instances of Naga chieftains helping the Assam chiefs at the time of their distress. When Assam lost its independence to the British in 1826, the Nagas were gradually taken away from the Assamese and a thin wall was raised between the Nagas and the Assamese in the pre-independence days which has become the Chinese wall in the post-independence period. The same thing happened in the case of the other five autonomous Hill Districts. If the matters are allowed to pass in this way, a day may come when even the now silent five districts of NEFA may demand some sort of a State or secession. That is the position. We should remember that the hill people will not be satisfied with one Hill State. Maybe, each district will demand a State of its own. Not only that, each sub-division may also ask for a State of its own; Jowai, a sub-division of Khasi-Jayantia Hills, is demanding a separate District Council. Also, some may go to the extent of demanding secession. We hear that in the Mizo Hills District, there is already a strong movement going on for secession; the Mizo Hills District is situated in between Pakistan and Burma. So, the repercussions will not be confined to Assam alone. As has already been mentioned, it may touch the Punjabi Suba, the Hariana State, the DMK's Tamil Nad and Shri Jaipal Singh's Jharkhand also. New Demands may also come up. Whatever it may be, it is high time that we examine what we are doing in the north-eastern region, and review our affairs there. It is high time that we examined these things very carefully. Why were

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these demands not there at the time of British rule? Why was there no demand for a separate State or a demand for Hill State or secession at that time? And why is this sort of separatism being talked of, when, we are particularly careful in seeing that the distinctive culture and customs of the different hill peoples are not disturbed, and when we have been spending large sums of money for their development? This is a matter to be thought over.

In a state of being over-anxious to establish peace in the Naga front and possibly in his anxiety to stop bloodshed and killings in that area, our Prime Minister, rather a bit abruptly accepted the proposal of a separate Naga State for the Nagas. Our Government got committed to it, and as a result of it, today, we are discussing this Bill to make Nagaland a separate State.

The Assam Assembly was consulted. They have considered this Bill and they have given their views in a resolution. It will be interesting if I read out that resolution here, because the wording and the construction will go a long way in explaining the mind of the people of Assam. With your permission, Sir, I shall read out the resolution. It reads thus:

"This Assembly is of the opinion that in the interest of national solidarity and also with a view to bringing about a co-ordinated development and greater political stability of the eastern region of India, there should be an integrated political and administrative set-up of the various units within this area and that nothing should be done which may have an effect of weakening this unity.

This Assembly further considers that in such an integrated set-up, special arrangements could be made to meet the needs of different regions of the area.

This Assembly is of the view that the provisions of the State of Nagaland Bill, 1962, are not conducive to the aforesaid objectives.

This Assembly, however, notes that the Government of India is committed to the setting up of Nagaland as a separate State within the Union of India."

Shri Bade: Does my hon. friend agree with this resolution?

Shri P. C. Borooah: Yes, I agree with this; I agree and I am in full accord with the sentiments expressed in this resolution.

Shri Bade: Then the hon. Member may vote according to that at the end.

Shri P. C. Borooah: Whatever it may be, I have said already that it is with sorrow and pain that I have to support the Bill.

Before I conclude, I may convey to the people of Nagaland through this august House that we are sorry to find them go away from us, of course, administratively, but we can tell them that we cannot be separated in other spheres. None can change the geography of the land. Nagaland and Assam will continue to exist side by side till doomsday. And Nagas and Assamese will live together as brothers, as they have been doing from the time immemorial. Will you believe, Sir, that even when the Naga hostiles' activities were at their height, and when the kidnappings were rampant, the victims who were found to be Assamese and non-military personnel were treated by the Nagas very kindly, and they were given good food as if the Nagas were treating their old friends, and then they were escorted to the place of safety? That was what was going on at that time, on the one side, while on the other side, killings were going on.

This sort of fraternisation of such high order is rare in history. The innumerable weekly markets which are there today lying on the hundred-mile length of the Naga Hills border are still manned 25 per cent by the Nagas. Here, the Nagas meet freely the Assamese, and both work together for their common economic benefit.

In their rising against the mighty force of our country, the courage, unity and tenacity shown by the Nagas should remain as an example for us, and we hope that that example will give us strength to lead the 44 crores of our countrymen to integrate into one nation, in the fullest sense of the term.

Sir, I am an optimist myself, and I have faith in the future, and I have high hopes in the generation that is coming. Wishing the Nagas 'Be happy and prosperous in the new State', and hoping that Nagaland and Assam will unite again some day, I support this Bill.

Shri U. M. Trivedi: I think we must be very honest to the Constitution, and it is with this introduction that I address this House on this question.

It is by virtue of the provision contained in article 3 of the Constitution that the opinion of the Assam Legislative Assembly was recently obtained on the State of Nagaland Bill. Of course, the word 'Nagaland' has somehow or other got into the statute. One does not know how it has got into the statute. I do not find anywhere at what stage the word 'Nagaland' was coined. England, Switzerland, Ireland are all 'lands'. In India, however, there is one land only, and that is India. To have the term 'Nagaland', therefore, is a misnomer. However, somehow, the word 'land' has got in, and I should not be supposed to have said that I also use the word 'Nagaland', and, therefore, I am stopped from challenging the position. I would, for my part, say that it may be called 'Nagapradesh' or 'Nagalok' or something of that sort, but it should not be called Nagaland.

श्री रामेश्वरानन्द : नेता साहव, आप तो हिन्दी में जोल दो आपको क्या आपत्ति हो रही है ?

श्री उ० म० त्रिवेदी : अगर मझे टाइम दे दिया गया तो मैं फिर हिन्दी में भी बोल दूँगा ।

Shri Yashpal Singh (Kairana): Is Hindi secondary or primary?

Shri U. M. Trivedi: The proviso to article 3 of the Constitution reads thus:

"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the State, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference...."

Those views have been expressed by the Assam Legislative Assembly. In expressing those views, I find that almost every Member from Assam, Shri Mohi Kanta Das, Shri Tarapada Bhattacharyya, Shri Dulal Chandra Barua and several others have opposed it. I find there are about eighteen Members who have taken part in the debate in the Assam Assembly, and almost all of them, with the exception of two, Shri Lila Kanta Bora and one other Member, have opposed it. Shri Lila Kanta Bora also says in his speech that:

"I really do not like any bifurcation of my State."

So, each one of the speakers in the Legislative Assembly of Assam has opposed this measure. And those views are now before us. Now, does it lie in our mouth to say that simply because we are sitting here in Parliament, therefore, we should disregard the views of the people of Assam? We

[Shri U. M. Trivedi].

are simply disregarding the views of those who have been most affected thereby. I know that with the majority that the ruling party enjoys in this House, it is not possible that any voice will be heard other than the voice of the majority. But the majority should also consider whether, when the views of the Assam Assembly have been obtained and when that legislature has been very emphatic upon it, and when each one of them has opposed this Bill, it should not go a long way in determining our decision, and whether we should enter upon this hazard of having a new State in India. And what would that State contain? 6,300 square miles with a total population of 3,60,000. It is a sad commentary on our power to govern, on our power to rule, on our power to administer. We are not here to satisfy the whims of Mr. Phizo. We are not here to get certificates from him. We are not here to satisfy the whims of writers and observers in England or elsewhere. We have to see whether we are fit enough to govern a territory which is hardly 6,300 square miles in area and govern it efficiently or not. It is because we have not been able to govern it efficiently that Phizo has come into our territory, passed through our territory, got back into our territory and went out of our territory, and this is where we are made fools.

The whole world is laughing at us. We have to consider whether we should allow ourselves to be made a laughing stock. It is a strange phenomenon that today the Communist Party also has agreed to support this Bill. Always and anon, it has said everything against America. But it has failed to notice that it is these American missionaries who have created this trouble for us. Each one of us who had ever an occasion of remaining in Kohima or the area thereabout knows it. I was there in 1941-42. I know what conditions were prevailing there. The same conditions obtain there even today. One Dr.

Homeswar Deb Choudhury said this in his speech in the Assam Assembly:

"The Christian missionaries, tutored the Naga people that the Nagas were a separate nation. The missionaries' head at Kohima, of course, he was also the Headmaster, and myself often met for affairs of the Leper Asylum. He was probably Mr. Roberts, if I remember exactly or may be wrong in his name. He used to speak these things to me also."

This was the general impression that was created on those who had the misfortune of being there. I had a talk with one Dr. Liscom. He also felt that the Nagas were a separate nation.

We in our country have got tribes all over India. We have got the Bhils in Gujarat, the Bhariyas, the Ghants and Bhilaras in the territory from which my hon. friend, Shri Bade, is elected. And they are more numerous there. They can also claim to have a separate language, separate manners and separate customs. All those things are there. We are not going to recognise them in that way. They are part and parcel of ourselves. We have allowed these Christian missionaries to have the upper hand in this matter.

It is a matter of great sorrow for us, as some Members from Assam might express, that today we are creating a territory which we have not been able to administer because of the violence that was practised. We have not been able to put down this violence practised not by 3,60,000 people, but by hardly 10 per cent of that population who were supplied with arms by these foreign missionaries in a very subtle manner from across the Burma border. We have not been able to check that activity and we are today the victims of that activity.

The gloomy picture that presents itself is this, that we have given them

autonomy as much as we could. We have recognised their customs. Regional Councils were created for them. But there was no satisfaction. The more you satisfy them, the more dissatisfied they become. Will the creation of Nagaland create satisfaction? Phizo has already blurted out that he is not satisfied. He still feels that they belong to a separate nation. Why do we want satisfaction from those people who will never see eye to eye with us? He is at loggerheads with us. We are not able to catch hold of him. He might be a murderer. We have not charged him with murder. One or two murder charges would have been enough. I do not know whether there is reciprocity between us and U.K. on this matter. We could have demanded his extradition. But we have failed to do that also and the man has now become a citizen—in what manner, I do not understand, by what law, I do not know—of U.K., although as an Indian citizen he marched to that territory.

Let us examine the financial position. We will have hardly an income from this State of Rs. 30 lakhs, whereas the expenditure will be Rs. 5 crores. In other words, this will be a deficit State to begin with, with a deficit of Rs. 4.70 crores. Is it worthwhile doing it? Can we not utilise this money of Rs. 4.70 crores in any other manner? Can we not utilise it in some other reforms in that territory? Can we not utilise it in the same manner that the Christian missionaries are using it? Can we not employ other missionaries, other secular missionaries, instead of religious missionaries? We have failed in that and the net result is that today, notwithstanding the fact that the people of Assam have not agreed to the bifurcation of their territory, we are agreeing to this proposal by this Bill. It is a joke played on the people of Assam.

And what is the satisfaction it is going to give? Everytime there would be clamour. The Governor will be the same. In other words, the execu-

tive head will be the same. He will be called Governor of Nagaland; he will also be called Governor of Assam. The judiciary will be the same. The High Court will be common. University education would be the same, the Bar Councils Act and other things will be common. The one difference will be that they will have the satisfaction that 60 persons will be elected and paid some allowances and some Ministry may be formed and their mouths may be shut for sometime, that is to say, money will make some purchases and there would be followers for that.

The law which has been placed before us fixes one legislator to be elected for 6,000 people. In the whole of India, we do not elect an Assembly Member for less than 75,000 voters. It varies, between 60,000, 80,000 and 90,000. What is there special that these people should have a legislator for 6,000? For these 3,60,000 people, there would be a separate Member in the House of the People. I will not grudge it.

But the whole point is that we have to try to unify and integrate our country, this great State of India, by doing away with smaller units. The first fundamental in the creation of a State is that it must be viable. We are today sowing the seeds of disruption in our country. We have before us the picture of Goa staring us in the fact. A statement has been made by the Prime Minister about Goa. Similarly, there is the question pending about Pondicherry, Karaikal, Mahe and Yenam.

Shri Hari Vishnu Kamath: A Bill is coming.

Shri U. M. Trivedi: We can easily take Chandernagore and put it in West Bengal. We are hesitating to do it. This will lay the foundation for a good deal of clamouring.

This tendency will go further. The most important thing is that round about Kohima there are still tribes

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who call themselves Hindus. I do not know their names—Bhukis, Mirs or something like that. They are small tribes. They still remain round about Kohima. And they are averse to being governed by the Christians. So it is a fight of one religion against the other. It is not the fight of a tribe. The moment a tribal becomes a Christian, his custom is given up. The moment he becomes a Christian he changes from the tribe, he is lost to the tribe. And the Christian missionaries have a complete hold on them and they want to imbue them with their ideal.

It is unfortunate in our country, and it has been unfortunate even up to date, that religion is treated synonymous with culture. The Muslims told us, whether they lived in Kerala, whether they lived in Tamilnad, whether they lived in Andhra Pradesh or whether they lived in Gujarat, each one said "My mother tongue is Urdu"—whether he understood one word of Urdu or did not understand—and created trouble for us.

Shri Ansar Harvani (Bisauli): The Tamilnad Muslims never said that Urdu is their mother tongue; they always considered Tamil as their mother tongue.

Shri U. M. Trivedi: I have been told and I have been taught and I have heard people saying that.**

Shri Raghunath Singh (Varanasi): One hon. Member, Shri Abdul Wahid from the South said that Tamil was his mother tongue.

Shri Ansar Harvani: Indian Muslims have not....

Shri U. M. Trivedi: **

Shri Ansar Harvani: It is absolutely wrong.

Mr. Deputy-Speaker: Order, order.

Shri Tyagi (Dehra Dun): It is an aspersion on the whole community. He cannot say like that.

Shrimati Vimla Devi (Eluru): He must withdraw that.

Shri Jawaharlal Nehru: The hon. Member talks of the unity of India and is making charges all over, and false charges, I say.

Shri Tyagi: I submit, Sir, that his remark must be expunged. It is a disgrace to the Parliament and it must not go into the record.

Shri U. M. Trivedi: There is nothing unparliamentary. I have used it deliberately and I am conscious of the remark I made. There is nothing unparliamentary about it.

Shrimati Vimla Devi: Such sweeping remarks he cannot make here.

Shri A. C. Guha (Barasat): Any remark that questions the loyalty of a particular community should not be made in this House.

Shri Tyagi: It is a sweeping remark on a community and I think therefore it should be expunged.

Shri Raghunath Singh: It should be expunged.

Shri Jawaharlal Nehru: It applies, as stated, to many Members of this House; it is a disrespect of many Members of this House who are Muslims.

Mr. Deputy-Speaker: Mr. Trivedi, please withdraw that remark.

Shri U. M. Trivedi: I do not withdraw it. This is in reply to what Shri Ansar Harvani said. He made certain remarks and I resent it.

Shri Tyagi: He only said that his claim that the people of that area demand Urdu is not correct.

Mr. Deputy-Speaker: I will have to expunge it. These remarks of Shri U. M. Trivedi will be expunged.

**Expunged as ordered by the Chair.

Shri U. M. Trivedi: I am in your hands, Sir. I do not agree to the expunging of those remarks, because unless it is unparliamentary. (Inter-ruptions).

Mr. Deputy-Speaker: The hon. Member should not use such words, and they are offensive also.

Shri U. M. Trivedi: I am in your hands in this matter. I do not dispute it.

Shri R. S. Pandey (Guna): Since the Deputy-Speaker has said that you are wrong, you should correct yourself.

Shri U. M. Trivedi: I am on correct position. I am not going to correct myself.

Mr. Deputy-Speaker: Those remarks will be expunged. He may proceed and confine his remarks to the Bill in question.

Shri U. M. Trivedi: Yes, Sir, I was only giving an illustration and I was unnecessarily disturbed.

Shrimati Vimla Devi: You disturbed the whole House.

Dr. M. S. Aney: Don't illustrate it further.

Shri U. M. Trivedi: All right, Sir.

I was submitting that the creation of Nagaland is resented by the whole of Assam only on this ground that this territory is being created as a sort of shelter for these Christian missionaries who have converted hundreds of thousands of these people. Of course they are not more numerous than 3,60,000. But for them this whole country is to be made to bear a burden of nearly Rs. 4,70 lakhs every year.

This position also must be considered from the economical side, whether in the present position of our economy it is desirable for us that a separate land must be created. If this separate land is created, as I have said

and I will reiterate today, then there is every likelihood that the process of disintegration which beings today in the eastern end will not be confined only to Nagaland: we have other territories round about, and each will try to claim a separate unit for itself. In other words, so many smaller dis-integrated units, to be governed in different methods and in different ways with their different customs, will be put on our heads.

I will therefore conclude by saying this. It is true that it has been decided long ago that we must have it, and we are going to have it, because the majority is there. But we must respect the views of the Assam people who have with a single voice and with a unanimity asserted their views against this Bill.

Shri Hem Barua: Sir, the new State of Nagaland comes into existence after long years of travail and tribulations, dispeace and discord that has cost the lives of so many people and disturbed the peace in the north-east corner of our country. It is a most welcome addition to our federation of States.

This political settlement arrived at between the Government of India and the Naga Peoples' Convention is a happy augury in the sense that it marks an end to an era of cataclysm of blood and ushers in a new epoch of hopes and aspirations for the Naga people towards progress and peace.

On this happy occasion my mind naturally turns back to Dr. Imkongliba Ao, a man of vision and statesmanship who laid down his life on the altar of a cause, hit by an assassin's bullet. Dr. Ao died so that Nagaland might live, and in a sense Dr. Ao is the architect of this new State of Nagaland. Naturally enough, we pay our warm tributes to this man of vision, man of courage, man of moral strength and a man who had a wide outlook and a comprehensive view.

Now, it is often argued, and as I have seen from the proceedings of the

[Shri Hem Barua]

Assam Assembly I came across one argument very often trotted up. That argument is this, that the creation of this State of Nagaland would disturb the political stability in this north-eastern region of our country. I, Sir, do not understand how it is going to disturb the political stability of the north-eastern region. After all, Nagaland does not evaporate; after all, Nagaland is not going to be liquidated; after all, we are not conceding the demand made by Phizo for a sovereign State; after all, Nagaland will be a part of this broad family of Indian States. Therefore, this argument that it would disturb the political stability of this north-eastern region is an argument in which I do not find any sense or any meaning. I always feel that a people whose aspirations are satisfied—aspirations that they have genuinely had in a very serious way—are for ever a better bulwark of defence than a people emotionally and psychologically distraught and disorganised.

It is a very fine thing to see of late that there has been a developing interest in the north-east region of our country. Dr. Verrier Elwin used a very fine expression about that strategic region of our country; he called it "a frontier of hope". And it is a very fine thing that there has been a developing interest in our country about that north-eastern region. And it is possibly because of the fact that it enjoys a peculiar geographical position, situated as it is at a point that describes an international boundary, an international frontier, with countries of different political complexions, like China, Burma and Pakistan, surrounding it almost on three sides. And of late, possibly because of this Chinese aggression on a part of NEFA, that fact has pin-pointed interest in this part of our country. Therefore, I say from this standpoint also, this political settlement arrived at by the Government of India with this Naga People's Convention led by Dr. Ao

is an act of sagacity, an act of wisdom, and from that standpoint also I welcome it.

On this happy occasion, I want to pay my tribute to the gallant men of our defence forces. The Prime Minister, while speaking at the introduction stage of these two Bills, made a reference to the excesses, possible excesses, committed by our gallant men. There are charges of excesses, no doubt, and there might be reasons for that also, but we do want to give a handle to Mr. Phizo who has been carrying on a campaign of slander and calumny against this country, and there are Western partpers to him in this campaign. Whatever that might be, on this happy occasion of the formation of the State of Nagaland, I want to pay my tribute to the gallant men of our defence services who have been there, who have faced Naga bullets, hostile bullets, faced the onslaughts from the hostile Nagas so that India might live as one, as a united country, so that India might be strong, so that India is no more dismembered. For that purpose, these boys are there facing the bullets and preventing the further liquidation of our territory.

Some years back when I stood at the cemetery dedicated to the war dead of World War II at Kohima, and looked at the tomstone, I found on that tomstone a very fine inscription, just a few of lines in English. What do the lines say? The lines say:

"When you go home,
Tell them of us and say,
For their tomorrow
We gave our today."

Those people who fell there, gave their tomorrows for our todays, so that India might have a destiny of her own, so that India might live. We must pay our tribute on this occasion to our gallant men who sacrificed their lives. That was of course dedicated to the

war dead, but when I stood and read those lines, my mind naturally turned to the courage and the valour shown by our gallant young boys, young men, there.

I shall deal briefly with the events that led to this situation. What are those events? The British held the Naga Hills for 70 years and during this three-quarters of a century, the British Power never tried to uplift the people of Nagaland from the neolithic stage to the stage of the twentieth century. The British Power went to the Naga Hills with the gun in one hand and the Bible in the other, but they neglected completely the welfare of the people. Therefore, naturally enough, when freedom has come, there is an urge, there is an upsurge in the mind of the Naga people to grow and develop. These are people who were submerged under alien rule, possibly more than we were submerged. Therefore, when freedom came, naturally enough there was an urge for them to grow and develop. This has gone deep into their psychology. There is a broad movement of the mind, if I may use an expression of the Prime Minister. He said "movement of the mind" and I have learnt it from him. There has been a broad movement of the mind so far as these Naga people are concerned. Therefore when they become restless and restive because they want to grow and develop, there cannot and there should not be any apprehension.

I remember when the Hills Subcommittee under the chairmanship of the late Gopinath Bardolai was constituted by the Constituent Assembly, a section of the Hill people submitted a memorandum to that committee. It reads like this. This memorandum says:

"Unlike our brethren in the plains, who have had the opportunity to reap the full benefit of the British administration and thereby have "advanced in all spheres of life, who have made no progress whatsoever in spite of

so many years of British rule in our Hills. Our natural desire, therefore, is that Government should not treat us on an equal footing with the plains people. The system of administration we have here is quite different from that prevalent in the plains, and we desire that even under the new Indian Government we should be allowed to manage our own affairs according to our social customs and usages."

This has been admitted as a provision in the Bill.

What happened on the eve of freedom? When we were about to get freedom, Prof. Coupland, a British constitutional expert was despatched from London to report on the constitutional possibilities of India, and it was Prof. Coupland who made this suggestion, an outrageous suggestion: he said that the hills of Assam and the hills of Upper Burma may be combined together and constituted into a Crown colony under the aegis of the British Power. That was the suggestion that he made. And then what happened? This suggestion worked deep into the minds of these Hills people, this suggestion for separatism. As I have said, under the British rule, the hills people were debarred from having any communion or relationship with the plains people. There were two very nefarious regulations under the British rule. One was known as the Inner Line Regulation of 1873 and the other was known as the Frontier Tracts Regulation of 1880. These two barricades were there, and they prevented the people of the hills from having communion, having any connection, with the people of the plains. And the British people had their own reasons for that, because they knew that the fire of freedom was burning from one length of the country to another, and they were conscious of the fact that once these barricades were removed, the flame of independence might creep into the Naga Hills, the Hills people might get agitated

[Shri Hem Barua]

and there might be trouble and difficulty for them. It was because of this that they instituted these two barriers in the form of regulations.

But it pains me to tell you what happened after we achieved freedom. No attempt was made by our Government to create a sort of comprehensive Indian mind there, so far as the people of the Hills are concerned. Was there any communion? Did we not have the same barricades? Did we not have the same isolation? Did we not fan the flame of separatism that was generated by these British regulations, by the British Power, and above all by Coupland? We did the same thing. Was there any exchange, cultural exchange or exchange of views or communion of minds? There was none, except that some films from a Bombay studio were exhibited there, films, or pictures of, what should I say, of the human female body being exposed to advantageous proportion. But for that, was there any cultural exchange? There was nothing of the sort. I do not want to go into details of the events that have led to this, but I would charge our Government for another thing also.

Under the auspices of Phizo they declared freedom, they declared independence, and on the 21st May 1947 the Naga National Council, the spearhead of the revolution under the auspices of Mr. Phizo, made a statement asking the people of Assam to declare an independent State and co-operate with Nagaland. They wanted the flame of their distorted conception of freedom, according to their own urge, to spread into the State of Assam also. Then in 1951 a plebiscite was organised in order to spotlight the demand for a sovereign State for the Nagas into international footlights. In 1952 the election was boycotted. In 1953 there was an armed revolution organised against our Government. In 1956 a parallel Government was established by Mr. Phizo known as the Naga Federal Republic.

It drafted a constitution also. May I read out a few lines from that constitution? That constitution says like this:

"Nagaland is a peoples sovereign republic. This has been so from time immemorial. There shall be a Parliament with a strength of 100 Tatars....

—Tatar is a Naga word meaning M.P.

"The President will be elected by the people and his Cabinet will consist of fifteen Kilonsers."

Kilonsar is a Naga word meaning high Minister. That is a very fine word. I like it.

Whatever that might be, it happened like that. My purpose in referring to these events is only to show that we allowed this shadow to extend itself. We never tried to limit the shadow. I do not mean that in order to limit the shadow, Government should take to force. I did not want this problem to be treated as a mere law and order problem. But I would charge our Government with saying that there was no serious attempt to arrive at a political solution of the problem until, in fact, the Naga People's Convention organised themselves from the 22nd to the 26th of August, 1957 and passed a resolution of historic significance demanding that a separate Nagaland should be created within the Indian Union.

Shrimati Renu Chakravartty: What did the Assam Government do?

Shri Hem Barua: I do not know; there was a Congress Government. What can I do? I am not here to answer for them. And, if I have to answer for them, there will be a very long tale. I do not want to go into that.

Coming to the provisions of the Bill, I would rather very much appreciate the Prime Ministers anxiety for the hill people. He is for giving a

sort of autonomy to the Naga people to organise their own way of life, to maintain their own distinctive culture, their customs and institutions of justice and all that. They have a democratic organisation known as the *Upas* where justice is meted out. These are democratic institutions.

In August, 1946, the Prime Minister wrote a letter to I.S. Aier, a Naga college student then in the Allahabad University. There he said:

"At the same time it is our policy that tribal areas should have as much freedom and autonomy as possible so that they can live their own lives according to their own customs and desires."

This has been provided for in the Bill. I welcome that. But I would never compromise with one thing. In the Constitution (Amendment) Bill...

Mr. Deputy-Speaker: The hon. Member should soon conclude.

Shri Hem Barua: I have just come to the provisions of the Bill.

Mr. Deputy-Speaker: He has taken nearly 20 minutes; no Member has taken more than 20 minutes.

Shri Hem Barua: How many minutes more, Sir?

Mr. Deputy-Speaker: One or two minutes more.

Shri Tyagi: He is just now coming to the actual points.

Mr. Deputy-Speaker: That is not my fault.

Shri Hem Barua: I would be very fast.

Mr. Deputy-Speaker: He will have two minutes. (*Interruptions*).

Shri Hem Barua: Clause 2 of the Constitution (Amendment) Bill gives a lot of power to the Governor. When I turn to section 91 and 92 of the

Government of India Act, 1935, I feel almost the same powers were given to the Governor there so far as the hill districts are concerned. We are actually repeating those provisions.

Tuensang is proposed to be administered as a separate area. I do not understand why it should be so. If there can be an elected Assembly for the new State of Nagaland, elected Assembly functioning for the whole of the State, for all the districts of Nagaland—and there are only three districts—I cannot understand this. Financial responsibility has been given almost entirely to the Governor. Why should it be done like that?

Another point is about the law and order problem. That is entrusted to the Governor. I would say, this is a very wrong thing to do; when we have entrusted the responsibility of administration to the elected Assembly of the people, it must be the responsibility of that Assembly to do its duties so far as this law and order problem is concerned. There is an apprehension that there may be conflict, between the civil administration as represented by the Council of Ministers and the Assembly and the military authorities as represented by the Governor. Recently, they have had a conflict like that. When the IAF men were captured by the Naga hostiles there was a conflict between the civil and military authorities and it came to light. Therefore, I say this provision must not be there.

The Governor has been given arbitrary powers. The Minister for Tuensang Affairs will have the right of access to the Governor. There may be conflicts between him and the other Ministers in the Council of Ministers in the new State of Nagaland. Therefore, I have tabled an amendment that this clause 2 should be deleted and in place of that the constitutional provision for all Governors should be inserted. Otherwise, it would be a democracy only in name.

Shri S. T. Singh (Inner Manipur):
Mr. Deputy-Speaker, Sir, I wholeheartedly support this Bill for the Naga State. Before I proceed any further, I would like to say something of the Nagaland and its people.

The proposed Nagaland is a small area of about 6,000 sq. miles of rugged hills having a scattered and scanty population of four lakhs with a very low income. It is smaller in size and in population than any district of India. These factors make everyone of us curious why the Nagaland should be a State. But, under the prevailing circumstances, it becomes a necessity. We must face the reality even with a heavy drain on the Consolidated Fund of India.

Then comes its people. Though the Naga people had been with us from time immemorial, we have had very little idea about them. They were an isolated people with no communications whatsoever. They had very few common things with the valley people. Due to bad communications, physical, economical political and social reasons even they themselves were hostile to each other. Every unit was a sovereign unit and there had been continuous struggle between one unit and another. They were leading a hard life. And, it was nothing but a continuous warfare. That was a very hard life. Every unit was living in cloistered seclusion. Every village was a rath-prehistoric fortress. That was the condition before the British came.

No one was serious to link up all the parts of India as they are today by love or by force or otherwise at least to stop the rule of the jungle, before the British people came. But the British people came and scaled all the hills, rivers, and desert with their flag even at a loss without any direct and immediate gain. They established suzerainty over the erstwhile inaccessible areas.

For the first time, the Nagas had a central Government. They had enjoyed the fruits of a firmly establish-

ed government which had been desired for so long. They had seen the world outside through the British people. Under the Rules and Regulations of the British they could live better, safer and easier life. To some extent, they had been linked up politically, socially and economically.

All of us know that the British people were masters in ruling a foreign country. They had shrewdness, cleverness and efficiency in abundance. They knew their duty. They were most disciplined and hard workers. When there was no clash of interest with them, they were nice people and very impartial too. They liked justice. In short, they possessed all the good qualities of a ruler, at least for these areas. If there was any disturbance here and there it was efficiently dealt with.

15 hrs.

The Nagaland was one of the most undeveloped areas. There was nothing to be exploited immediately in that area. There was no room for economic exploitation. There was no clash of interest, politically and economically. The Naga people could see only the bright side of the British people. Therefore, many of the Naga people took the advent of the British people as a boon. Frankly speaking it was a boon to them. Then Independence came. The Naga people also aspired that they should have a better type of administration and wanted to have some say in the administration. But instead they found only change of masters from the whites to the non whites. So far we know that they had good impression about the whites. But about the non whites they had a poor opinion. Due to lack of foresight and other reasons the Government concerned manned the administration of the Nagaland with raw and inexperienced hands. They could not cope with the situation; they were all

misfits and square pegs in round holes. That aggravated the situation. The widespread disappointment of the Naga people on the one hand and the failure of administration on the other brought an uncontrollable situation. Some enterprising foreign bred Nagas exploited the situation and it worsened further. The exploiters were gaining ground everywhere. The Nagas were a simple and innocent and brave people and they took full advantage of that for their selfish ends and proclaimed as their goal a bold but impossible objective of a sovereign State of Nagaland. They had gone too far due to our negligence and lack of proper approach and timely intervention. If it was not checked in time there would have been serious repercussions in other parts of India. Now it became too late for piecemeal solution and only full autonomy can save the situation. In the above context our Prime Minister after studying the Naga problem minutely introduced the Bill and I think that all of us should support this Bill unanimously for the past indifference towards our brothers. I heartily thank the Prime Minister for his statesmanlike approach to the delicate problem to remove the ill once for all.

Dr. Colaco (Goa, Daman and Diu):
Mr. Deputy Speaker, Sir, I am speaking in a language with which I am not much familiar and I hope you will excuse any mistakes or lapses.

I have been following day by day with deep interest the proceedings of this House and I am aware of the brilliant zest and fire that is displayed by the Opposition Members and of the restrained and dignified manner in which the Government benches hold their positions. All, moved by the same love of their motherland, seek only to serve her to their best and give the world another example of a healthy and robust democracy. I am also, personally, inspired by the same will to serve the Nation, and at the same time my small home land, the territories of Goa, Daman and Diu, which I here represent, although im-

perfectly. You will perhaps be surprised to hear me speaking on a subject—the State of Nagaland Bill—and you may think that it may be alien to me. But I beg to submit that nothing that may involve any national interest should be strange to any Member of this House. Secondly, I see in this particular Bill some relevant moral values which in some way shed light on some aspects of the case of the territories I represent in this House.

The first point I must stress is that in this Bill due recognition has been given, as implying a full constitutional and political right to the legitimate aspirations of people, even of a people that might be called tribal in a measure, who wish to keep intact within the shell of a separate political entity, their peculiar individuality with the whole context of their religious, juridical, social and some other institutions. I see in this fully implemented a healthy moral principle implying some sort of a conditional right of self-determination within the solid boundaries of the national unity. You have here a haughty, sensitive and pugnacious people who tired of a wearing fight, offer through the Naga Peoples' Convention a platform of agreement to the Government of India, making fully known the will of the majority to stay within the Indian Republic but as a separate entity, while a limited section of the population was fighting for the so called full independence. And so ends—we must believe—a painful chapter of strifes and depredations and of unrest and suffering, that was the lot of that people. Sometime ago, the hon. Prime Minister had stressed: "The story of the last five or six years has been a sad and depressing one." I may say that the same thing happened in Goa, when the aspirations of her people, of her majority—I must underline this word—purposely ignored by her rulers, were duly understood and canalised to their final goal by the Indian people. We see in this case duly recognised the same right of the people to be thoroughly heard and respected in

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their legitimate aims and ambitions. The ethical value of this fact had to be stressed for the consideration of all of us.

The second point that I wish to emphasise is the apt and true materialisation of this principle in a genuine local autonomy, as it was already agreed to from August 1960. This Bill grants to the people of Nagaland the status of a full-fledged State within the Indian Republic with only some necessary safeguards regarding the powers conferred on the Governor, the location of the High Court and a few specific clauses referring to the Tuensang district, safeguards that cannot undermine the foundations of the new State. You can see in this fact another ethical principle involved. It is commonly understood—and that is a mistake—that the best way to the emotional and psychological integration of a people is to keep them attached by tight and almost suffocating reins to the chariot of the nation. This is an error of vision which is far from convincing as will be shown by experience; the sad Goan experience utterly belies it. It is absolutely necessary that the people should feel and see their will and aspirations fully respected and satisfied through a real and broad-based autonomy to obtain their adhesion and integration with the nation. The discontentment, the unrest, the ignorance by the national Government of their needs and grievances, the physical and, what is worse, the moral distance of that Government, all these different factors are only conducive to national disintegration.

15.11 hrs.

[MR. SPEAKER *in the Chair*]

The Indian Constitution, one of the best of the world, although with its "unitary bias", does not lose its federal structure, and the nation is, on the whole, made of pieces that are more united because perhaps they are more free. The Nagaland was not only given a separate place in the nation but she achieved in one jump the status of a

State, the 16th State of Bharat, severing her connection with Assam and endowed with a Legislative Assembly, with a responsible Cabinet of ministers and elected representatives in the Lok Sabha and in the Council of States, although she will be, for her full financial needs, a drag on the Consolidated Fund of India.

Goa, I may say, rightly aspires to this same status, that represents the fulfilment of her natural and unrestricted growth. Meanwhile, as Union territory, with her sound material and moral wealth, she deserves a full recognition of her right to a broad measure of autonomy with a Legislative Assembly endowed with due legislative powers including the powers of the purse and an executive council responsible to the Legislature. This may be applied to other regions also. The Government's view on this matter well expressed in many ways and lately stated by the hon. Home Minister regarding the territory of Himachal Pradesh, is evidently welcome.

Local autonomy is a sign of health and a remedy to many ailments. A simple fact may prove this almost unassailably. I am pointing out this fact only as an illustration and a proof. I am here in New Delhi receiving every day so many representations, protests, demands, petitions and complaints, etc., that I see almost despairingly that Goa, according to a famous saying of an old Portuguese Viceroy, is still being seen from far and heard late. Some local big sins of omission and commission are responsible for this state of affairs. The hasty way of introducing reforms, forgetting that the hon. Prime Minister had more than once assured that no changes would be made without the consent of the Goan people, the presence of so-called "additionalists" who were sent there unnecessarily and who are completely unacquainted with the legislation of the land modelled on a Latin pattern, which cannot be changed overnight, the adoption of an indecisive commercial and industrial policy,

the creation of new fields of unemployment, and last but not the least, the glorious presence of some people who seem to have entered there not as liberators but as conquerors—all these things go to show the bad results of a lack of local autonomy which I hope will be inaugurated without further delay under the able administration of the present Lt.-Governor and with the full co-operation of the Goan people, perfectly apt to conduct their business by themselves.

I am sure Nagaland will find her soul as soon as she enjoys the full measure of her autonomy and so will, more directly, find the soul of India. The same will happen in Goa, if my predictions go without fail due to some fault of men. What is needed, in one as in the other case, is that in addition, due and healthy contacts should be maintained between the Centre and the provinces by a thorough and well-guided cultural and social interchange by an organised tourism to and from these places, and specially by sending there, now and then,—as I have many times stressed—impartial, fact-finding and integrating commissions who can mix freely with all the different sections of the population and feel their pulse on so many affairs regarding their life and progress.

The coming to New Delhi of elected parliamentarians would help a lot in this work of integration. I said “elected” members, and I take it as a point of honour to stress the necessity of a genuine representation of the Goan people through the electoral system. This is the only point in which I agree with some opponents to my nomination, while continuing to deal with the other points with my imperturbable silence.

Coming to this matter, I must stress that in accordance with article 80 of the Constitution, Goa, Daman and Diu must also be represented in the Council of States and this representation could be allotted to Daman and Diu. As you know, these territories will have to be represented also in the local legislature.

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Finally, I must stress another point which I think is also important. The present Bill puts an end to a weary and painful struggle which was going on for so many years. Against the background of these struggles, there was always running a clear current of negotiations and these negotiations were happily crowned with full success. This is an excellent and an honourable method which is in full accordance with the Indian pacifist policy.

Coming to this point, I must again, almost involuntarily, refer to my own country. I was lately seeing with some astonishment that India has grown some kind of a guilty conscience or of an inferiority complex regarding the liberation of Goa. This was perhaps partly due to some fluidity of the enunciated principles or to a defective propaganda. The sharp criticisms of the Americans concurred with that also. But as we see, India had no account to give to the world in this matter, not only according to the canons of the West (“who could throw the first stone?”—was asking pertinently a Prelate), but even in accordance with her own ethical and political code, India believes in pacifism and non-violence which are deeply rooted in her soul by her old traditions and by the teachings of Mahatma Gandhi, in which we find an echo of the Sermon on the Mount. But pacifism and non-violence are not unconditional beliefs, . . .

Mr. Speaker: The hon. Member's time is up.

Dr. Colaco: I shall finish in two minutes. They are not unconditional beliefs in the ordinary course of events of this world. They are sure, fundamental methods but have to be abrogated although exceptionally, when one has exhausted entirely all means of persuasion, peace and non-violence. India waited for a long time of fifteen years to see whether the base of discussion from the opposite side shifted for a while to give some place to negotiations. That base, on behalf of the Portuguese Government, and not of the Portuguese people, was persistently

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growing up as a high and thick wall of stone. She was also aware of the failure of the economic sanctions imposed on Goa and which after all hurt only the poor Goans. She was definitely convinced—and this point is utterly relevant—that a great majority of the population of Goa, fully conscious of their right of self-determination, was in favour of her integration with India, or at least of her autonomy, as a step for her fuller growth.

Shri Hari Vishnu Kamath: Are we discussing Nagaland or Goa?

Mr. Speaker: He is expressing his sentiments.

Shri Hari Vishnu Kamath: Of course they are very fine sentiments and we are pleased to hear them.

Mr. Speaker: I have asked him to conclude. The hon. Member will have many more opportunities. Now, he should conclude.

Dr. Colaco: I am finishing. It was also ascertained that even the passive movement of Satyagraha would only meet with violence and utter bloodshed. The nation was also aware of the gradual impairing of the situation of Goans crushed under the wheels of dictatorship, which deprived them of their voice, of their capacity of reaction, even of their thought, while an immoral system of seduction, of depersonalization, of buying and selling of conscience was going on as dangerously as the contraband in the frontier. The moment of action definitely arrived. It was inevitable. And, then, with due care and some conservative strategy, liberation came in 24 to 26 hours. I would not discuss the happenings that followed and the formalities that had to be implemented after this event, but, as an eminent Goan journalist has aptly put it, . . .

Mr. Speaker: The hon. Member should conclude now. I think with this "liberation" it is better that he concludes.

Dr. Colaco: Sir, as an eminent Goan journalist has aptly put it, 'I want only to say that the armed liberation of Goa was "morally justified". The method followed in this, as in the other case, can be, on the whole, summarised in the following code of ethics: sound moral grounds, clean propaganda, clear-cut and unassailable logic, talks and negotiations and, only after complete failure of these non-violent means, the exceptional recourse to the armed intervention.

Shri Hari Vishnu Kamath: Is he arguing for a State of Goa?

Dr. Colaco: I am sure that the same method is applied to the case of China, Pakistan and others. All of us want to be proud of belonging to a noble and honourable nation, with a clean sheet and clean hands.

Mr. Speaker: I am very eager to hear the hon. Member, but there are pressures that it is not relevant here.

Dr. Colaco: Sir, I am just concluding. This is a consequence of that. The same standards should be applied to the inner life of the country. Corruption, exploitation, communalism and casteism, adulteration of food and drugs, so vehemently criticised by some hon. Members of this House, some aspects, I may say euphemistically, of the family planning that would even hurt the soul of the Father of the nation, all these stains must be wiped out vigorously from the Indian life.

Shri Hari Vishnu Kamath: Is it his maiden speech?

Mr. Speaker: Yes.

Dr. Colaco: Moral reputation is the most precious asset of a country. What really matters, in this and in the other world, is moral greatness. According to the biblical saying, let us seek, first of all, the Kingdom of God and His justice, being assured that all other blessings will be added unto us, in due course. Let us establish in the country the Ramraj of Mahatma Gandhi—

or, in its fuller and more transcendental sense, the Kingdom of God!

Mr. Speaker: The hon. Member has demonstrated that Goans are very tenacious and resolute.

Shri Gauri Shanker Kakkar (Fatehpur): Mr. Speaker, Sir, I am glad that in view of the bloodshed and all the consequences that followed we were not forced to accede to a separate State and we are now called upon to legislate for a territory within India. To that extent, I am welcoming the two pieces of legislation that have been brought before the House.

But when I go through these provisions I find that there is a half-hearted measure for giving birth to this new sort of a State. According to the Constitution, Sir, there are centrally governed territories and there are States which are full-fledged States. Here an attempt has been made to keep it mid-way. You can neither call it a full-fledged State as in the case of other States, nor can you call it a centrally governed territory. Therefore, I have got my own apprehensions that this particular attempt that is being made just to pacify the Nagas may not go, in the long run, to satisfy them.

There is another apprehension that by legislating this particular Bill there might arise an occasion for those centrally governed territories to demand regular elected legislative assemblies. Here I find that large powers have been given to the Governor. No separate high court has been created. In this way, that large amount of freedom of democracy which should have been enjoyed by an elected body has not been allowed in this particular Bill. How far that is in accordance with the cardinal principle of democracy is the question. It has been provided here:

"If any question arises whether any matter is or is not a matter as respects which the Governor

is under this sub-clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment."

So, Sir, there is a very great apprehension that this particular piece of legislation may not be able to pacify the Naga people. They can say that they have been given a State but still there is a break and democracy has been jeopardised to that extent.

There is another provision. In the case of other States it is the Home Ministry which is responsible. Here, the question of law and order has been entrusted to the Ministry of External Affairs. That too gives a sort of sentiment that equal treatment has not been meted out.

As I said, Sir, I welcome this Bill only because, after all, we are going to create a State within our Indian Union. But I have got another very great apprehension. The very fact of giving birth to a new State will.....

Shri Hem Barua: Is Parliament feminine, Sir? The hon. Member is saying: "if we give birth".

Shri Gauri Shanker Kakkar: We are creating a new State (*Interruption*).

Mr. Speaker: If some hon. Member wants to speak for himself why should there be any objection?

Shri Gauri Shanker Kakkar: Sir, I was saying that the very fact that we are creating a new State will, in the long run, give encouragement to all those sections which are trying to have separate States. I can understand the demand for a separate State

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of Punjab and the demand of the DMK people. That is quite illogical. But there is a mentality in our country that if our Government has acceded to create a new State they should come with the slogan saying that if the Government can create a new State for the Nagas why should they not create new States in other places. I do not mean to say that this should not have been done. But what is the safeguard to avoid this disintegration in this age of integration? That has to be safeguarded. I think the propaganda, the slogans or the public opinion created as a result of the passing of this Bill will not be checked. It would be very difficult to check it or to stop it from giving rise to demands for other separate States. They will at least put up their demands with vehemence and with force. Therefore, this should be kept in mind and it should be safeguarded.

Sir, when our slogan is for integration and all our attempts are centered round this, we have to see how far we can go with such sort of attempts in acceding to such separate States.

Then, as this is a very small State, whose area is very small and whose population is three lakhs and some thousand, it will create a great strain on our finances. Because, the legislative body would be functioning there and so we have to incur all sort of expenses. Instead of introducing this new experiment by a half-hearted measure, as I have already stated, it could have been a Union Territory and that arrangement could have been in force for some time to see how it works. Anyway, if this particular legislation is really able to pacify a section which is located in the border of our vast country, that will help to a very great extent the peace and tranquillity of our dominion.

But if the Government think that this is the panacea and by the enactment of this particular Bill everything

will be all right, I have to say one thing. This measure has come very late. It should have been done earlier in order to avoid the confusion, anarchy and heavy expenses incurred in establishing peace and order in that particular area. Anyway, we are going to have this enactment and the thirteenth amendment to the Constitution. So, in this case we are having a lesser evil and, therefore, I welcome it. But there should be a limit to the amendment of the Constitution and creating such new and separate States. As a matter of fact, that mentality should be curbed. We should live in the same manner as if they are all our brethren, our own kith and kin, the members of the same family. If that spirit is created and that spirit is allowed to prevail in the country then, and then alone, can we succeed in our Five Year Plans, in integration, in maintaining the solidarity of this country and so on.

With these words, as I already said, I welcome this measure only to the extent that it is a lesser evil by which we were able to succeed in preventing the creation of a separate State headed by Phizo.

श्री राम सेवक यादव : यह जो विधेयक लाया गया है, इसका मैं स्वागत करता हूँ। यह जो समस्या है यह आजादी के बाद से ही हमारे देश के सामने रही है और जिस तरह से इस समस्या को हल करना चाहिये था, उस तरह से इसको नहीं किया गया है। पिछले पन्द्रह वर्षों के इतिहास को यदि आप देखें तो आपको मालूम होगा कि उस इलाके में कितना ही खून बहा है, कितना ही घन बहा है और किस तरह से वदमजगी और एक दूसरे के प्रति अविश्वास फैला है। ये सब ऐसी चीजें हैं जिनकी कल्पना भी नहीं की जा सकती है।

आज पन्द्रह वर्ष के पश्चात् इस तरह का विधेयक ला करके हम एक नागा राज्य की

बात सोच र है । इसका मैं स्वागत ही करूंगा । यदि हम इन दोनों विधेयकों के बीच में जायें तो पायेंगे कि जिस उद्देश्य की प्राप्ति के लिये इनको प्रस्तुत किया गया है, शायद हम उस उद्देश्य को प्राप्त नहीं कर सकेंगे । फिर भी जो थोड़ा बहुत किया जा रहा है, उसका स्वागत ही होना चाहिये ।

यह सही है कि नागा लोग अलग राज्य चाहते थे, वे हिन्दुस्तान से अलग रहना चाहते थे । उनकी यह इच्छा बुरी थी । कुछ लोगों ने बगावत भी की, यह भी सही है । लेकिन बगावत करने वाले जो थे और वे भी जो इस देश के साथ थे, उन दोनों को ही अगर आप देखें तो वे सब हिन्दुस्तानी ही थे । मैं चाहता हूँ कि उनके साथ भारत सरकार का वैमनस्य या दुश्मनी भरा बरताव नहीं होना चाहिये जैसा कि पिछले पन्द्रह सालों में किया गया है ।

जब हम विधेयक की ओर आते हैं तो पाते हैं कि इसका नाम नागालैंड विधेयक रखा गया है । सबसे पहला मेरा ऐतराज यह है कि यह जो नागालैंड विधेयक इसका नाम रखा गया है यह ठीक नहीं है । इसकी जगह इसको अगर नागा प्रदेश विधेयक कहा जाए तो ज्यादा अच्छा होगा । यह केवल नाम का ही प्रश्न है और मैं समझता हूँ कि प्रधान मंत्री जी इसको जरूर स्वीकार कर लेंगे । ऐसा करने में कोई अड़चन नहीं होनी चाहिये । जैसे हमारे अन्य प्रदेश हैं, महाराष्ट्र प्रदेश है, आन्ध्र प्रदेश है, उत्तर प्रदेश है या दूसरे प्रदेश हैं, उनके साथ यह नागालैंड अगर जोड़ा जाए तो ऐसा लगता है जैसे शायद कोई दूसरा देश हो जाता है । मैं निवेदन करूंगा प्रधान मंत्री जी से कि ऐसा कर देने से कोई भारी परिवर्तन नहीं हो जाता है । हम दिमागी तौर पर एक तबदीली महसूस करते हैं, अपना नागा महसूस करते हैं और कोई अलगाव नहीं पाते हैं । इस वास्ते इसको नागा प्रदेश कर दिया जाए तो ज्यादा अच्छा होगा ।

इस विधेयक को धारा ११ को जब हम पढ़ते हैं तो पाते हैं कि वहां एक नागा राज्य की स्थापना की कल्पना की गई है और वहां के निवासियों को यह मौका दिया गया है कि वे अपने पैरों पर खड़े हो कर अपनी तरक्की खुद करें और हिन्दुस्तान के दूसरे राज्यों के साथ साथ वे भी आगे बढ़ें । लेकिन वहीं पर हम उसकी उपधारा १ और उसके खंड १ में यह भी पाते हैं कि छः जगहों वहां की विधान सभा की जो होंगी वे त्वेनसांग डिस्ट्रिक्ट के लिए सुरक्षित रहेंगी । यहां तक तो यह बात मेरी समझ में आ जाती है और मैं समझ सकता हूँ कि उसके लिए छः जगहों निश्चित रहें, सुरक्षित रहें, वहां में जनने लोग जरूर चुन कर आएँ । लेकिन उसके बाद जब कहा जाता है कि ये छः जगहों जो वहां की विधान सभा के लिये होंगी, इनकी पूर्ति बालिग मताधिकार के द्वारा नहीं होगी बल्कि वहां पर जो रिजनल काउंसिल की स्थापना होगी, उसके सदस्यों द्वारा इन जगहों के लिये चुनाव होगा, तो मैं इसको समझ नहीं पाता हूँ । यह बात प्रजातन्त्र के सिद्धान्त के विपरीत जाती है और शायद जिन आकांक्षाओं की पूर्ति के लिए यह विधेयक प्रस्तुत किया गया है, उसकी पूर्ति भी इससे न हो सकेगी ।

उपधारा २ में यह लिखा हुआ है :—

“Provided that for the period referred to in clause (2) of article 371A, the total number of seats in the Legislative Assembly of Nagaland shall be 46, of which—

- (a) six seats shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council from amongst themselves.....”

जो रिजनल काउंसिल की स्थापना होगी उन्हीं में से छः आदमियों का चुनाव होगा, यह जो धारा इस विधेयक की है यह आपत्तिजनक है । वहां की जनता जो कि बालिग

[श्री राम सेवक यादव]

मताधिकार पर वोट देने का हक रखती है, उसके अधिकारों पर यह एक प्रकार का कुठाराघात है और इससे जनतंत्र की अव-हेलना होती है। मैं चाहता हूँ कि इसमें से इसको निकाल दिया जाए।

उपधारा ३ का जो प्राविसो है उसको भी नहीं रहना चाहिये उसी आधार पर जैसा कि मैंने निवेदन किया है।

संविधान में जो संशोधन किया जा रहा है, उस विधेयक की ओर अब मैं आता हूँ। आर्टिकल ३७१(ए) जो है, उसके प्राविसो (सी) और (डी) जो हैं और उसके बाद जो खंड १ है, ये सब चूंकि जनतंत्र के सिद्धान्तों के विरुद्ध पड़ते हैं इसलिये इनको डिलीट कर दिया जाना चाहिये। इस में भी मेरा यही संशोधन है, जैसा कि दूसरे विधेयक में था। मैंने यह भी कहा है कि नागालैंड की जगह नागा प्रदेश कर दिया जाए। जहाँ जहाँ पर भी संविधान के संशोधन विधेयक में नागालैंड आया है, वहाँ वहाँ उसकी जगह नागा प्रदेश कर दिया जाए।

उसके बाद जब हम आगे आते हैं तो ३७१ (ए) का जो प्राविसो है, उसमें लिखा हुआ पाते हैं :—

“Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question.....”.

एक तरफ तो हम वहाँ जिम्मेदार सरकार की स्थापना करते हैं लेकिन उसके साथ ही वहाँ के गवर्नर को इस तरह के अधिकार देते हैं, तो क्या इससे ऐसा प्रतीत नहीं होता है कि हम वही चीज कर रहे हैं जो कि १६३५ के

एक्ट में थी। इससे ऐसा लगता है कि जिन चीजों को हमने अंग्रेजों से विरासत में लिया है, जो चीजें हमें परम्परा से प्राप्त हुई हैं, उन्हीं को हम फिर से यहाँ पर लागू कर रहे हैं।

इसी तरह से इसका (d) (i) है, उस में देखिये :

(d) as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for—

(i) the composition of the regional council and the manner in which the members of the regional council shall be chosen:

Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman *ex officio* of regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves”.

यह भी वही चीज है कि एक रीजनल कौंसिल की स्थापना होगी। गवर्नर उसकी स्थापना करेगा, वही उसके लिये नियम बनायेगा कि किस तरह से उसके सदस्य हों, किस तरह से चुनाव हो। एक रीजनल कौंसिल बनेगी जिसमें छः सदस्य होंगे, लेकिन उसका चेयरमन कौन होगा? वहाँ का जिलाधीश। यह जो सारी धारारें हैं वे, जिस मकसद की पूर्ति के लिये प्रधान मंत्री ने यह विधेयक उपस्थित किया है, शायद उसकी पूर्ति न कर सकें। आगे चल कर इसी तरह से २, ३, ४, ५ और ६ उपधारायें हैं।

फिर (सी) में देखिये :

(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the

recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council”.

यह कहा जा सकता है कि इस तरह की व्यवस्था इसलिये की जा रही है कि इस खास जिले की एक खास ग्रहमियत है। लेकिन जब विधेयक में यह व्यवस्था है कि जो सदस्य चुने जायेंगे उनमें से :

“One of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs.”

जो सदस्य उस जिले से चुन कर जायेंगे उनमें से एक मन्त्री होगा। तो क्या यह काफी नहीं है कि वहां के हितों की वह सुरक्षा करे। उसमें प्र।पने यह कर दिया है कि जो वहां की रीजनल काउंसिल होगी उसका अध्यक्ष वहां का जिलाधीश बनाया जाय और गवर्नर को यह अधिकार दिये जायें कि वह उसके लिये नियम बनावे। यह तो उसी तरह से है जिसे कहा जाता है कि “हाफहार्टेड मेजर” है। उन लोगों का दृष्टिकोण दूसरा है और यह चीज दूसरी दिशा में है। यह ऐसा “हाफहार्टेड मेजर” है जो कि जिस तरह की स्वतंत्रता या स्वाधीनता वहां के लोग चाहते थे उसे पूरा नहीं करेगा। इस लिये मैं चाहता हूँ कि मेरे सारे संशोधनों को मान कर इन चीजों को निकाल दिया जाय और पूरी जिम्मेदार सरकार के जो अधिकार होते हैं, जैसे कि दूसरे राज्यों में हैं, वे वहां पर भी दिये जायें।

प्रधान मन्त्री ने जब इन दोनों विधेयकों को प्रस्तुत किया तो हम यह आशा कर रहे थे कि जो हमारा पूर्वी प्रदेश है, नेफा का इलाका

है, मणिपुर का इलाका है या दूसरे राज्य है, उनके बारे में भी वे कुछ संकेत देंगे कि वहां किस तरह का सेट अप वे चाहते हैं। वे वहां पर जिम्मेदार सरकार देना चाहते हैं या नहीं। लेकिन इस की ओर कोई संकेत नहीं मिला इससे हम एक ही नतीजा निकालने पर मजबूर हैं कि सरकार के सामने कोई इस तरह का उद्देश्य नहीं, कोई योजना नहीं, कोई लक्ष्य नहीं, कोई दूरदर्शिता नहीं। केवल जहां जहां से प्रेशर पड़ा, जोर पड़ा, उसी तरह की चीजें कर दी गईं। अपनी तरफ से सोच करके वहां के लिये कोई विशेष व्यवस्था कानून की या राज्य की करने की बात नहीं की गई।

कुछ माननीय सदस्यों ने यह भी कहा कि अगर इस तरह से अलग अलग राज्य बनेंगे तो हमारी रक्षा पंक्ति और कमजोर होगी, देश बंट जायेगा और कमजोर हो जायेगा, लेकिन मैं बहुत विनम्रता से निवेदन करूंगा कि मैं उनकी राय से सहमत नहीं हूँ, क्योंकि अगर इस राय को मान लिया जाय तो जो हमारे पन्द्रह राज्य हैं वे हमारी कमजोरी का वायस बनेंगे। मैं इस दलील को नहीं मानता कि यह पन्द्रह राज्य देश को कमजोर करते हैं, मजबूत नहीं करते हैं। मैं मानता हूँ कि लोगों की जो अपनी निजी और स्थानीय आवश्यकतायें हैं उन्हें पूरा करने के लिये जिस तरह के कानून की और जिस तरह के संवैधानिक शासन की व्यवस्था जरूरी हो वह लोगों को दी जाय। उससे देश मजबूत बनेगा, कमजोर नहीं होगा। तो मैं चाहूंगा कि इस बारे में प्रधान मन्त्री बतलायें कि वे मणिपुर इत्यादि के बारे में क्या सोचते हैं। और ज्यादा अच्छा होगा कि इस तरह से अलग अलग विधेयक न लाकर सारी बातों को सोच कर एक विधेयक लाया जाय। इससे समय भी बचेगा और नतीजा भी अच्छा निकलेगा।

Mr. Speaker: Dr. Aney. I might inform hon. Members that I will be requesting the hon. Prime Minister to reply to this debate at 4.30 and at

[Mr. Speaker]

about 5 o' clock there will be voting on the motion for consideration. I am forewarning hon. Members so that they may have this information in time and may be present if they want to be present.

Dr. M. S. Aney: Sir, I wholeheartedly welcome this Bill. It is in a way a concession made to the people of Nagaland after a good deal of time. But the gratifying thing about what is being done is that it is on the agreement that was arrived at between the Naga people themselves that their own demand has virtually been embodied in this Bill. What should be the constitution for the people, what should be the status of the people in a given nation is a matter more or less to be determined by the people themselves. In the case of Nagaland the hon. Prime Minister has observed this principle. They fought for something and this has removed all suspicion from their minds about their being maltreated or being neglected. The hon. Prime Minister has taken the proper step in ascertaining their views, their thought and their demand. Judging them from the resolutions passed by their own Convention as also from their memoranda and deputations which they sent to the hon. Prime Minister, he has arrived at the conclusion that a State with the kind of autonomy that is embodied in this Bill should be given to them. It is with their agreement that the State is coming into existence. The main point is that it is with their consent and in conformity with their demand that this Bill has been drafted and the State is being created.

Generally, I find that the tendency is that if there is a demand for a separate State, many people rather feel a sense of horror at the same and do not go into its merits. It is a fact that when some people make a demand for a new State they feel it like a horror and even suspect the motives of those who make a demand of that kind. It is due to nothing

but short inertia. There is a kind of thing which is known as inertia which means what is going on is all right. They are not prepared to make a departure from that because of the inertia which is in them. Inertia, no doubt, is a good virtue because it helps the cause of stability to some extent, but it is also one of the greatest obstacles to any progressive thinking and action on the part of the people.

The Nagaland people had been misled by some of their leaders and were likely to be a source of great menace to this country. Ultimately, they have been reconciled and will now have a State of their own. Therefore I welcome this Bill. It will give an additional State to the whole of India. Some people think that if you create a small State, you create so many different States. If there are many pillars in a building, they hold the whole building. They are a support. The number of pillars does not weaken the building at all.

Shri Sonavane (Pandharpur): It will be all pillars and no building.

Dr. M. S. Aney: It is some new kind of engineering. It is better to go by the old idea of having support. However, in this speech I am not advocating my demand for the formation of a separate Vidarbha State for which I stand and which is the apprehension of my hon. friend there. That is not my object today.

The second thing is this. We are running a democratic State and the Naga people are living on the border. To leave them discontented or unsatisfied is a source of greater danger than to make such an effort to win them over and make them loyal citizens of the State. If you look at it from this statesman-like point of view, you will appreciate that the step that has been taken by the Prime Minister is one of great statesmanship and of lasting interest and benefit to India as a whole.

The situation that has been created on our border is very dangerous. China is there, and other friends are also there who are seeking for an opportunity to find out some kind of excuse for interfering with our affairs. Therefore, want, on the border, men who are fully contented, and who are satisfied, and who are loyal, and who are prepared to be one with us, and stand by us both in adversity and in prosperity. We want people of that kind on the border, and the step that the Prime Minister has taken is no doubt a step that will lead us in that direction.

Some people think that the rights given to the new State are not sufficient enough. I take it that this is only a provisional arrangement. The Prime Minister has stated in his speech today that after some experience, if it is necessary, they may get all those rights which other autonomous States have got today and they may become a full-fledged State. Or, perhaps, some other idea may strike them at a later time, and they might think of assimilating themselves with some other neighbouring State also. All that will come out as a result of the experience that they gain in the course of the years. But, now, a good beginning has been made, and I heartily welcome this Bill for this reason.

As regards the other provisions of the Bill, I have looked into those things. I feel that in the present circumstances, it is better that the jurisdiction of the Assam High Court extends to the new State of Nagaland also. Of course, there is also a common Governor, but that is for other purposes. So far as the High Court is concerned, the High Court is common to Assam and Nagaland. That is because the laws, customs and usages are all maintained intact. I like that procedure for this reason. After all, if there is to be reform, the demand for that reform must grow among the people themselves. If their laws, customs and usages are specially different from those of others, then they may not like that. But so long as they feel that

those laws, customs and usages are good, and they are doing them a service, and they are keeping them all united as a solid people, we ourselves should not put any difficulties in their way.

At the same time, I want to make one suggestion. At present, there are some foreign agents or foreign missionaries who are there, and for the sake of conversion, in the name of religion and in the name of many other things, they are creating conditions by which the customs and usages etc. of the Naga people are being changed, and changed in such a way as to denationalise them. It shall be the duty of the new State of Nagaland to guard the people against this danger. We have heard these reports very often, that particularly in these regions as well as in certain regions of Bihar, the foreign missionaries are making those efforts. I do not want to mention the name of any particular church, but it is a fact. As a Governor, I had to look at those conditions in those days. I think that it is necessary that we must encourage our people to start institutions by which the missionaries establish contact with the people, and befriend them. But we are not doing that. One of the duties of the welfare State should be that after having created this new State, we have to see that the people's loyalty to their State will grow, and their loyalty to the whole of India will also grow. I feel that some effort should be made in this direction. We should try to wean the people away from those reactionary forces which want to create religious fanaticism and which have a tendency to take the people away. That sort of thing should be checked, and such bad forces should be curbed.

From this point of view, the creation of this new State will be a great boon to the people there, and it will also be a source of strength to the Indian nation.

With these words, I give my wholehearted support to this Bill.

Shri A. C. Guha: Mr. Speaker Sir, I think that except one Member, practically all the Members who have spoken have supported this Bill. I also lend my full support to this Bill. But I think that every Member has at the back of his mind this idea that under the circumstances, this is the best that we could have done. Nobody would say that by itself this is a progressive step or that it might lead to anything for the fuller integration and consolidation of India, particularly, of the eastern regions. This matter was discussed in the Assam Assembly and practically all the Members expressed their dissatisfaction with the provisions of the Bill. They have only passed a resolution noting that the Government is willing to have a Bill like this enacted. Shri P. C. Borooah from Assam also expressed his dissatisfaction with the provisions of the Bill. At the same time, I would like to remind him of what the Chief Minister himself stated in this connection. He said that it was no use blaming the Government of India for all the steps we are going to take now, but blame should also be shared by those responsible in Assam. He said:

"If there be any fault for which we have reached such a stage, well, let us be all fair and share it equitably".

Then he said as Chief Minister, "I blame myself more for what has happened in regard to Nagaland".

It has been contended in the Assam Assembly that the creation of Nagaland would weaken our defence on the north-east-frontier. I do not agree with this view. The north-east-frontier was during the British rule not a very active or live frontier. The live frontier was the north-west frontier. The north-east frontier was more or less a dormant frontier. But now I think it is a very active and live frontier and no defence in that frontier can be called satisfactory if there are discontented elements residing in that area. The contentment of the people of the frontier region is the first neces-

sity for the security and defence of that frontier. From that point of view, it is inevitable under the circumstances that Nagaland should be separated from Assam.

In the debates in the Assam Assembly I find one very significant phrase. Assam was called particularly during recent years a 'problem State'. It has the problem of the Pakistan frontier, the problem of the China frontier, the problem of the linguistic minorities and dissensions between the linguistic groups. In the course of the debate there one Member called Assam a 'problematic State'. Shri Borooah also more or less followed that line of argument. Parts of Assam are being separated. NEFA has been separated. Of course, it would not be correct to claim NEFA ever as an integral part of Assam. It was always created as a separate administrative unit under the direct control of the Governor of Assam and previously under the Governor-General of India.

Now Nagaland is being separated. The Naga area—not the Tuensang area—was within the administrative area of Assam. Just beyond the frontier on the Burma side, there are also certain regions which even during the British days were called 'unadministered regions'. Quite a number of Nagas are residing there. That has made the position very difficult, because Nagas come over this side and then go into Burma and take shelter there. It is difficult to trace them. The difficult terrain also precludes military operations. It was all along the policy of the British Government to keep the Nagas, the tribal areas, separate from India or from the plains people. This Naga problem is the legacy of the British imperialist policy. It will not be quite correct to put all the blame either on the Government of India or on the Government of Assam. Of course, both the Governments have their share of the responsibility, as also this House, but we should consider the problem from the perspective of the past legacy

which we have got from the British imperialist policy.

16 hrs.

Another point in this connection is that the problem should not be considered to be wholly localised to Nagaland. The problem is expanding. The Government should make some decision before it is too late. For these 13 or 14 years the Nagas have been almost in a rebellion, and it was not a pleasant task for our Government to have any military operations against our own citizens. I must say in this connection that the Government have acted more with the intention of conciliation and consolidation than with the purpose of having a military victory over the hostile Nagas. However difficult the terrain, it would not have been difficult for the army of the Government of India to obtain a complete military victory over the 360,000 Nagas and to have peace, peace of the grave it may be called. But anyhow we could have established law and order surely, but the Government have proceeded on the basis of conciliation and winning over rather crushing down the people there. From that point of view, the Government should consider what their attitude should be regarding the claims made by other tribals.

Only yesterday's paper gave a big description of a conference held by the hill leaders planning civil disobedience for a separate State of their own. One Member of Parliament, Prof. D. G. Swell, attended that conference. Apparently that conference had his blessings. Further, in the Lushai Hills, now called the Mizo area, there is I think something like another Phizo appearing, claiming a completely separate and independent State of the Mizos. These are the problems on the frontiers. I think the Assam Government and the Government of India should make a definite policy decision before things move further. The tribal people who are virile, active and loyal to India,

should be given their real position within the Indian federation. The Assam Government also have to make their choice. In spite of all that may be said in favour of the Assam Government, of the difficulties that they have to face in dealing with different minorities, it should also be admitted, as has been admitted by the Chief Minister of Assam, that there has been a failure of leadership and statesmanship in dealing with the problem before the problem became so acute as to make a sort of surgical operation necessary and essential for the safety and security of that area. So, I would plead with the Government that an early decision should be made about the claims of the other hill tribes and also of the Mizos.

According to the report of the States Reorganisation Commission, the entire area including Tripura was to be put under one Government. Then Tripura objected to that, Assam also resisted that, therefore that was not given effect to. I think even now a liberal federation of the plains people at least, if the hill people are determined to get out of the Assam administration, should be considered at an early date before any further bitterness is created. But there should be a consolidated State of the plains people and Government should make a move in that direction.

Before concluding, I like to mention one thing. During the last 4 or 5 years, rather from 1957, Government have been moving towards the separation of the Nagaland and forming Nagaland into a separate State. At the same time, Government have also been doing consolidation work in that region. I find from the Statesman Year Book, from 1956 to 1960, the Government of India have spent about Rs. 27.86 crores for the educational and medical services, drinking water supply, for electricity and for roads. I think we should not grudge this contribution from the Central Government for the development of that area—not only of the Naga Hill areas but of all the other tribal areas also.

[Shri A. C. Guha]

Lastly, I should like to say one thing. Government should even now consider whether the Sixth Schedule of the Constitution has led to the consolidation of that area or has led to the further disintegration of that area. I suggest Government should take some policy decision about the Sixth Schedule either to give the whole hill people a State of their own or abolish this Schedule altogether and make them an integral part of the States along with the plains people. It is no use keeping them as separate and yet not giving them an opportunity for separate administration.

Shri Basumatari (Goalpara): Sir, I rise to support the Bill whole-heartedly. I also thank our Prime Minister for his untiring effort to settle this matter in this way after negotiations. There has been no time when the Naga Hills were not separate from Assam's general administration.

If you go into the history, you will see that it was not so even in the British time. They were kept under the excluded area of Assam. Prior to that also, when Assam was ruled by the Kachari rulers, they were separate from the Assam administration under the Kachari Kings from whom the Maharaja of Cooch Behar and the Maharaja of Tripura come. At the time of the Ahom's subjugation from the Kachari rulers also the Naga people were not in the general administration. But the relations between the people of Assam and the Naga people were very cordial. It was said that in 1954, when the Naga Goodwill mission came and visited all parts of the districts and won the hearts of the leaders, they called the Kachari King *Mama*, meaning maternal uncle. That was the relationship. This Naga word itself is of Kachari origin. Therefore, there is no point to be sorry about separation. Now, we have to see how to keep them in a united way in India.

Many hon. Members have referred to the failure of this Government and

this and that. Particularly, Shri Hem Barua said that the Congress Government failed. But I must say it is not only the Congress Government's failure. It is the failure of the whole leadership of Assam. The Assam people never associated with them. Even during British regime they were kept aloof. Therefore, we cannot blame only the Congress Government. I feel that in the machinery of Government there might have been some difficulty by which they cannot mix freely. But, there are people who could mix freely. The blame should not be on one party. The other leaders are also to blame. They must go to the people and mix with them. They never mixed with the people of Nagaland and this is the result of that. We have not been able to win over the hearts of the tribal people.

I cannot agree with Shri Guha who says that there is no statesmanship or leadership and all that. I do not know what he means by that. It depends upon how people are dealt with. The Nagas and the tribal people are so simple and unsophisticated; it is easy to win them over. Our Prime Minister has often said that they should be allowed to grow on their own lines so that they would not despise their past. But in the actual administration that was not the approach. Therefore, suspicions arise in the minds of the people. We should therefore be very careful in dealing with the tribal people who have been neglected by the superior community for ages. This is a delicate question. I am glad that the Naga people have been given a separate State. But I may not be supported by many people if I say so. Now that they will have their State on their own lines, they should be allowed to develop and strengthen India. Everybody heard what our hon. Parliamentary Secretary said about the history of Nagas and how this trouble started. There was a time. Immediately after Independence, they wanted; they were very anxious to come and meet people in plains. There was some difficulty. Even the hon. Prime Min-

ister was not advised by the Govt. of Assam to meet the Naga when he came there in 1952. They also wanted to meet the Congress President. They could not. Then certain events were there. All that lead to suspicion in their minds and so trouble started. From the very beginning, the way of administration and the way of dealings were not proper.

The Nagas are a simple people they are hardworkers. They are united. Their unity can be compared with no one else's. They cannot work alone; they work collectively. If one sort of a sound is made, it is enough to collect people in hundreds even from ten miles within a short time. You can well imagine the unity of such people. They should be dealt with carefully. Therefore, I cannot say whether Shri Hem Barua was correct in saying that the Government of Assam had gone wrong. I blame the leaders themselves, in Assam. They claim Assamese as their language for exchanging views amongst themselves. Now the language problem comes in. That language is really a mixture of tribal languages. But the difficulty is that they do not admit that it is a mixture of tribal languages? That will be accepted by the tribals. There was a great man, Muhapurush Shankar Mahadeo who wanted the unity of the communities and he discussed the question there. The Assamese who are called Assamese now, are all from outside. Only the indigenous people, the tribals were in Assam. Assamese itself is a mixture of all the tribal people. Now Bengali language comes in and we had that trouble. I do not want to say about that now. The plain tribals have their own distinct culture, language and everything, still they accepted Assamese language for the greater interest of the country. So, it has nothing to do with language.

Finally, I welcome this measure which has been accepted by our Government. It is at the right moment that our Prime Minister took this de-

cision. It is very encouraging. I wish the Naga people develop in their own way and in due course unite with Assam. I wish them all success.

श्री तुलशीदास जाधव (नांदेड़) : अध्यक्ष महोदय, इस हाउस के सामने नागालैंड के नाम से एक स्वतन्त्र स्टेट इस फंडेशन में बनाने के लिये जो बिल आया है, इसको मैं हार्दिक सपोर्ट करता हूँ ।

जहाँ तक नागाओं की मांग का सम्बन्ध है, यह कोई नई बात नहीं है। अगर हम पुराने इतिहास को देखें, तो पता चलता है कि बहुत दिनों से, अंग्रेजों के राज्य में भी, नागाओं ने एक अलग प्रदेश के लिये आन्दोलन किया, लेकिन उस समय उनकी मांग को स्वीकार न किया गया और उनकी इच्छा के अनुसार एक अलग प्रदेश का निर्माण करने के सम्बन्ध में कोई कार्यवाही न की गई। इसलिये अब इस बात की ज़रूरत महसूस की गई कि नागा लोगों को अपने रीति-रिवाज और रहन-सहन के तरीके के अनुसार एक अलग प्रदेश में रहने का अवसर दिया जाये। जैसा कि मैंने अभी निवेदन किया है, अंग्रेजों के राज्य में उन लोगों की तरफ कोई ध्यान नहीं दिया गया। स्वतंत्रता के बाद अगस्त, १९५७ में उन्होंने अपना पहला सम्मलेन किया और प्राइम मिनिस्टर, श्री नेहरू, से उनकी मुलाकात हुई। उस मुलाकात में उन लोगों की ग्रीवेन्सेज और कठिनाइयों को देख कर उनके लिये एक अलग एडमिनिस्ट्रेटिव यूनिट बना दिया गया। लेकिन उसके बनने के बाद भी उन्होंने दूसरा सम्मेलन किया बार-बार सम्मेलन करने का उनका उद्देश्य यह था कि वहाँ पर जो लोग गड़बड़ कर रहे थे और राज्य के खिलाफ कार्यवाहियाँ करते थे, उनको शान्त किया जाये। यह दूसरा सम्मेलन उन्होंने मई, १९५८ में किया और उन्होंने अपनी एक कमेटी बनाई, जिसको यह काम सौंपा गया कि वह उन लोगों को ठीक तरह से समझाएँ, जो कि वहाँ पर नाराज थे, और इस प्रकार वहाँ पर शान्ति से काम चले। इसम थोड़ी सफलता मिली ।

[श्री तुलशीदास जाधव]

उसके बाद तीसरा सम्मेलन, अगस्त, १९५९ को किया गया, जिस के बाद उन्होंने अपनी यह मांग रखी कि हमको एक स्वतंत्र स्टेट चाहिये। इस सम्बन्ध में वे अप्रैल, १९६० में आसाम के चीफ मिनिस्टर से मिले और पंडित जी से जुलाई, १९६० में मिले। पंडित जी से मुलाकात के समय जो समझौता हुआ, उसके अनुसार यह बिल इस सदन में लाया गया है। इसलिये, जना कि मैंने पहले भी कहा है, यह कोई नई बात नहीं है।

आसाम लेजिस्लेटिव असेम्बली को यह बिल भेजा गया और वहां पर पंडित जी का १ अगस्त, १९६० का स्टेटमेंट चीफ मिनिस्टर ने पढ़ कर सुनाया। उसको पढ़ने से मालूम होता है कि यह नई चीज नहीं है, बल्कि यह एक ऐसी चीज है, स्वतंत्र स्टेट करना जरूरी बात है उसके अनुसार यह बिल आया है। यह बड़ी अच्छी बात है और इस में विरोध का तो कोई कारण नहीं है। लेकिन एक बात यह नजर आती है कि जो कुछ कहा जाता है, उसके मूजब इम्प्लोमेंटेशन होता है और यह खुशी की बात है। उनका जो तीसरा सम्मेलन हुआ, उस में उन्होंने सोलह मांगें रखीं। उसके मूजब यह बिल हमारे सामने आया है और इसको पास करने में हमको खुशी होंगी है।

बहुत पहले, आजादी मिलने से पहले हम यह कहते थे कि हमें आजादी चाहिये, हमें मौका मिलना चाहिये कि हम जो हमारी तकलीफें हैं, उन को खुद हल करें और हम अपने आप मालिक हों, हमारा ही यहां पर राज्य हो। ऐसी ही इच्छा नागा लोगों की भी थी। हमें उन के दर्द को महसूस करना चाहिये और उस को दूर करने की कोशिश करनी चाहिये। उन को बिरादरी के अन्दर ही स्वतंत्रता प्रदान करने के बारे में यह बिल आया है,।

फिर एक यह भी बात है कि जब लोगों अशान्ति होती है, लोगों के विचारों में

परिवर्तन आ जाता है और उन को कुछ इच्छायें होती हैं, जिन को वे पूरा करने के लिये उतावले हो उठते हैं तो एक प्रकार की गड़बड़ फैल जाती है और शान्ति कायम नहीं रह पाती है और जो काम करने वाले होते हैं, जो राज काज चराने वाले होते हैं, उन को भी चैन नहीं पड़ता है। इन शान्ति और व्यवस्था कायम रखना चाहते हैं और नहीं चाहते कि देश में कोई गड़बड़ी फेंके। जहां पर रेवोल्यूशन होते हैं, वही रेवोल्यूशन होते हैं तथा जहां पर कैपिटलिस्टिक प्रवृत्तियां चलती हैं उन जगहों पर तो समस्याओं का निपटारा करने के लिये अलग दूसरे तरीके होते हैं, दूसरे रास्ते होते हैं, लेकिन हिन्दुस्तान में जहां पर डेमोक्रेसी है, जहां पर सोशलिस्टिक पैटर्न आफ सोसायटी का निर्माण हम करना चाहते हैं और उस रास्ते पर चल रहे हैं और जहां पर लोगों के लिये ही, उन के हित के लिये ही हमें काम करना है, हमें लोगों के विचार मुन कर, उन को गांवों को, उन की आकांक्षाओं को सामने रख कर ही कार्य करना होगा और यह उचित भी है। मैं समझता हूँ कि एक अच्छा काम आज इस वक्त यहां पर नागालैंड स्थापित करने के बारे में बिल को ला कर किया जा रहा है। जिस तरह से पन्द्रह अगस्त को जब हम स्वतंत्र हुए थे, हम ने खुशियां मनाई थीं, उसी तरह से आज नागा लोगों के लिये भी खुशी का दिन होना चाहिये जो यह बिल यहां पास हो रहा है। उन को इस बात की खुशी होगी कि उन के लिये एक स्वतंत्र स्टेट बनने जा रहा है।

एक माननीय सदस्य ने असम असेम्बली के अन्दर जो कुछ हुआ वहां पर जो स्पीचिज हुई हैं, जो चीफ मिनिस्टर की स्पीच हुई है, उस का हवाला दिया है। वहां के चीफ मिनिस्टर साहब ने जो रेजोल्यूशन पेश किया उसको उन्होंने पढ़ दिया उस में से एक पैरा इस प्रकार है:

This Assembly is of the view that the provisions of the State of

Nagaland Bill, 1962, are not conducive to the aforesaid objectives.

यह ठीक है कि उन्होंने इसको अपनी दृष्टि से वहाँ पर मूव किया। ऐसा करना एक साधारण सी बात है। आज भी देखा जाता है कि जब तो दो स्टेट्स के मध्य झगड़ा होता है तो जो लोग नेतागण होते हैं, उनको वहाँ के लोगों की इच्छाओं के अनुरूप ही कहना और करना पड़ता है। यह तो कोई तीसरा आदमी ही फैसला कर सकता है, सेंटर में बैठने वाला ही फैसला कर सकता है, कि क्या उचित है और क्या अनुचित। वहाँ के लोग अगर कोई ऐसा रेजोल्यूशन पेश करें कि इनको नागालैंड दे दिया जाये, एक स्वतन्त्र राज्य दे दिया जाय तो उन के लिये यहाँ पर मुश्किल हो सकती है। लोगों की अलग अलग भावनायें होती हैं। वहाँ पर जो स्पीचिज हुईं उनमें से चौदह-आना प्रतिकूल थे। और दो आना अनुकूल थे। बहुमती लोगों का कहना था कि स्वतन्त्रता नागा लोगों को प्रदान कर देने से, असम की शक्ति कम होगी। ऐसा कहना उन के लिये स्वाभाविक ही था। लेकिन ऐसा विरोध वहाँ पर नहीं हुआ कि उनके लिये काम करना ही मुश्किल हो जाता। इस तरह की बातें मामूली होती हैं, छोटी होती हैं, और इनको इतना ज्यादा महत्व नहीं दिया जाना चाहिये। हम देखते हैं कि महाराष्ट्र और मैसूर के बीच झगड़ा है। इसका भी सेंटर की तरफ से न्यायिक हल, मैं समझता हूँ, निकाल लिया जायेगा। वहाँ के जो लोग हैं वे भी चाहते हैं कि कोई न्यायसंगत हल निकल आये। असम असेम्बली के रेजोल्यूशन को देख कर तथा वहाँ हुई स्पीचिज को देख कर, इस निष्कर्ष पर पहुँच जाना कि हमें बिल्कुल कुछ नहीं करना चाहिये, ठीक नहीं है और इसका कोई आधार नहीं है।

अन्त में मैं इतना ही कहना चाहता हूँ कि यह जो बिल नागालैंड स्टेट बनाये जाने के बारे में आया है, यह बड़े आनन्द की बात

है। पंडित जी ने ऐसा कर के इस बात का परिचय दिया है कि वह डेमोक्रेसी को कितना महत्व देते हैं और डेमोक्रेटिक रीति से ही काम करना चाहते हैं। इस वास्ते मैं समझता हूँ कि इस सारी चीज को ठीक रीति से समझा जाये और इसको सर्वसम्मति से पास कर दिया जाये।

अन्त में मैं आप को धन्यवाद देता हूँ जो आपने मुझे बोलने का मौका दिया।

Mr. Speaker: The hon. Prime Minister.

Shri Bade: Sir, I have moved an amendment. I may be given some time to speak.

Mr. Speaker: If his leader wanted to speak, what could I have done? Why did he not put himself on behalf of the party?

Shri Bade: I have given an amendment and, therefore, I may be given five minutes.

Mr. Speaker: There is no inherent right.

Shri Bade: He has not taken the brief to plead for my amendment.

Mr. Speaker: That is a different thing. The party must have acted in a manner....

Shri U. M. Trivedi: Sir, he has moved an amendment and therefore he must be allowed some time.

Mr. Speaker: I cannot allow two speakers. The leader has spoken. Now he cannot be allowed another opportunity. Because he has moved an amendment, he has no special right that he must be given an opportunity. I first asked him because he moved an amendment. But then the leader said that he wanted to speak and, therefore, I gave him that time.

Shri Bade: That was wrong, Sir. I may be given five minutes.

Mr. Speaker: If he can finish within five minutes I can allow him.

Shri Bade: I can finish in five minutes.

अध्यक्ष महोदय, यह जो नागालैंड का बिल सामने आया है और साथ ही साथ कांस्टीट्यूशन को एमेंड करने के बारे में बिल आया है, इन दोनों के बारे में मैंने एमेंडमेंट दिये हैं कि इनको सिलेक्ट कमेटी के सुपुर्द किया जाय। इस का कारण है कि मैंने बिल में देखा है कि इससे नेशनल इंटीग्रेशन का जो हमारा ध्येय है, वह पूरा नहीं होता है। हम अपने देश को छोटे छोटे टुकड़ों में विभक्त करते जा रहे हैं, छोटी छोटी टैरिटरीज में बांटते जा रहे हैं और यहीं अगर हालत रहती है तो हम कहां जा कर रुकेंगे। हमारे प्रधान मंत्री जी ने रावी के किनारे खड़े हो कर कहा था कि हिन्दुस्तान एक है, यह हमारी मातृ भूमि है और उन्होंने जयभारत का नारा बुलन्द किया था। इस चीज को हमने रीडर में पढ़ा है। लेकिन अब हम क्या देखते हैं। किसी को हाथ काट कर दिया जा रहा है, किसी को भारत माता का पैर काट कर दिया जा रहा है। जब मैंने इस को देखा तो गोल्डस्मिथ की स्टोरी मेरे सामने आ गई। एक गैस्ट उसके पास गया अपना घोड़ा ले कर। वह घोड़ा वहां मर गया। जब उसने घोड़े को वापिस मांगा तो उसने घोड़े के बजाय एक लकड़ी उस को दे दी और कहा कि **दिस स्टिक विल बी यूअर हार्स**। उसने कहा कि यह कैसा मजाक कर रहे हैं, यह स्टिक कैसे हार्स हो सकती है। उसने कहा कि कुछ नहीं **यू विल वाक विथ यूअर लेग्स**, लेकिन यह जो स्टिक है इस को हार्स ही समझो। इसी प्रकार का यह बिल है। १९३५ का जो ऐक्ट था उसमें जिस तरह की पावर्स इम्पीरियलिस्टिक गवर्नर को दी गई थीं, उसी प्रकार की पावर्स यहां पर भी गवर्नर को दी जा रही हैं और इस बिल का नाम नागालैंड रख दिया गया है। क्या दिया जा रहा है, क्या नहीं दिया जा रहा है, समझ में नहीं आता है। इस बिल में बहुत से ऐसे दोष

हैं जिन को दूर करने के वास्ते इस को सिलेक्ट कमेटी को रेफर करना बहुत जरूरी है। आपने उनको आटोनोमी तो दी लेकिन साथ ही साथ गवर्नर को एक मुगल एम्पयर की हैसियत में उनको ऊपर ला खड़ा कर दिया है। ऊपर तो ऐसा ही मालूम पड़ता है कि उनको आटोनोमी दी गई है, लेकिन वास्तव में ऐसा नहीं है।

इसके साथ ही साथ मैं एक खतरे की घंटी भी बजा देना चाहता हूँ और यह खतरा ईसाई मिशनरियों की तरफ से उपस्थित है। वैरीयर एलविन की किताब में भी इसका कुछ जिक्र है। ईसाई मिशनरीज जो हैं वे नागाओं में, आदिवासियों में बहुत ही गलत ढंग का, बहुत ही भ्रान्तिपूर्ण प्रचार कर रहे हैं और उनको गुमराह कर रहे हैं हमसे अलग कर रहे हैं। उन्होंने हमेशा ही कहा है कि बँड नागाज अच्छे हैं, लेकिन गुड हिन्दूज अच्छे नहीं हैं। इस तरह की भावनायें वे इन लोगों के दिमागों में भरते जाते हैं। इनको वे हमसे अलग करने की हर प्रकार की कोशिश कर रहे हैं। हमारे इतिहास को, हमारे धर्म ग्रन्थों को तोड़ मरोड़ कर उनके सामने रख रहे हैं। उन्होंने उनको यहां तक कहा है कि शंकर भगवान ने किरात का रूप लिया था। उमा ने भी किरात का रूप लिया था। वे अर्जुन को मिले। अर्जुन ने नाग की कन्या उलुकी से शादी की। अब वे कहते हैं कि किरात मतलब न्मगाज है, ऐसा महाभारत में है, ऐसा हमारा इतिहास है। इस तरह से वे उनको गुमराह कर रहे हैं और हमसे उनको अलग करने की कोशिश कर रहे हैं। फ्रिजो ने अशान्ति फैलाई और उसके आगे हमारी सरकार झुक गई। जिसको हम पिलपिली गवर्नमेंट कहते हैं, वैसी यह गवर्नमेंट है। जो भी कोई इस पर प्रेशर डालता है, उसके आगे यह झुक जाती है। दबने वाली यह गवर्नमेंट है। प्रेशर आया और पाकिस्तान बन गया। प्रेशर

आया तो महाराष्ट्र और गुजरात अलग अलग हो गये । पंजाबी सूबे के बारे में भी शायद ऐसा ही होगा

कुछ माननीय सदस्य : नहीं, नहीं ।

श्री बड़े : इस तरह की प्रेशर थ्यूरी पर अगर आप चलते हैं तो यह गलत बात है । हमारे यहां पश्चिम में भी आदिवासी हैं । उन की भाषा भी एक है और एक प्रान्त के ही वे रहने वाले हैं । कल को वहां से भी मांग उठ सकती है कि जब आपने तीन साढ़े तीन लाख नागाओं के लिए नागालैंड दे दिया तो क्यों नहीं आप हमारे लिये भी, आठ लाख के लिये भी लावा लैंड दे देंते । तब आप क्या करेंगे । अगर वह भी दे देंगे तो कहां तक आप जायेंगे ।

अब भी वक्त है कि इस तरह की पृथक्तावादी प्रवृत्तियों पर आप रोक लगायें । मैं चाहता हूं कि आप आज आश्वासन दें कि आईदा और अधिक भारत के टुकड़े नहीं होंगे । आप को चाहिये कि आप कहें कि अब की बार माफ कर दीजिये आईदा और टुकड़े नहीं होने दिये जायेंगे ।

एक तरफ तो नैशनल इंटिग्रेशन की बात चल रही है, उस कमेटी की मीगिग चल रही है और वहां पर यह मांग की जाती है कि देश एक होना चाहिये, इधर आप और टुकड़े करते जा रहे हैं । जवाहरलालजी की यह बात कहां गई जो उन्होंने ने कही थी कि इंडिया इज अवर कंट्री और जो उन्होंने ने जयभारत का अर्थ बताया था कि बी आर आल वन । क्यों आप हिन्दुस्तान के छोटे छोटे टुकड़े करते जा रहे हैं । क्यों नहीं आप चार जोन्स रखते और यूनिटरी फार्म आफ गवर्नमेंट करते । इस से आप का खर्च कम होगा और आप को टैक्स बढ़ाने की जरूरत महसूस नहीं होगी । नागालैंड का पूरा खर्च आप उठाने जा रहे हैं । इतना कुछ करने के बाद भी गवर्नर

को बहुत ज्यादा पावर्स दे दी गई हैं । ऊपर से तो बहुत शो कर दिया है कि नागालैंड बनाने के बारे में यह बिल है और हम उन को आटोनोमी देने जा रहे हैं लेकिन अन्दर से यह दूसरी ही कहानी कहता है । इस वास्ते मैं ने अमेंडमेंट दिया है कि इस को सिलेक्ट कमेटी के पास भेज दिया जाय । इस का एक कारण यह भी है कि ३७१ जो आर्टिकल कांस्टिट्यूशन का है, उस का पांचवां शैड्यूल तो शैड्यूलड ट्राइबल के बारे में और छठा शैड्यूलड ट्राइबल एरियाज के बारे में है । साथ ही छठा जो शैड्यूल है वह १९३५ का जो एक्ट था और उस में ट्राइबलज के बारे में जो एक पालिसी निर्धारित की गई थी, वही पालिसी और उसी लैगेंसी का इस में भी कैरी आउट किया गया है । इसलिये मैं चाहता हूं कि अगर इस को सिलेक्ट कमेटी में भेज जाय तो वह इस पर विचार करसकेगी कि दर-असल में गवर्नर को कितनी पावर्ज दी जानी चाहिये । जो नारे आप इक्वैलिटी, फ्रीडमिटी, लिबर्टी और जस्टिस के लगाते हैं अपने कांस्टिट्यूशन में, उन नारों के अनुसार यह अमेंडमेंट्स हो रहे हैं या नहीं, इस का परीक्षण किया जाय, इस वास्ते मैं ने अपने संशोधन रखे हैं ।

Shri Jawaharlal Nehru: Mr. Speaker, Sir, the House has on the whole welcomed these Bills. Some hon. Members have pointed out some defects in them and have suggested some amendments. I shall deal with them a little later. But on the whole every hon. Member who has spoken, except one or perhaps two, has welcomed the whole idea underlying these Bills. I am happy about that.

Before I deal with these Bills I should like to say a few words about what our fundamental approach should be. That approach has been, not from today but from the day of independence and even before that, that we shall build up a united India with

[Shri Jawaharlal Nehru]

the goodwill of the Indian people preserving the variety of India in its unity. That has been the approach and not the approach, fundamentally, of the hon. Member opposite, Shri Trivedi, who believes in everything which divides India although he talks about the unity of India. I was amazed at the crudity of his approach and his expressions in the House today which, if given effect to, would split India into a thousand fragments. He calls himself a nationalist and yet his nationalism is confined to the frog-in-the-well policy where he believes that he is a nationalist and everybody else is not a nationalist; the Muslims are not nationalists; the Christians are not nationalists. Everybody who is not a Hindu is not a nationalist. Apparently that will be the next stage.

Shri U. M. Trivedi: That is not what I have said. I never meant that.

Shri Jawaharlal Nehru: That is what he said about Muslims to my ears. But I am very glad that he does not believe in that.

So, I take it that Shri Trivedi believes that India consists of Hindus, Muslims, Christians, Buddhists and atheists and that everybody who lives in India is a full-fledged nationalist. Let us understand that.

Shri U. M. Trivedi: Everybody who believes in India and believes himself to be an Indian has got a right to live in this country. That is what I believe in.

Shri Buta Singh (Moga): Please do not forget or try to neglect the Sikhs.

Shri Jawaharlal Nehru: The hon. Member has now defined his creed. Everybody who lives in India and believes himself to be an Indian has a right to live in it. That right, of course, he has in law in spite of Shri Trivedi. But the point is whether he is in any way in his opinion any the less nationalist than he is. I think

personally—and I speak with great respect—that he is not a nationalist—I mean Shri Trivedi—because nationalism is something which includes everybody in India.

Shri U. M. Trivedi: To make that statement that I am not a nationalist is going too far.

Shri Jawaharlal Nehru: I said so with all respect. Nationalism cannot be confined to a religion, however great that religion may be. Nationalism is something to the nation and everything pertaining to that nation comes within its scope. The hon. Member and some others, perhaps very few in this House fortunately, and some outside believe in that and talk in terms of nationalism as if that was their private preserve and everybody who did not fall in line with them is outside that domain. That is the mind which, I can very well understand, does not appreciate this Bill. It talks about disruption. The hon. Member who spoke last went on talking about disruption because a State was being created. I do not understand that. I am not quite sure if his idea was that India should be one unitary whole and the creation of a State is disruption. He did not say that but I think this was the trend of his argument. I do not understand that. That is fundamentally opposed to our approach which is that the great variety of India should be contained within our unity. India has grown great in the past and has lived thousands of years. If India or the great men of India in the past had followed the policy suggested by the hon. Member opposite, India's greatness would not have risen to the heights that it did. Indian culture spread all over Asia. Indians went abroad. Others came here, and they were absorbed here. Their ideas were absorbed; their religions were absorbed, so that India is a country of many religions which are all Indian in a sense because they have been here for hundreds and hundreds of

years. India is not a one-religion-country or a one-language country. These are the varieties that have come together to make this great Indian nation. And what makes an individual or a community or a nation great is its wideness of vision, its receptiveness, not its exclusiveness, not untouchability. Unfortunately, exclusiveness came to India and made a very great people narrow-minded and small and led to their fall.

Well, I hope that we aim in a different way, in a different direction. We are not exclusive. And I hope that a time will come, as it is rapidly coming, when even nationalism is not enough. When people are going to the stars and to the moon and all that, nationalism, that is, the concept of national boundaries etc., is getting rapidly out of date. However, that is not for the present. And, therefore, our whole approach has to be to welcome all people who live in India as of one family, whatever religion they may belong to, and whatever customs they may have, and work in co-operation with all.

This Bill, as I stated, is a right Bill. I am talking on the merits of the two Bills. But, apart from that, it is the product of an agreement, an agreement not only based on the original sixteen-point memorandum which came two years ago, which Mr. Imkonglibo Ao brought here with his colleagues. But even after this Bill was drafted, it was largely by agreement with their representatives, that is, the Naga leaders, who came here and had seen it, so that many of the criticisms made in regard to some provisions in it are rather beside the point.

For instance, some of the criticisms made were about the Governor's powers. First of all, we should realise that so far as this Bill goes, it establishes a full-fledged State. It is not a restricted State. It is a full-fledged State with certain temporary restrictions. The temporary restric-

tions are, first, in regard to the law and order situation, secondly in regard to certain finances, and thirdly in regard to the Tuensang district. These are the three where there are temporary restrictions. For the rest, it is a full-fledged State.

Now, in regard to the first restriction in regard to the law and order situation, hon. Members will realise, as our Naga friends realise, that the situation still in Nagaland is one which is not quite normal. It has to be dealt with abnormally. We hope that it is much more normal than it was, but it has to be dealt with abnormally. Therefore, it is desirable for the Governor to shoulder that burden partially; of course, partly, the Ministry there will shoulder the burden, but it is not right to leave it to them entirely; it is a heavy burden. In regard to that, it is stated here that as soon as the conditions return to normal, the Governor will report to the President to put an end to these special provisions, so that it is a temporary provision which is necessitated by the conditions of today.

As for finances, we have rather an odd position here. These finances mean, apart from small sums, the moneys given by the Central Government by way of subvention. Of course, subventions are given to other States too, but a great part of their expenditure comes from their own revenues. But, here a small part only comes from their own revenues. Since large sums are going, it was thought that the representatives of the Central Government, or call them what you will, should be partly responsible for the disposal of these funds, which mostly, goes, of course, for developmental works. It requires some experience and some judgment as to how to do it. They can raise their own revenues. All revenues will, of course, be spent with their concurrence. The final decision in a matters of this kind will temporarily be the Governor's.

*Bill and State of
Nagaland Bill*

[Shri Jawaharlal Nehru]

As for the Tuensang district, whatever has been put down is word for word what was suggested by the representatives of the Tuensang district and agreed to generally by the Nagas leaders. For various reasons, into which I need not go, the Tuensang district people require it. They wanted it. We agreed to it. It did not strike us to have special provisions for them, but when they wanted it and when the Naga leaders agreed to it, we had no choice in the matter.

So far as the Governor is concerned, he is not some Grand Moghul sitting there and doing things. The Governor is the servant not only of the Central Government, not only of the President but of this Parliament. He has always to function under strict limitations and whatever he does comes up here and before Government.

Shri Bade: If there is a difference of opinion, the Governor's opinion will prevail. That is the provision here.

Shri Jawaharlal Nehru: Shrimati Renu Chakravartty asked: why not a separate High Court?; why not a separate Governor? Well, why a separate High Court?—I ask. Here is the High Court of Assam which, I am glad to say of all High Courts in India, has no arrears of work.

Shri Hari Vishnu Kamath: Because it is very efficient.

Shri Hem Barua: That shows how smart we are.

Shri Jawaharlal Nehru: To create another High Court therefore a relatively small area, with not enough work, with very little work, is hardly worthwhile. Of course, it is open to the High Court, specially it is always open to the Chief Justice, to have a Bench there or do anything of that kind. That is a different

matter. But it would not be worthwhile from any point of view to increase the number of High Courts for such small areas.

As for a separate Governor, there is nothing in these draft Bills which prevents that. At the present moment, I think it is desirable to have the same Governor, I do not say it is likely that it will continue to be—desirable. But I say that there is nothing to prevent that.

There is another thing. The Governor of Assam has a special responsibility in regard to NEFA. The North-East Frontier Agency used to include the Tuensang region that was separated two or three years ago by Parliament. Conditions are different in the two places. Nevertheless, he has a special responsibility. That is why, if I may say so, we have to take very special care about whom we send as Governor to Assam. He has, of course, the same functions as Governors have elsewhere plus something plus NEFA....

Shri Hem Barua: The Governor of Assam is the most heavily worked Governor in India.

Shri Jawaharlal Nehru: Yes, he has heavy work and great responsibilities. We have had a very eminent Governor who has done very well and we are sending very soon a very experienced public servant there, because he has to face difficult problems. Therefore, it is purely from the point of view of practicality that it is desirable to have the same person as Governor of Nagaland. Of course, he is Governor of Nagaland because he is separately Governor of Nagaland, but there would be no point in appointing a Governor there who, the chances are, would not be so experienced.

Shrimati Renu Chakravartty: What would be his seat of office? Will it be Shillong or Mokokchang in Naga-

land? When you are giving him such large administrative functions—not only political functions, but also administrative functions—would it not be better that you have a separate Governor?

Shri Hari Vishnu Kamath: By rotation. He will function in both places by rotation.

Shri Jawaharlal Nehru: He will go to both places.

Some hon. Members thought that by creating this Nagaland the financial burden would be very great, Rs. 4 crores, but they did not seem to realise that those figures, that that burden is more now. The fact is that the area that is going to be called Nagaland has been separate, a separate entity all along; nothing is being separated. It was separated some time back, some years back, it has been functioning like that. Now that separate entity is being given a certain name. The separation does not take place now. It took place years ago, but it is given some autonomy, and the amount, what has been spent on that separate entity thus far, is likely to be spent in future. The separation again does not add to the expenditure, at least I do not suppose it will add very much.

Then, some one asked me about NEFA and Manipur and Tripura. NEFA stands on an entirely separate footing, and so far as we are concerned, we have, at the present moment, no particular intention of changing the administration there. It is not very easy to apply some general rules everywhere regardless of conditions. So far as Manipur and Tripura are concerned, presumably fairly soon, my colleague the Home Minister would put forward suggestions or proposals for the Union Territories, and those proposals are based on giving them a large measure of autonomy.

I really do not know why I should take the time of the House when the

House is so agreeable to these Bills, but I would like to say that something has been said about Assam, about the Assam Assembly resolution. It is perfectly true that the Assam Assembly viewed this question with some distaste, and the resolution they passed was presumably passed with some reluctance, but we must recognise first of all that this was not a new thing for the Assam Assembly. This very Bill which has come up today was envisaged more than two years ago, they knew it, we knew it, it is not a surprise to them.

Secondly, whatever they may have had in their hearts, this area was separated from Assam some years ago completely. They had nothing to do with it in the last two or three years. It is only recognising a fact, and recognising another fact which I am prepared perfectly to admit, as we should admit whenever there is some failure on our own part. What happened in this Naga territory, and the troubles we have had and the Naga people have had, have distressed us exceedingly, distressed us for a variety of reasons, because firstly any such problem distresses one, and secondly, that we should have to use the military and our police force to deal with people is always distressing. But what I was going to say was this, that in some measure at least, the fault was ours and that of the Assam Government—I am including both the Central Government and the Assam Government. It may be our fault because we did not pay enough attention to begin with. We were busy after independence with our own innumerable problems, and perhaps if we had dealt with it, and if the Assam Government which was directly in charge had dealt with it, somewhat differently, the consequences might have been different. That may be. I am not blaming anybody, because I am including ourselves. There it is, but a certain situation having arisen, we have to find a way out of it. There is no use getting annoyed at everything that happens. And, I do think that the way out which

[Shri Jawaharlal Nehru]

we have found is a good way on the merits and it is a good way above all because I think it is satisfactory to a great majority of the Naga people. And, what is more, it will, I earnestly hope, bring about not only superficial changes but changes of heart among the people so that there may be co-operation between all of us.

It is interesting to see, talking about the Assembly, that the two Members—as far as I can see only two from Assam spoke—have supported these Bills heartily and fully. And, the speech which I am sure all hon. Members must have listened to with great interest here, was the speech from my young colleague, the representative from the Nagaland itself. He spoke with fire, young as he is and with greater authority because he comes from that place, and knows the place and he knows the people and he is one of the people. Therefore, I venture to say that these Bills should be formally approved and passed as they are.

Mr. Speaker: I will now put the amendment of Shri Bade first.

Shri Bade: Yes, Sir; both the amendments.

Mr. Speaker: I will first put the amendment regarding the Nagaland Bill because I have said that the division will take place at five.

The amendment was put and negatived.

Mr. Speaker: Then I will put the motion to the vote.

The question is:

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

The motion was adopted.

Mr. Speaker: I will now put the second motion also.

The question is:

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

This requires a statutory majority, as hon. Members know. If there are some Members outside we may ring the bell. Every hon. Member shall be in his seat.

Shri Hari Vishnu Kamath: Shall we go into the lobbies or will the votes be taken by the automatic machine?

Mr. Speaker: If the automatic machine works, we will try.

Shri Hari Vishnu Kamath: It often does not work; it is much safer to go into the lobbies.

Shri Tyagi: It is not necessary unless a division is called for.

Mr. Speaker: If it does not work, then we shall distribute chits to the hon. Members and collect them. Before that I have to put Shri Bade's amendment to this Bill to the vote of the House. I shall now put Shri Bade's amendment to the vote of the House.

The amendment was put and negatived.

Mr. Speaker: Now, I shall put the motion for consideration.

The question is:

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

The Lok Sabha divided.

Some Hon. Members rose—

Mr. Speaker: One by one.

Dr. Colaco: Sir, I vote for 'Ayes'; my machine is not working and so it has not been recorded.

श्री बड़े : श्रीन ए प्वाएंट श्रीफ आर्डर, सर । मैं व्यवस्था चाहता हूँ कि जब उन्होंने बटन प्रैस कर दिया तो कर दिया । अब यह बात दूसरी है कि वह उसे यह कह कर ठीक कराना चाहें कि उन्होंने गलत बटन प्रैस कर दिया ।
They cannot say like that.

अध्यक्ष महोदय : माननीय सदस्य का कहना ठीक है लेकिन रूल्स में ऐसा है कि अगर गलती किसी से हो जाय और वह उसे ठीक करने के लिए कहे तो उस को दुस्त किया जा सकता है । पिछले स्पीकर साहब भी इस तरह की गलतियों को दुस्त करते रहे हैं । इस के अलावा ऐसे माननीय सदस्य जिन की कि मशीन ने काम नहीं किया उन का तो वोट रेकार्ड करना जरूरी है ।

Shri Tyagi: How is that possible?

Shri Kappen (Muvattupuzha): Sir, My vote has not been recorded..... (Interruptions).

Shri Tyagi: If one has pressed the 'ayes' button, how can it show 'no'? It is his mistake. The machine is working.

Several Hon. Members rose—

Mr. Speaker: Order, order. I have been advised to ask those hon. Members who have worked their machine and whose machine also has responded but who have recorded their votes wrongly to write and let me know their voting. About the others whose machines have not worked, I will

certainly take down their votes. So, only those whose machines had not worked may stand those who tried their machines but the symbols are not there.

Some Hon. Members rose—

Mr. Speaker: Well, there are eighteen hon. Members standing. These are all Members who have tried to work the machine, but the signs have not come in here.

17 hrs.

श्री प्रे० कृ० खन्ना (कायमगज) : मेरा नाम "आयज़" में शामिल कर लिया जाये ।

अध्यक्ष महोदय : क्या आप ने "आयज़" का बटन दबाया और "नोज़" आया ?

श्री प्रे० कृ० खन्ना : "एन्टेन्डान" आया है ।

अध्यक्ष महोदय : जिन माननीय सदस्यों का लाल रंग आया है, क्या उन्होंने लाल बटन ही दबाया था ?

श्री महादेव दुसाद (बांसगांव) : मैं ने "आयज़" का बटन दबाया, लेकिन "नोज़" आया है ।

श्री लालन दास (शाहजहापुर) : मैं ने "आयज़" का बटन दबाया, लेकिन मशीन खराब है, उस ने काम नहीं किया ।

Shri Lonikar (Jalna): My vote has not been recorded.

Mr. Speaker: Very well.

[Division No. 2

AYES

[16:59 hrs.

Abdul Wahid, Shri
Achal Singh, Shri
Akkamma Devi, Shrimati
Alagesan, Shri
Alva, Shri A.S.
Aney, Dr. M.S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bakliwal, Shri
Balkrishna Singh, Shri
Shri Balmiki,
Banerjee, Shri S.M.
Barkataki, Shrimati Renuka
arua, Shri Hem

Barupal, Shri P.L.
Besappa, Shri
Basumatari, Shri
Baswant, Shri
Bhagat, Shri B.R.
Bhakt Darshan, Shri
Bhanja Deo, Shri L.N.
Bhanu Prakash Singh, Shri
Bhatkar, Shri
Bhattacharyya, Shri C.K.
Bhattacharya, Shri Dinen
Biren Dutta, Shri
Bist, Shri J.B.S.
Boroah, Shri P. C.

Brahm Prakash, Shri
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Brij Raj Singh Kotah, Shri
Buta Singh, Shri
Chakravarty, Shrimati Renu
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotsna
Chandrasekhar, Shrimati
Chandriki, Shri
Chatter Singh, Shri
Chaturvedi, Shri S.N.
Chaudhary, Shri Y. S.
Chaudhuri, Shri D.S.

Chavan, Shri D. R.	Joshi, Shri A.C.	Mishra, Shri M. P.
Chavda, Shrimati	Joshi, Shrimati Subhadra	Misra, Shri Shyam Dhar
Chettiar, Shri Ramanathan	Jyotishi, Shri J.P.	Mohanty, Shri G.
Chuni Lal, Shri	Kabir, Shri Humayun	Mohsin, Shri
Coloco, Dr.	Kadadi, Shri	Morarka, Shri
Dafle, Shri	Kajrolkar, Shri	More, Shri K.L.
Daji, Shri	Kamath, Shri Hari Vishnu	More, Shri S.S.
Daljit Singh, Shri	Kamble, Shri	Mukerjee, Shrimati Sharda
Das, Dr. M.M.	Kanungo, Shri	Munzmi, Shri David
Das, Shri B. K.	Kuppan, Shri	Murli Manohar, Shri
Das, Shri N. T.	Kapur Singh, Shri	Murmu, Shri Sarkar
Das, Shri S. B.	Kar, Shri Prabhat	Muthiah, Shri
Dasappa, Shri	Karni Singhji, Shri	Naidu, Shri V.G.
Datar, Shri	Karuthiruman, Shri	Naik, Shri D. J.
Deo, Shri P. K.	Kedaria, Shri C.M.	Naik, Shri Maheswar
Deo Bhanj, Shri P. C.	Khadijkar, Shri	Nair, Shri Vasudevan
Desai, Shri Morarji	Khan, Dr. P.N.	Nallakoya, Shri
Deshmukh, Dr. P. S.	Khan, Shri Shah Nawaz	Nanda, Shri
Deshmukh, Shi B. D.	Khanna, Shri Mehr Chand	Naakar, Shri P.S.
Deshmukh, Shri Shivaji Rao S.	Khanna, Shri P. K.	Nayak, Shri Mohan
Deshpande, Shri G. H.	Kindar Lal, Shri	Nayar, Dr. Sushila
Dhuleshwar Meena, Shri	Kisan Veer, Shri	Nehru, Shri Jawaharlal
Dighe, Shri	Kotoki, Shri Liladhar	Nesamony, Shri
Dinesh Singh, Shri	Kripa Shankar, Shri	Nigam, Shrimati Savitri
Dube, Shri Mulchand	Krishna, Shri M.R.	Niranjani Lal, Shri
Dwivedi, Shri M. L.	Krishnamachari, Shri T.T.	Oza, Shri
Elayaperumal, Shri	Krishnapal Singh, Shri	Paliwal, Shri
Elias, Shri Mohammad	Kunhan, Shri P.	Pande, Shri K. N.
Ering, Shri D.	Kureel, Shri B. N.	Pandey, Shri R. S.
Firodia, Shri	Lahri Singh, Shri	Pandey, Shri Vishwa Nath
Gaitonde, Dr.	Lakkhan Dass, Shri	Panna Lal, Shri
Ganapati Ram, Shri	Lakshminanthamma, Shrimati.	Pant, Shri K.C.
Gandhik, Shri V. B.	Lalit Sen, Shri	Paramasivan, Shri
Ganga Devi, Shrimati	Laskar, Shri N.R.	Parashar, Shri
Gauri Shanker, Shri	Laxmi Bai, Shrimati	Patel, Shri Chhotubhai
Ghoosh, Shri N.R.	Mahadeo Prasad, Shri	Patel, Shri Man Singh
Goni, Shri Abdul Ghani	Mahadeva Prasad, Dr.	Patel, Shri N. N.
Govind Das, Dr.	Mahananda, Shri	Patel, Shri P. R.
Guha, Shri A.C.	Mahtab, Shri	Patel, Shri Rajeshwar
Gupta, Shri Badshah	Mahida, Shri Narendra Singh	Patil, Shri D.S.
Gupta, Shri Indrajit	Mahishi, Shrimati Sarojini	Patil, Shri M. B.
Gupta, Shri Shiv Charan	Maimoona Sultan, Shrimati	Patil, Shri S.B.
Hajarnavis, Shri	Malaviya, Shri K. D.	Patil, Shri S.K.
Hansda, Shri Subodh	Malhotra, Shri Inder J.	Patil, Shri Vasantrao
Hanumanthaiya, Shri	Mallick, Shri	Patnaik, Shri B. C.
Haq, Shri M.M.	Mansen, Shri	Pattebhi Raman, Shri C.R..
Harvani, Shri Anwar	Mandal, Dr.	Pillai, Shri Nataraja
Hazarika, Shri J.N.	Mandal, Shri Yamuna Prasad	Prabhakar, Shri Naval
Heda, Shri	Mantri, Shri	Pratap Singh, Shri
Hem Raj, Shri	Marandi, Shri	Puri, Shri D.D.
Himmatsinhji, Shri	Masuriya Din, Shri	Raghavan, Shri A. V.
Imbichibava, Shri	Matcharaju, Shri	Raghunath Singh, Shri
Iqbal Singh, Shri	Mathur, Shri Harish Chandra	Raghuramaiah, Shri
Jadhav, Shri M.L.	Mahrotra, Shri B. B.	Raj Bahadur, Shri
Jadhav, Shri TulSIDAS	Mehta, Shri Jashwant	Raja, Shri C.R.
Jagjivan Ram, Shri	Mengi, Shri Gopal Datt	Reju, Dr. D. S.
Jamir, Shri Chubato Shi	Menon, Shri Krishna	Rem. Shri T.
Jamunadevi, Shrimati	Minimata, Shrimati	Ram Sewak, Shri
Jedhe, Shri	Mitra, Shri Bakar Ali	Ram Subhag Singh, Dr.
Jena, Shri	Mishra, Shri Bibudhendra	Ram Swarup, Shri
Jha, Shri Yogendra	Mishra, Shri Bibhuti	

Ramakrishnan, Shri P.R.
 Ramaswamy, Shri S.V.
 Ramaswamy, Shri V. K.
 Ramdhani Das, Shri
 Rananjai Singh, Shri
 Rane, Shri
 Ranga Rao, Shri
 Ranjit Singh, Shri
 Rao, Dr. K.L.
 Rao, Shri Jagannath
 Rao, Shri Krishnamoorthy
 Rao, Shri E. Madhusudan
 Rao, Shri Muthyal
 Rao, Shri Rameshwar
 Rattan Lal, Shri
 Raut, Shri Bhola
 Ray, Shrimati Renuka
 Reddi, Dr. B. Gopala
 Reddiar, Shri
 Reddy, Shri Esvara
 Reddy, Shri Narayan
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S.K.
 Sahu, Shri Rameshwar
 Saigal, Shri A.S.
 Samanta, Shri S.C.
 Samnani, Shri
 Sanji Rupji, Shri
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati
 Satyanarayana, Shri
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shah Shri Manabendra

Shah, Shri Manubhai
 Shah, Shri mati Jayaben
 Sham Nath, Shri
 Sharma, Shri A.P.
 Sharma, Shri D. C.
 Shastri, Shri Lal Bahadur
 Shastri, Shri Prakash Vir
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shinde, Shri
 Shree Narayan Das, Shri
 Shrimali, Dr. K. L.
 Shukla, Shri Vidya Charan
 Siddiah, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri J. B.
 Singh, Shri R. P.
 Singh, Shri S. T.
 Singha, Shri G.K.
 Singha, Shri Y.N.
 Sinha, Shri B. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramdulari
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh, Shri
 Sonavane, Shri
 Soundaram Ramschandras,
 Shrimati
 Soy, Shri H. C.
 Srinivasan, Dr. P.
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendrapal Singh, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri

Swamy, Shri M.P.
 Swaran Singh, Shri
 Tabir, Shri Mohammad
 Tanti, Shri Rameshwar
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwari, Shri K. N.
 Tiwary, Shri R. S.
 Tripathi, Shri Krishna Deo
 Tula Ram, Shri
 Tyagi, Shri
 Uikey, Shri
 Ulaka, Shri
 Upadhyaya, Shri Shiva Dutt
 Utiya, Shri
 Vaishya, Shri M. B.
 Valvi, Shri
 Varma, Shri M.L.
 Varma, Shri Ravindra
 Veerappa, Shri
 Venkaiah, Shri Kolla
 Venkatasubbaiah, Shri P.
 Verma, Shri B.
 Verma, Shri K.
 Vidyalkar, Shri A. N.
 Virbhadra Singh, Shri
 Vishram Prasad, Shri
 Vyas, Shri Radhelal
 Wadiya, Shri
 Warrior, Shri
 Wasnik, Shri Balkrishna
 Yadav, Shri N. P.
 Yadav, Shri Ram Harth
 Yadav, Shri R. N.
 Yadav, Shri Ram Sewak
 Yadava, Shri B. P.
 Yusuf, Shri Mohammad

Noes

Shri Bede
 Shri Berwa
 Shri Brijraj Singh
 Shri Kachhavaiya

Shri Tan Singh
 Chatterjee, Shri H.P.
 Shri Trivedi

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Mr. Speaker: The result of the division is as follows:

Ayes: 315 plus 20, that is, 335.

Noes: 5.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Mr. Speaker: Now, though there was a desire expressed that the State of Nagaland Bill be taken up first, I thought that the House being full, we

might take first the Constitution (Thirteenth Amendment) Bill and finish it. If hon. Members have no objection and if the House is agreeable, we might do that.

Several Hon. Members: Yes, yes.

Shri Hari Vishnu Kamath: There is another item on the Order Paper to be taken up at 5 o'clock. It is a half-an-hour discussion.

Mr. Speaker: That will have to be postponed.

Shri Hari Vishnu Kamath: How long will the House sit?

****Names of three Members were not recorded.

†††Names of two Members were not recorded.

Mr. Speaker: We will finish these Bills. We take up clause-by-clause consideration of the Constitution (Thirteenth Amendment) Bill.

Shri Tyagi: May I just make a humble suggestion? It becomes odd really that while the machine is working all right, we sometimes make a mistake and corrections are effected afterwards. I suggest that you give a ruling that no corrections should be made or corrections could be effected only when the machine is tested, as to whether it is working well or not.

Mr. Speaker: Even if we go to the lobbies, then too corrections are allowed afterwards, though I have always advised hon. Members to be careful. Because the rules stand like that, I cannot accept the hon. Member's suggestion. Let us proceed to the clauses now.

श्री रामसेवक यादव : अध्यक्ष महोदय, मेरा भी अमेंडमेंट है ।

अध्यक्ष महोदय : कौन सा अमेंडमेंट है ?

श्री रामसेवक यादव : मैं ने वह अमेंडमेंट देर में दिया था ।

Clause 2—(Amendment of Part XXI)

Shrimati Renu Chakravartty: I beg to move:

Page 1, line 26, after "Nagaland", insert—

"who shall be a separate incumbent from that of the Governor of Assam and who". (5)

While hearing the Prime Minister I thought that he would give some plausible answer as to why it should lead to better governance of the State if we have the same Governor for both Assam and the State of Nagaland.

Now, as a matter of fact, one of the greatest reasons why in these very remote parts the administration has

not been up to the mark is the fact that we have not had people to go into the details of the administration and help the local people to function more effectively. This has often led to greater difficulties. It is for that reason, because while the hon. Prime Minister has stated that there is nothing which militates against our having a separate Governor, as far as I can make out, the whole process, as it is being envisaged, is to have the same Governor. Because not sufficient and cogent arguments have been put forward for having the same Governor, I have moved this amendment. I feel that it will be much better for the government of a separate State, especially in a remote area like Nagaland, to have a separate person, who will be in charge of both the political aspects as well as the administrative aspects and who will be able to devote all his time, instead of having a person who will only be a one-third Governor because he will have to look after Nagaland, NEFA as well as the complicated situation in Assam. It is from this point of view, Sir, that I have moved this amendment and I hope the Prime Minister will accept it.

Mr. Speaker: What about her amendments Nos. 7 and 9?

Shrimati Renu Chakravartty: I beg to move:

Pages 3 and 4, lines 39 and 1 to 3, respectively,—omit "and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district." (7)

I am not moving my amendment No. 8, because that is more or less the same thing. What is the reason for giving to the Governor the power to repeal or amend any Act of Parliament which may be applicable to a district? I have not yet understood what particular Acts of Parliament would be necessary to be repealed by

the Governor. It is quite an important power that we are giving him. At a time when we are trying to integrate the State of Nagaland into the whole order of the Republic of India, whether this particular sub-clause is necessary or not is the question. That is why I have moved this amendment. If there is some sufficiently good reason for it I will withdraw it. But I have not been able to understand the reason for giving this power.

I am not moving my amendment No. 9.

Shri Hari Vishnu Kamath: Sir, I beg to move:

(i) Page 1, line 24 and wherever it occurs,—for “Nagaland” substitute “Naga Lima”. (3)

(ii) Page 1, line 24 and wherever it occurs,—for “Nagaland” substitute “Naga Pradesh”. (4)

(iii) Page 2, line 19.—
add at the end—

“Every order made under sub-clause (b) of clause (1) shall be laid before Parliament.” (6)

(iv) Page 5,—

after line 3, insert—

“Provided further that every order made under clause (3) shall be laid before Parliament.” (10)

Sir, I shall speak first on my amendments 6 and 10. Both these amendments are on a similar pattern. to the effect that every order made by the President under the various sub-clauses or clause of the proposed article shall be laid before Parliament. It is an accepted principle of this House and of the Constituent Assembly that every order that the President makes should come before Parliament for such modification or alteration as the House may deem fit,

and it should not be open to any controversy of any kind. I hope the Prime Minister will see his way to accept this very salutary principle which is embodied in the Constitution itself.

Now I will take up amendments 3 and 4. I should like to explain this in a little more elaborate manner. I have suggested that for the word “Nagaland” either the words “Naga Lima” or the words “Naga Pradesh” may be substituted. The word “Lima” in the Naga language is, if not absolutely synonymous, near synonymous with “Pradesh”. That I have ascertained from my Naga friends in the House. It may be contended that the word “Lima” is neither English nor Hindi and, therefore, on that ground, its propriety may be contested or challenged. But in this House, we know our friends from the South have suggested “Tamilnad” for Madras. The word “nad” in “Tamilnad” is a Tamil word and not a Hindi word or English word. Therefore, if our Naga friends prefer the word “Nagalima” instead of “Nagaland”, it should be accepted. The word “Nagaland” jars on the ear, Nagaland like England, Scotland and that kind of thing. I do not think it should find a place at this time of the day; in the Thirteenth year of our Republic, the word “land” must not creep into such legislation with regard to the nomenclature of States. We have no other State in India whose name ends with the outlandish word “land”. Therefore, I would suggest that the word “Lima” might be accepted; failing that, if that is not acceptable, then the word “Pradesh”, which is well-known to all of us, should be accepted. The reason for this is that though we are happy...

Mr. Speaker: I do not think there is any need for argument.

Shri Hari Vishnu Kamath: There is one great need and I will call your attention to that. The point is what happened a few days ago in London. I welcome the formation of the State

[Shri Harj Vishnu Kamath]

of Nagaland. Our objective in doing so is to draw our Naga brethren nearer, closer, to India, grapple them to our hearts with hoops of steel, so to say. It is unfortunate that by retaining the word "Nagaland" an impression might be created in the country that this particular State of Nagaland is something different, something separate from the rest of India, for this word "Land" does not occur at all in the names of other States. Here may I invite your attention to a very serious happening in London the other day? I quote from the Ministry of External Affairs *World Press Review* of Saturday, the 25th of August, last week:

"The Prime Minister of Bhutan, Mr. Digmji Jorji, is reported to have stated in an interview to the press that the recent Chinese proposal for a confederation of Himalayan States including Nepal, Sikkim, Bhutan, the North East Frontier Area and Nagaland".

Mark the word "Nagaland".

"is likely to have serious repercussions on India's northern frontier."

This is the view of Mr. Digmji Jorji, the Prime Minister of Bhutan, who was recently in London for trade discussions. This is from *Scotsman* of August 24th. The use of the word "Nagaland" will encourage, will promote an impression abroad and in the country also, that this Naga State, this Naga territory, is not part and parcel of India, is not an integral part of the Indian Union, where we do not have a single State with the word "land" attached to its name. Therefore, to promote the feeling of unity and oneness for full integration of this State with the rest of India, I move my amendments and commend

them for the acceptance of the House.

Shri Hem Barua: I beg to move:

Pages 1 to 5,—

for clause 2, substitute:—

"2. Amendment of Part XXI—

In Part XXI of the Constitution, after article 371, the following article shall be inserted, namely:—

"371A. The Governor of Nagaland shall enjoy the same powers and discharge the same functions as laid down in the Constitution for the Governor of a State." (2)

While speaking on this Bill I have said that enormous powers are being given to the Governor and that this clause reflects sections 91 and 92 of the Government of India Act, 1935.

This specific thing that the administration of the Tuensang District shall be carried on by the Governor goes counter to other proposals. We have admitted that some six representatives will be chosen by the regional council of Tuensang District to be the members of the Nagaland Assembly. But here it is said specifically that the administration of the Tuensang District shall be carried on by the Governor. In this case the question naturally arises as to what the functions of the representatives of Tuensang in the Nagaland Assembly would be. They only become a rubber stamp; or, they are reduced to titular figureheads and nothing else. Therefore, I think that this is all redundant.

Then about money it is said:—

"the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;".

I feel this also should go. We should entrust the Nagaland Assembly with complete financial powers or else there would be a conflict between

the Governor and the Nagaland State Assembly. In order to avoid that I say that this must be deleted.

Then under sub-clause (c) it is said:—

“no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district on any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council;”.

This Nagaland State Assembly would adopt certain legislative measures. The representatives of Tuensang District will also be there. But these legislative measures adopted by the Nagaland State Assembly would not be applicable to the Tuensang District until and unless the Governor puts his seal on them. If he wants, those legislative measures might be withdrawn from operation in the Tuensang area. Then what purpose these representatives of Tuensang would serve in the Nagaland State Assembly, I am not able to understand.

Then, sub-clause (2)(d) says:—

“the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district;”.

This is atrocious. Parliament is a sovereign body. It is the forum of the nation. It is a sovereign authority to legislate. But the legislative measures adopted by Parliament might be put at nought by the Governor if he so desires. The

Governor is given enormous power under this, even the power to override the decisions of Parliament. Therefore I say that this should also go.

Then, sub-clause (2)(e) says:—

“(i) one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid;

(ii) the Minister for Tuensang affairs shall deal with, and have direct access to the Governor on, all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;”.

The Chief Minister will only be kept informed about that and this Minister who has joint responsibility in the Council of Ministers will have direct access to the Governor. This might give rise to some conflict between this particular Minister for Tuensang Affairs and the rest of the Council of Ministers. By this there is going to be a lot of anomaly.

Sub-clause (2)(f) provides:—

“notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion;”.

This, again, is an arbitrary power given to the Governor. There is a regional council for Tuensang District. Then there are representatives of the Tuensang District in the Nagaland State Assembly. All these people have no authority. They do not have any status. The Governor can override their decisions. Therefore I say that this entire clause should be withdrawn and we should make another provision saying that the Governor of Nagaland will enjoy

[Shri Hem Barua]

the same powers and privileges and will discharge the same functions as the Governors of other States in India.

Shri U. M. Trivedi: I would like to have clarification on one point. The amendment which has been moved by Shrimati Renu Chakravartty deserves consideration. The hon. Law Minister is here, and I would like him to explain one point.

It is impossible to have subordinate legislation of such a vast nature. Here, the Governor is given the power whereby he may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district. Giving power in the hands of a Governor for the purpose of repealing any Act made by Parliament is something which is beyond the conception of any subordinate legislation. I have not come across anything of that sort so far. I wonder whether the Law Minister will be able to enlighten us on this point.

The Minister of Law (Shri A. K. Sen): The purpose for which it is there is this. As of today, this area was a Union Territory, and Parliament and the Central Government were competent to legislate on Lists I, II and III of the Seventh Schedule. After it becomes a State, whatever be the legislative authority, it would be competent to legislate on List II anything which may be repugnant to any Central law. So far as List II is concerned, because it has exclusive competence to deal with List II, it can pass laws. So far as List III is concerned, it can also pass laws repugnant to Central laws, with the assent of the President. That is the provision in the Constitution.

The reason why we have mentioned this with regard to the Governor's powers in regard to Tuensang is this. For ten years, we have envisaged that the Assembly of Nagaland would not

have any competence, so far as legislative matters are concerned, for the Tuensang area, the legislative authority that we are setting up by this constitutional amendment is the Governor, and, therefore, we have to clothe him with the authority to make similar laws as the State Legislature can do. Since the entire legislative authority for the Tuensang area has now been concentrated in the Governor, therefore, we have to give him that power, because all laws in their application to the Tuensang area will have to be passed by him. Either he keeps the laws as they are, or if it is necessary, he may have to amend some of them, and since the Nagaland legislature will not have any competence, we have to give him that power. So, what is the peculiar nature of it, if the Constitution itself sets up the legislative authority? It is not a case of subordinate legislation at all. It is a case of the Constitution setting up the legislative authority, and when the Constitution itself sets up that legislative authority, then it is the primary legislative authority.

Shri U. M. Trivedi: My point has not been answered by the hon. Minister. What he says is that so far as the Concurrent List is concerned, there is the authority for the State legislature to go to the extent of repealing a provision.

Shri A. K. Sen: I did not mean that. I said only this that there is nothing wrong in a legislative body passing laws which are repugnant to Central laws, like the new Nagaland legislature which will be capable of passing laws falling within List II, repugnant to the Central laws; so far as List III is concerned, they can do so with the assent of the President.

Shri U. M. Trivedi: But you are not saying that it is subject to the assent of the President.

Shri A. K. Sen: There is no need to say so.

Shri U. M. Trivedi: You are not saying 'subject to any Act of Parliament'.

Shri A. K. Sen: With regard to a legislature that question does not arise at all, because that will be governed by the Seventh Schedule and Lists I, II and III contained therein.

With regard to the Governor, I would submit that we are setting up a concurrent legislative authority; it is not a subordinate legislative body at all. So long as the Governor retains the legislative competence, he will be a concurrent legislative authority with regard to the Tuensang area.

An Hon. Member: Above the Parliament also?

Shri A. K. Sen: Of course, that is the purpose of this provision. After all, what is legislation? It is a question of policy whether Parliament confers that power or not.

Shri Tyagi: Even in regard to the Concurrent List, this is something which really deserves consideration. To bring in a constitutional amendment that a Governor can also pass a law which might contravene a Central law or a parliamentary law does not look very well; it does not sound very well.

Shri A. K. Sen: That power is already there.

Shri Tyagi: It does not sound very well even in regard to the Concurrent List that legislative Assemblies which are representative bodies in various States should go against the spirit of a law falling within the Concurrent List, which has been passed by the Centre in this Parliament.

Mr. Speaker: The Governor in Nagaland has to discharge the functions of the State legislature. That is what the hon. Minister is distinguishing. He is the legislature for that purpose. Does the Law Minister want to say anything?

Shri A. K. Sen: May I say, again, that the hon. Member will have to

turn to the Sixth Schedule and see paragraph 19 which gives the power to Governor to legislate for these tribal areas? Paragraph 19(b) reads thus:

"the Governor may make regulations for the peace and good government of any such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area."

So, it is there in the Constitution itself. We are only keeping it alive, because for the Tuensang area, the new legislature will have no legislative competence for sanction. Shri U. M. Trivedi was saying that it is unheard of. The Constitution itself retains such a provision.

Shri Hem Barua: As regards what the Law Minister has just said, may I say something? He has quoted from the Constitution. The reference there was to those hilly areas where no Legislative Assembly functions, where no State is carved out. When a State is carved out so far as the hilly areas of Assam are concerned, so far as Nagaland is concerned, it enjoys a different status altogether. Therefore, the powers given to the Governor under the Constitution so far as the hilly areas are concerned are powers when they were not States, and they do not apply in the case of Nagaland because it is constituted as a separate State.

Mr. Speaker: Would the hon. Prime Minister like to say anything on the other objections raised?

Shri Jawaharlal Nehru: The first point is about the Governor being the same for Assam and Nagaland. The Constitution says:

"There shall be a Governor for each State:

Provided nothing in this article shall prevent the appointment of

[Shri Jawaharlal Nehru]

the same person as Governor for two or more States."

The amendment that the hon. Member proposes is a limitation on the power given by the Constitution. I personally think it is desirable in present circumstances for the same Governor to be there for both. That is on the merits. Apart from that, it will constitute a limitation on the power given by the Constitution. That will not be proper at all.

Mr. Speaker: Whenever desired, a separate Governor can be appointed.

Dr. M. S. Aney: These are territories which are outside the legislative jurisdiction of Parliament. For them, the powers are different from those territories which are within the jurisdiction of this Parliament. (*Inter-rptions*).

Mr. Speaker: Order, order. Let the Prime Minister reply to the arguments.

Shri Jawaharlal Nehru: As regards Shri Kamath's suggestion to change the name 'Nagaland' into 'Naga Lima' or 'Naga Pradesh', I might inform him that this matter was gone into repeatedly two years ago. Frankly, we would have preferred some such name as Naga Pradesh. But our Naga friends were so insistent on the name 'Nagaland'. They attached so much importance to it and we did not think it worthwhile not to agree with them and so we accepted it. It does not make any change, whatever name is given. I do not think the name 'Nagaland' indicates that it is some foreign country and so on.

Shri Hari Vishnu Kamath: It sounds so.

Shri Jawaharlal Nehru: I do not think so.

Shri Hari Vishnu Kamath: Sound does count.

Shri Jawaharlal Nehru: Then there are some amendments suggested by

Shri Hem Barua. As I listened to him, I did not think it possible to accept them....

Mr. Speaker: The point made was that the powers given to the Governor should be the same as other Governors and these special powers should not be given.

Shri Jawaharlal Nehru: That is the whole basis of the scheme. It is not a trivial thing. As I have explained, the Governor has special temporary powers so far as law and order and finance are concerned. As for Tuensang, the arrangement arrived at is by agreement with the parties. At their suggestion, we have given some more powers. How can I change that basic thing, that part of the agreement? I submit that those powers should remain as they are considering the circumstances we have to deal with.

Shri Hari Vishnu Kamath: What about the other amendments? Will the President's Order be laid on the Table? Does he object to that?

Shri Jawaharlal Nehru: I do not object. But that does not mean that every petty order, which is not important, should be laid here. Every important thing will, of course, be laid here.

Shri Hari Vishnu Kamath: Without a provision, how can it be laid? There is no guarantee.

Shri Jawaharlal Nehru: Not that.

Shri Hari Vishnu Kamath: The President will not pass 'petty' orders. Will he?

Shri Jawaharlal Nehru: I am referring to day-to-day orders on different aspects of administration. How can we say that every little order will be laid on the Table?

Shri Tyagi: I also want a clarification. Will these orders be submitted forthwith to the President for his consent?

Shri Jawaharlal Nehru: Which order?

Shri Tyagi: Because it says that the regulations made under clause (b) of sub-para (1) of this paragraph shall be submitted forthwith to the President and until assented to by him, shall have no effect. This is in the schedule. Will that also affect this new power being given?

Mr. Speaker: So far as the hill areas are concerned, the Governor was given those powers. Perhaps he is reading from that.

Shri Bade: May I submit that the Law Minister has not, according to me, given a correct statement, because those regulations are only applicable to the scheduled area; only if it is a scheduled area, the Governor can make regulations.

Mr. Speaker: Whether it is correct or not is to be judged by the House. He has given the answer. Whether it is correct or not...

श्री बड़े : मेरा कहना इतना ही था कि रेग्युलेशन जो किये जाते हैं वे सिड्यूल्ड एरिया होता है वही किये जाते हैं । एक परफेक्ट स्टेट के लिए, जैसा कि नागा लैंड है, रेग्युलेशन नहीं होंगे ।

Shri Hem Barua: I pointed out that specific thing.

Shrimati Renu Chakravartty: It is for a scheduled area which will now be a State. Actually we are now legislating for a particular State.

Shri Hari Vishnu Kamath: There is mental fatigue, Sir, on the other side. They are not able to follow. (Interruptions).

Mr. Speaker: Order, order. Not so many at one and the same time. They wanted a further clarification. What the Law Minister said, namely that the Governor had those powers in the Constitution, is in connection with the scheduled areas.

Shri A. K. Sen: We have put that for two reasons. The first reason is that it will be most cumbersome to refer every order to the President. Especially that area has been reserved to the Governor for very special reasons. It is a disturbed area, and it is a backward area, and there are other important reasons. Secondly, there would be also a legal difficulty. Of course, a Constitutional amendment can always cure it. That was another reason why we should not keep the provision as in the Sixth Schedule. We are including this provision only for a period of ten years officially, unless it is extended later on, and it would technically be a part of the new State, but during the ten years, we are setting up a convenient legislative authority in the Governor himself, and he being the head of the State, it would be rather awkward and possibly flying against the State autonomy if we reserve all these orders for the President. When the original clause 19 was put in the Sixth Schedule, there was no Governor of an autonomous State.

Mr. Speaker: The question is:

Pages 1 to 5,—

for clause 2, substitute—

'2. Amendment of Part XXI.— In Part XXI of the Constitution, after article 371, the following article shall be inserted, namely:—

"371A. The Governor of Nagaland shall enjoy the same powers and discharge the same functions as laid down in the Constitution for the Governor of a State". (2)

The motion was negatived.

Mr. Speaker: The question is:

Page 1, line 24 and wherever it occurs,—

for "Nagaland" substitute "Naga Lima". (3)

The motion was negatived.

Mr. Speaker: The question is:

Page 1, line 24 and wherever it occurs,—

for "Nagaland" substitute "Naga Pradesh". (4).

Those in favour will kindly say "Aye".

Some Hon. Members: Aye.

Mr. Speaker: Those against will kindly say "No".

Some Hon. Members: No.

Mr. Speaker: I think the "Noes" have it.

Shri Hari Vishnu Kamath: The "Ayes" have it.

Mr. Speaker: If he insists, I will not have any objection. May I ask those hon. Members who are in favour of Amendment No. 4 to rise in their seats?

Shri Hari Vishnu Kamath: Sir, under the rules....

Mr. Speaker: I know that. Shri Kamath has quoted it so many times. Then I will have to have the lobbies cleared again.

Mr. Speaker: The question is:

Page 1, line 24 and wherever it occurs,—

for "Nagaland" substitute "Naga Pradesh". (4)

The House divided.

Several Hon. Members rose—

Shri Hanumanthaiya: My vote has not been recorded.

Mr. Speaker: Order, order. Hon. Members may kindly give their division numbers and the corrections they want to make and pass on slips to the Table.

Shri Tyagi: The Chief Whip by mistake has not pressed the button.

Mr. Speaker: Order, order. I have requested hon. Members to send slips because I see there is a large number. Those whose votes have not been correctly recorded may pass on their corrections one by one. (*Interruptions*). Order, order. Since there are such a large number of hon. Members whose votes have to be taken into account, I would request them to resume their seats; I shall have the division taken again.

Shri Hari Vishnu Kamath: Some hon. Members have gone out; I do not know how. The Bell may be rung again. It will be helpful.

Mr. Speaker: Nobody can go out. The gates have not been opened. Now, I shall put the question. Every hon. Member knows that both hands are to be used. He might put his right hand on the handle and then when the gong goes, he may press the button with his left hand and keep it pressed till the gong goes a second time. The question is:

Page 1, line 24 and wherever it occurs,—

for "Nagaland" substitute "Naga Pradesh". (4).

The House divided.

Division No. 3]

Dr. M. S. Aney
Shri Bade
Shri Hem Barua
Shri Bhanu Prakash Singh
Shri Brij Raj Singh
Shri Buta Singh
Shri Y. S. Chaudhary
Shri P. K. Deo
Shri Gauri Shanker

Shri Himmat Singhji
Shri Kachhavaiya
Shri Hari Vishnu Kamath
Shri Karni Singhji
Shri Kishnapal Singh
Shri Mahananda
Shri Narendra Singh Mahlien
Shri Marandi
Shri Nataraja Pillai
Shri Prakash Vir Shastri

Shri Y. N. Singha
Dr. L. M. Singhvi
Shri H. C. Soy
Shri Tan Singh
Shri U. M. Trivedi
Shri Utiya
Shri Vishram Prasad
Shri Radhey Lal Vyas
Shri Ram Sewak Yadav
Shri Yashpal Singh

AYES

[17.45 hrs.]

NOES

Abdul Wahid, Shri	Elayaperumal, Shri	Mahadeva Prasad, Dr.
Achal Singh, Shri	Ering, Shri D.	Mahtab, Shri
Akkamma Devi, Shrimati	Firoda, Shri	Mahishi, Shrimati Sarojini
Alagesan, Shri	Gaitonde, Dr.	Maimoona Sultan, Shrimati
Alva, Shri A. S.	Gajraj Singh Rao, Shri	Malaviya, Shri K. D.
Arunachlam, Shri	Ganapati Ram, Shri	Malhotra, Shri Inder J.
Azad, Shri Bhagwat Jha	Gandhi, Shri V. B.	Mallick, Shri
Bakliwal, Shri	Ghosh, Shri N. R.	Manaan, Shri
Balmiki, Shri	Goni, Shri Abul Ghani	Mandal, Dr.
Barkataki, Shrimati Renuka	Govind Dass, Dr.	Mandal, Shri Yamuna Prasad
Barupal, Shri P. L.	Guba, Shri A. C.	Mantri, Shri
Basappa, Shri	Gupta, Shri Badshah	Masuriya Din, Shri
Basumatari, Shri	Gupta, Shri Ram Ratan	Mathur, Shri Harish Chandra
Bhagat, Shri B. R.	Gupta, Shri Shiv Charan	Mehdi, Shri S.A.
Bhakt Darshan, Shri	Hajarnavis, Shri	Mehrotra, Shri B. B.
Bhanja Deo, Shri L. N.	Hansda, Shri Subodh	Mehta, Shri Jashvant
Bhatkar, Shri	Hanumanthaiya, Shri	Mengi, Shri Gopal Datt
Bhattacharyya, Shri C. K.	Haq, Shri M. M.	Menon, Shri Krishna
Bhattacharya, Shri Dinan	Harvani, Shri Ansar	Minimata, Shrimati
Biren Dutta, Shri	Hazarika, Shri J. N.	Mirza, Shri Bakar Ali
Bist, Shri J. B. S.	Heda, Shri	Mishra, Shri Bibudhendra
Boroosh, Shri P. C.	Hem Raj, Shri	Mishra, Shri Bibhuti
Brahm Prakash, Shri	Imbichibava, Shri	Mishra, Shri M. P.
Brajeshwar Prasad, Shri	Iqbal Singh, Shri	Misra, Shri Shyam Dhar
Brij Basi Lal, Shri	Jadhav, Shri M. L.	Mohanty, Shri G.
Brij Raj Singh Kotah, Shri	Jadhav, Shri Tulsidas	Mohsin, Shri
Chakravartty, Shrimati Renu	Jagjivan Ram, Shri	Morarka, Shri
Chakraverti, Shri P. R.	Jamir, Shri S. C.	More, Shri K. L.
Chanda, Shrimati Jyotsna	Jedhe, Shri	More, Shri S. S.
Chandrasekhar, Shrimati	Jena, Shri	Mukerjee, Shrimati Sharda
Chattar Singh, Shri	Joshi, Shri A. C.	Murli Manohar, Shri
Chaturvedi, Shri S. N.	Joshi, Shrimati Subhadra	Murmu, Shri Sarkar
Chaudhuri, Shri D. S.	Jyotishi, Shri J. P.	Muthiah, Shri
Chaudhuri, Shrimati Kamala	Kabir, Shri Humayun	Naidu, Shri V. G.
Chavan, Shri D. R.	Kadadi, Shri	Naik, Shri D. J.
Chavda, Shrimati	Kajrolkar, Shri	Naik, Shri Maheswar
Chettiar, Shri Ramanathan	Kamble, Shri	Nair, Shri Vasudevan
Chuni Lal, Shri	Kanungo, Shri	Nallakoya, Shri
Colaco, Dr.	Kappen, Shri	Nanda, Shri
Daffe, Shri	Kar, Shri Prabhat	Naskar, Shri P. S.
Daji, Shri	Karuthman, Shri	Nayak, Shri Mohan
Daljit Singh, Shri	Kedoriai, Shri C. M.	Nayar, Dr. Sushila
Das, Dr. M. M.	Khadiilkar, Shri	Nehru, Shri Jawaharlal
Das, Shri B. K.	Khan, Dr. P. N.	Nesamony, Shri
Das, Shri N. T.	Khan, Shri Shahnawaz	Nigam, Shrimati Savitri
Das, Shri S. B.	Khanna, Shri Mehr Chand	Niranjan Lal, Shri
Dasappa, Shri	Khanna, Shri P. K.	Oza, Shri
Datar, Shri	Kindar Lal, Shri	Paliwal, Shri
Deo Bhanj, Shri P. C.	Kotoki, Shri Liladhar	Pande, Shri K. N.
Desai, Shri Morarji	Kripa Shankar, Shri	Pandey, Shri R. S.
Deshmukh, Dr. P. S.	Krishna, Shri M. R.	Pandey, Shri Vishwa Nath
Deshmukh, Shri B. D.	Krishnamachari, Shri T. T.	Panna Lal, Shri
Deshmukh, Shri Shivaji Rao S.	Kunhan, Shri P.	Pant, Shri K. C.
Deshpande, Shri	Kureel, Shri B. N.	Paramasivan, Shri
Dey, Shri S. K.	Lalit Sen, Shri	Parashar, Shri
Dhuleshwar Meena, Shri	Laskar, Shri N. R.	Patel, Shri Chhotubhai
Dighe, Shri	Laxmi Bai, Shrimati	Patel, Shri Man Singh
Dinesh Singh, Shri	Laxmi Dass, Shri...	Patel, Shri N. N.
Dube, Shri Mulchand	Loni kar, Shri	Patel, Shri P. R.
Dwivedi, Shri M. L.	Mahadeo Prasad, Shri	Patel, Shri Rajes hwar

Patil, Shri D. S.
Patil, Shri M. B.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri Vasantrao
Patnaik, Shri B. C.
Pattabhi Raman, Shri C. R.
Pottekkatt, Shri
Prabhakar, Shri Naval
Pratap Singh, Shri
Puri, Shri D. D.
Raghavan, Shri A. V.
Raghunath Singh, Shri
Rajuramaiah, Shri
Raj Bahadur, Shri
Raja, Shri C. R.
Raju, Dr. D. S.
Ram, Shri T.
Ram Sewak, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramakrishnan, Shri P. R.
Ramaswamy, Shri S. V.
Ramaswamy, Shri V. K.
Ramdhani Das, Shri
Rampure, Shri M.
Rananjai Singh, Shri
Rane, Shri
Ranga Rao, Shri
Ranjit Singh, Shri
Rao, Dr. K. L.
Rao, Shri Jagannatha
Rao, Shri Krishnamoorthy
Rao, Shri E. Madhusudan
Rao, Shri Muthyal
Rao, Shri Rameshwar
Rattan Lal, Shri
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddi, Dr. B. Gopala
Reddy, Shri Esvara
Reddy, Shri K. C.
Reddy, Shri Narayan
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwar
Saigal, Shri A. S.
Samanta, Shri S. C.
Samnani, Shri
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Sen, Shri A. K.
Sen, Shri P. G.
Shah, Shri Manabendra
Shah, Shri Manubhai
Shah, Shrimti Jayaben
Sham Nath, Shri
Sharma, Shri A. P.
Sharma, Shri D. C.
Shastri, Shri Lal Bahadur
Sheo Narain, Shri
Shinde, Shri
Shree Narayan Das, Shri
Shrimali, Dr. K. L.
Siddiah, Shri
Sidheshwar Prasad, Shri
Singh, Shri J. B.
Singh, Shri R. P.
Singh, Shri S. T.
Singha, Shri G. K.
Sinha, Shri B. P.
Sinha, Shri Satya Narayan
Sinha, Shrimati Ramdulari
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Sonavane, Shri
Soundaram Rama Chandran,
Shrimati

Srinivasan, Dr. P.
Subramaniam, Shri C.
Subramanyam, Shri T.
Sumat Prasad, Shri
Sunder Lal, Shri
Surendrapal Singh, Shri
Suraya Prasad, Shri
Swamy, Shri M. P.
Swaran Singh, Shri
Tahir, Shri Mohammad
Tantia, Shri Rameshwar
Thomas, Shri A. M.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tripathi, Shri Krishna Deo
Tula Ram, Shri
Tyagi, Shri
Uikey, Shri
Ulka, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri M. L.
Varma, Shri Ravindra
Veerabasappa, Shri
Veerappa, Shri
Venkaiah, Shri Kolla
Venkatasubbaiah, Shri P.
Verma, Shri B.
Vidyalankar, Shri A. N.
Virbhadra Singh, Shri
Wadiwa, Shri
Warior, Shri
Wasnik, Shri Balkrishna
Yadab, Shri N. P.
Yadav, Shri Ram Harkh
Yadava, Shri B. P.
Yusuf, Shri Mohammad

Mr. Speaker: The result of the division is:

Ayes	..	29
Noes	..	294

The motion was negatived.

Mr. Speaker: The question is:

Page 1, line 26, after "Nagaland" insert—

"who shall be a separate incumbent from that of the Governor of Assam and who"(5).

The motion was negatived.

Mr. Speaker: The question is:

Page 2, line 19, add at the end—

"Every order made under sub-clause (b) of clause (1) shall be laid before Parliament."(6)

Those who are in favour of the motion will please say "Aye".

Some Hon. Members: Aye.

Mr. Speaker: Those who are against the motion will please say "No".

Some Hon. Members: No.

Mr. Speaker: The Noes have it.

Shri Hari Vishnu Kamath: The Ayes have it.

Mr. Speaker: Should I call for a division? No one has gone out, I think.

Shri Hari Vishnu Kamath: It is a very important amendment. It is in relation to the President's order.

Mr. Speaker: But the proviso is there. If Shri Kamath insists on a division unnecessarily, I could ask hon. Members to rise in their places, and then the House could decide.

Shri Hari Vishnu Kamath: I would like to have a division. The lobbies have not been cleared, I think. Have they been cleared? As I said, it is a very important amendment.

Mr. Speaker: But the proviso says as follows:

"Provided that, if in the opinion of the Speaker, the division is unnecessarily claimed, he may ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the House..."

Shri Hari Vishnu Kamath: May I take it that you do not think that my claim for the division is unnecessary? A principle is involved in my amendment.

Mr. Speaker: I think we have had two or three divisions already. We know the trend of the House and the opinion also.

Shri Hari Vishnu Kamath: This is a different matter, a matter of principle.

Mr. Speaker: All right; if the hon. Member insists so much, the bell may again be rung....

The question is:

Page 2, line 19,—

add at the end—

"Every order made under sub-clause (b) of clause (1) shall be laid before Parliament."(6)

The Lok Sabha divided.

Shri A. K. Sen: Sir, my note has been recorded wrongly. I have voted against the amendment.

Shri P. Kunhan (Palghat): Sir, one more may be added to 'Ayes'.

Division No. 4]

AYES

[17.54 hrs

Bade, Shri
Barua, Shri Hem
Bhanu Prakash Singh, Shri
Bhattacharya, Shri Dinen
Biren Dutta, Shri
Brij Raj Singh, Shri
Buta Singh, Shri
Chakravartty, Shrimati Renu
Chaudhary, Shri Y. S.
Daji, Shri
Deo, Shri P. K.
Gauj Shanker, Shri
Himmatsinbji, Shri
Imbichibava, Shri

Kachhavaiya, Shri
Kamath, Shri Hari Vishnu
Kar, Shri Prabhat
Krishnapal Singh, Shri
Mahananda, Shri
Mahida, Shri Narendra Singh
Marandi, Shri
Murmu, Shri Sarmkar
Nair, Shri Vasudevan
Pottekkatt, Shri
Raghavan, Shri A. V.
Reddi, Shri R. N.
Reddy, Shri Eswara

Shastri Shri Prakash Vir
Singh, Shri J. B.
Singha, Shri Y. N.
Singhvi, Dr. L. M.
Soy, Shri H. C.
Tan Singh, Shri
Tyagi, Shri
Utiya, Shri
Venkaiah, Shri Kolla
Vishram Prasad, Shri
Warior, Shri
Yadav, Shri Ram Sewak
Yashpal Singh, Shri

NOES

Abdul Wahid, Shri
Achal Singh, Shri
Akkamma Devi, Shrimati
Alagesan, Shri
Alva, Shri A. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bakliwal, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barupal, Shri P. L.
Basappa, Shri

Basumatari, Shri
Baswant, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Bist Shri J. B. S.
Borooh, Shri P. C.
Brahm Prakash, Shri
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri

Brij Raj Singh Kotah, Shri
Chakraverti, Shri P. R.
Chandrasekhar, Shrimati
Chattar Singh, Shri
Chaturvedi, Shri S. N.
Chaudhuri, Shri D. S.
Chaudhuri, Shrimati Kamala
Chavan, Shri D. R.
Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Colaco, Dr.

Bill and State of
Nagaland Bill

Daffe, Shri	Kindar Lal, Shri	Paramasivan, Shri
Daljit Singh, Shri	Kotoki, Shri Liladhar	Parashar, Shri
Das, Dr. M. M.	Kripa Shankar, Shri	Patel, Shri Chhotubhai
Das, Shri B. K.	Krishna, Shri M. R.	Patel, Shri Man Singh
Das, Shri N. T.	Krishnamachari, Shri T. T.	Patel, Shri N. N.
Das, Shri S. B.	Kureel, Shri B. N.	Patel, Shri P. R.
Dasappa, Shri	Lakshmikanthamma, Shrimati	Patel, Shri Rajeshwar
Datar, Shri	Lalit Sen, Shri	Patil, Shri D. S.
Deo Bhanj, Shri P. C.	Laskar, Shri N. R.	Patil, Shri J. S.
Deshmukh, Dr. P. S.	Laxmi Bai, Shrimati	Patil, Shri M. B.
Deshmukh, Shri B. D.	Laxmi Dass, Shri	Patil, Shri S. B.
Deshmukh, Shri Shivaji Rao S.	Lonikar, Shri	Patil, Shri S. K.
Despande, Shri	Mahadeo Prasad, Shri	Patil, Shri Vasantao
Dhuleshwar Meena, Shri	Mahadeva Prasad, Dr.	Patnaik, Shri B. C.
Dighe, Shri	Mahtab, Shri	Pattabhi Raman, Shri C. R.
Dinesh Singh, Shri	Maimoona Sultan, Shrimati	Pillai, Shri Nataraja
Dube, Shri Mulchand	Malaviya, Shri K. D.	Prabhakar, Shri Naval
Dwivedi, Shri M. L.	Malhotra, Shri Inder J.	Pratap Singh, Shri
Elayaperumal, Shri	Mallick, Shri	Puri, Shri D. D.
Ering, Shri D.	Manaen, Shri	Raghunath Singh, Shri
Firodis, Shri	Mandal, Dr.	Raghuramaiah, Shri
Gaitonde, Dr.	Mandal, Shri Yamuna Prasad	Raj Bahadur, Shri
Ganapati Ram, Shri	Mantri, Shri	Raja, Shri C. R.
Gandhi, Shri V. B.	Masuriya Din, Shri	Raju, Dr. D. S.
Ganga Devi, Shrimati	Mathur, Shri Harish Chandra	Ram, Shri T.
Ghosh, Shri N. R.	Mehdi, Shri S. A.	Ram Sewak, Shri
Goni, Shri Abdul Ghani	Mehrotra, Shri B. B.	Ram Subhag Singh, Dr.
Govind Das, Dr.	Mehta, Shri Jashvant	Ram Swarup, Shri
Gul, Shri A. C.	Mengi, Shri Gopal Datt	Ramakrishnan, Shri P. R.
Gupta, Shri Badshah	Menon, Shri Krishna	Ramaswamy, Shri S. V.
Gupta, Shri Ram Ratan	Minimata, Shrimati	Ramaswamy, Shri V. K.
Gupta, Shri Shiv Charan	Mirza, Shri Bakar Ali	Ramdhani Das, Shri
Hazarnavis, Shri	Mishra, Shri Bibudhendra	Rampure, Shri M.
Hansda, Shri Subodh	Mishra, Shri Bibhuiti	Rananjai Singh, Shri
Hanumanthaiya, Shri	Mishra, Shri M. P.	Rane, Shri
Haq, Shri M. M.	Misra, Shri Shyam Dhar	Ranga Rao, Shri
Harvani, Shri Ansar	Mohanty, Shri G.	Ranjit Singh, Shri
Hajarika, Shri J. N.	Mohsin, Shri	Rao, Dr. K. L.
Heda, Shri	Morarka, Shri	Rao, Shri Jaganatha
Hem Raj, Shri	More, Shri K. L.	Rao, Shri Krishnamoorthy
Iqbal Singh, Shri	More, Shri S. S.	Rao, Shri E. Madhusudan
Jadhav, Shri M. L.	Mukerjee, Shrimati Sharda	Rao, Shri Muthyal
Jadhav, Shri Tulshidas	Murli Manohar, Shri	Rao, Shri Rameshwar
Jagjivan Ram, Shri	Muthiah, Shri	Rattan Lal, Shri
Jamir, Shri S. C.	Naidu, Shri V. G.	Raut, Shri Bhola
Jedbe, Shri	Naik, Shri D. J.	Ray, Shrimati Renuka
Jena, Shri	Naik, Shri Maheswar	Reddi, Dr. B. Gopala
Joshi, Shri A. C.	Nallakoya, Shri	Reddiar, Shri
Joshi, Shrimati, Subhadra	Nanda, Shri	Reddy, Shri K. C.
Jyotishi, Shri J. P.	Naskar, Shri P. S.	Roy, Shri Bishwanath
Kabir, Shri Humayun	Nayak, Shri Mohan	Sadhu Ram, Shri
Kadadi, Shri	Nayar, Dr. Sushila	Saha, Dr. S. K.
Kamble, Shri	Nehru, Shri Jawaharlal	Sahu, Shri Rameshwar
Kanungo, Shri	Nesamony, Shri	Saigal, Shri A. S.
Kappen, Shri	Nigam, Shrimati Savitir	Samanta, Shri S. C.
Karuthiruman, Shri	Niranjan Lal, Shri	Samanani, Shri
Kedaria, Shri C. M.	Oza, Shri	Sanji Rupji, Shri
Khadilkar, Shri	Pande, Shri K. N.	Saraf, Shri Sham Lal
Khan, Dr. P. N.	Pandey, Shri R. S.	Satyabhama Devi, Shrimati
Khan, Shri Shah Nawaz	Pandey, Shri Vishwa Nath	Satyanarayana, Shri
Khanna, Shri Mehr Chand	Panna Lal, Shri	Sen, Shri P. G.
Khanna, Shri P. K.	Pnat, Shri K. C.	Shah, Shri Manendra

Shah, Shri Manubhai
 Shah, Shrimati Jayaben
 Sham Nath, Shri
 Sharma, Shri A. P.
 Sharma, Shri D. C.
 Shastri, Shri Lal Bahadur
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shinde, Shri
 Shree Narayan Das, Shri
 Shrimati, Dr. K. L.
 Siddiah, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri R. P.
 Singh, Shri S. T.
 Singha, Shri G. K.
 Sinha, Shri B. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwar
 Sinhasan Singh, Shri
 Sonavane, Shri

Soundaram Ramachandran,
 Shrimati.
 Srivinavasan, Dr. P.
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendrapal Singh, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri
 Swamy, Shri M. P.
 Swaran Singh, Shri
 Tahir, Shri Mohammad
 Tantia, Shri Rameshwar
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tripathi, Shri Krishna Deo
 Tula Ram, Shri

Uikey, Shri
 Ulaka, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaishya, Shri M. B.
 Salvi, Shri
 Varma, Shri M. L.
 Varma, Shri Ravindra
 Vecrappa, Shri
 Venkatasubbaiah, Shri P.
 Verma, Shri B.
 Vidyalankar, Shri A. N.
 Virbhadra Singh, Shri
 Vyas, Shri Radhelal
 Wadiwa, Shri
 Wasnik, Shri Balkrishna
 Yadab, Shri N. P.
 Yadav, Shri Ram Harkah
 Yadava, Shri B. P.
 Yusuf, Shri Mohammad

Mr. Speaker: The result of the division is as follows:

Ayes .. 42
 Noes .. 281

The motion was negatived.

Mr. Speaker: The question is:

Page 3 and 4, lines 39 and 1 to 3 respectively,—

omit "and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district".
 (7)

The motion was negatived.

Mr. Speaker: The question is:
 Page 5,—

after line 3, insert

"Provided further that every order made under clause (3) shall be laid before Parliament."(10)

The motion was negatived.

Mr. Speaker: The question is:

"that clause 2 stand part of the Bill."

The Lok Sabha divided.

Shri Chuni Lal (Ambala): My vote, which is for 'Ayes', has not been recorded.

Shri L. N. Bhanja Deo (Keonjhar): My vote for 'Ayes' has also not been recorded.

Shri Arunachalam (Ramanathapuram): My vote for 'Ayes' has not been recorded.

AYES

Division No. 5]

Abdul Wahid, Shri
 Achal Singh Shri
 Akkamma Devi, Shrimati
 Alagesan, Shri
 Alva, Shri A.S.
 Aney, Dr. M. S.
 Azad, Shri Bhagwat Jha
 Bakliwal, Shri
 Balmiki, Shri

Barkataki, Shrimati Renuka
 Barupal, Shri P. L.
 Basappa, Shri
 Basumatari, Shri
 Baswant, Shri
 Bhagat, Shri B.R.
 Bhakt Darshan, Shri
 Bhanu Prakash Singh, Shri
 Bhatkar, Shri
 Bhattacharyya, Shri C.K.

[17.57 hrs.

Bhattacharya, Shri Dinen,
 Biren Dutta, Shri
 Bist, Shri J.B.S.
 Borooah, Shri P.C.
 Brahm Prakash, Shri
 Brajeshwar Prasad, Shri
 Brij Basi Lal, Shri
 Brij Raj Singh Kotah, Shri
 Chakraverty, Shrimati Renu
 Chakraverti, Shri P. R.

Bill and State of
Nagaland Bill

Chanda, Shrimati Jyotsna	Kabir, Shri Humayun	Neik, Shri D.J.
Chandrasekhar, Shrimati	Kadadi, Shri	Naik, Shri Maheswar
Chattar Singh, Shri	Kamble, Shri	Nayar, Shri Vasudeva
Chaturvedi, Shri S.N.	Kanungo, Shri	Nallakoya, Shri
Chaudhuri, Shri D.S.	Kappen, Shri	Nanda, Shri
Chaudhuri, Shrimati Kamala	Kar, Shri Prabhat	Naskar, Shri P.S.
Chavan, Shri D.R.	Karuthiruman, Shri	Nayak, Shri Mohan
Chavda, Shrimati	Kedaria, Shri C.M.	Nayar, Dr. Sushila
Chettiar, Shri Ramanathan	Kesar Lal, Shri	Nehru, Shri Jawaharlal
Colaco, Dr.	Khadilkar, Shri	Nigam, Shrimati Savitri
Dafle, Shri	Khan, Dr. P.N.	Niranjan Lal, Shri
Daji, Shri	Khan, Shri Shah Nawaz	Oza, Shri
Daljit Singh, Shri	Khanna, Shri Mehr Chand	Paliwal, Shri
Das, Dr. M.M.	Khanna, Shri P.K.	Pande, Shri K.N.
Das, Shri B.K.	Kindar Lal, Shri	Pandey, Shri R.S.
Das, Shri N.T.	Kotoki, Shri Liladhar	Pandey, Shri Vishwa Nath
Das, Shri S.B.	Kripa Shankar, Shri	Panna Lal, Shri
Dasappa, Shri	Krishna, Shri M.R.	Pant, Shri K.C.
Datar, Shri	Krishnamachari, Shri T.T.	Paramasivan, Shri
Dev, Shri P. K.	Kunhan, Shri P.	Parasbar, Shri
Deo Bhanj, Shri P.C.	Kureel, Shri B.N.	Patel, Shri Chhotubhai
Desai, Shri Morarji	Lakshmikanthamma, Shrimati	Patel, Shri Man Sinh
Deshmukh, Dr. P. S.	Lalit Sen, Shri	Patel, Shri N.N.
Deshmukh, Shri B. D.	Laskar, Shri N.R.	Patel, Shri P.R.
Deshmukh, Shri Shivaji Rao S.	Laxmi Bai, Shrimati	Patel, Shri Rajeshwar
Deshpande, Shri	Laxmi Dass, Shri	Patil, Shri D.S.
Dhulesher Meena, Shri	Lonikar, Shri	Patil, Shri J.S.
Dighe, Shri	Mahadeo Prasad, Shri	Patil, Shri M.B.
Denesh Singh, Shri	Mahadeva Prasad, Dr.	Patil, Shri S.B.
Dube, Shri Mulchand	Mahananda, Shri	Patil Shri S.K.
Dwivedi, Shri M.L.	Mahatab, Shri	Patil, Shri Vasantrao
Elayaperumal, Shri	Maimoona Sultan, Shrimati	Patnaik, Shri B.C.
Ering, Shri D.	Malaviya, Shri K.D.	Pattabhi Raman, Shri C.R.
Firodia, Shri	Malhotra, Shri Inder J.	Pillai, Shri Nataraja
Gaitonde, Dr.	Mallick, Shri	Pottekkatt, Shri
Ganapati Ram, Shri	Manaan, Shri	Prabhakar, Shri Naval
Gandhi, Shri V.B.	Mandal, Dr.	Pratap Singh, Shri
Ganga Devi, Shrimati	Mandal, Shri Yamuna Prasad	Puri, Shri. D.D.
Gauri Shankar, Shri	Mantri, Shri	Raghavan, Shri
Ghosh, Shri N.R.	Marandi, Shri	Raghnath Singh, Shri
Gokaran Prasad, Shri	Masuriya Din, Shri	Raghuramaiah, Shri
Goni, Shri Abdul Ghani	Mathur, Shri Harish Chandra	Raj Bahadur, Shri
Govind Das, Dr.	Mehdi, Shri S.A.	Raja, Shri C.R.
Guha, Shri A.C.	Mechrotra, Shri B.B.	Raju, Dr. D.S.
Gupta, Shri Badshah	Mehta, Shri Jashvant	Ram, Shri T.
Gupta, Shri Ram Ratan	Mengi, Shri Gopal Datt	Ram Sewak, Shri
Gupta, Shri Shiv Charan	Menon, Shri Krishna	Ram Subhag Singh, Dr.
Hajarnavis, Shri	Minimata, Shrimati	Ram Swarup, Shri
Hansda, Shri Subodh	Mirza, Shri Bakar Ali	Ramakrishnan, Shri P.R.
Hunumantaiya, Shri	Mishra, Shri Bibudhendra	Ramaswamy, Shri S.V.
Haq, Shri M.M.	Mishra, Shri Bibhuti	Ramaswamy, Shri V.K.
Hervani, Shri Ansar	Mishra, Shri M.P.	Ramdhani Das, Shri
Hazarika, Shri J.N.	Misra, Shri Shyam Dhar	Rampure, Shri M.
Heda, Shri	Mohanty, Shri G.	Rananjai Singh, Shri
Hem Raj, Shri	Mohsin, Shri	Rane, Shri
Imbichibava, Shri	Morarka, Shri	Ranga Rao, Shri
Iqbal Singh, Shri	More, Shri K.L.	Ranjit Singh, Shri
Jadhav, Shri M.L.	More, Shri S.S.	Rao Dr. K.L.
Jadhav, Shri Tulshias	Mukerjee, Shrimati Sharda	Rao, Shri Jaganatha
Jagjivan Ram, Shri	Murli Manohar, Shri	
Jamir, Shri S.C.	Murmu, Shri Sarkar	
Jedhe, Shri	Muthiah, Shri	
Jena, Shri	Naidu, Shri V.G.	
Joshi, Shri A.C.		
Joshi, Shrimati Subhadra		
Joti Saroop, Shri		
Jyotishi, Shri J.P.		

Rao, Shri Krishnamoorthy
 Rao, Shri E. Madhusudan
 Rao, Shri Muthyal
 Rao, Shri Rameshwar
 Rattan Lal, Shri
 Raut, Shri Bhola
 Ray, Shrimati Renuka
 Reddi, Dr. B. Gopala
 Redji Shri R. N.
 Reddiar, Shri
 Reddy, Shri Esvara
 Reddy, Shri K. C.
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S.K.
 Sahu, Shri Rameshwar
 Saigal, Shri A.S.
 Samanta, Shri S.C.
 Samnani, Shri
 Sanji Rupji, Shri
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati
 Satyanarayana, Shri
 Sen, Shri A.K.
 Sen, Shri P.G.
 Shah, Shri Manabendra
 Shah, Shri Manubhai
 Shah, Shrimati Jayaben
 Sham Nath, Shri
 Sharma, Shri A.P.
 Sharma, Shri D.C.
 Shastri, Shri Lal Bahadur

Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shinde, Shri
 Shree Narayan Das, Shri
 Shrimali, Dr. K.L.
 Siddiah, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri J. B.
 Singh Shri R.P.
 Singh, Shri S.T.
 Singha, Shri G.K.
 Singha, Shri Y. N.
 Singhvi, Dr. L.M.
 Sinha, Shri B.P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramdu'ari
 Sinha, Shrimati Tarakeshwari
 Sinhasan Singh, Shri
 Sonawane, Shri
 Soundaram Ramachandran, Shri-
 mati
 Soy, Shri H. C.
 Srinivasan, Dr. P.
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendrapal Singh, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri
 Swamy, Shri M.P.
 Swaran Singh, Shri
 Tahir, Shri Mohammad

Tantia, Shri Rameshwar
 Thomas, Shri AM.
 Tiwary, Shri D.N.
 Tiwary, Shri K.N.
 Tiwary, Shri R.S.
 Tripathi, Shri Krishna Deo
 Tula Ram, Shri
 Tyagi, Shri
 Uikey, Shri
 Ulaka, Shri
 Upadhyaya, Shri Shiva Du
 Uttiya, Shri
 Vaishya, Shri M. B.
 Valvi, Shri
 Varma, Shri M.L.
 Varma, Shri Ravindra
 Veerappa, Shri
 Venkaiah, Shri Kolla
 Verma, Shri B.
 Vidyalankar, Shri A.N.
 Virbhadra Singh, Shri
 Vishram Prasad, Shri
 Vyas, Shri Radhelal
 Wadiwa, Shri
 Warrior, Shri
 Wasnik, Shri Balkrishna
 Yadab, Shri N.P.
 Yadav, Shri Ram Herkh
 Yadav, Shri Ram Sewak
 Yadava, Shri B.P.
 Yusuf, Shri Mohammad

NOES

Bade, Shri
 Chaudhary, Shri Y.S.
 Chuni Lal, Shri

Kachhavaiya, Shri
 Laxmi Dass Shri
 Singh, Shri B.J.

Singh, Shri Tan
 Trivedi, Shri U.M.
 Vishram Prasad, Shri

Mr. Speaker: So, the result of the division, after making the corrections, is: Ayes 310; Noes 9.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 2 was added to the Bill.

Now the question is:

"That Clause 1, the Enacting Formula and the title stand part of the Bill."

The motion was adopted.

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

Shri Jawaharlal Nehru: I have nothing further to add. So, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The Lok Sabha divided.

Shri Sadhu Ram (Phillaur): My vote, which is for Ayes, has been wrongly recorded for Noes.

An hon. Member: My vote which is for Ayes has wrongly been recorded for Noes.

An Hon. Member: My vote for Ayes has been wrongly been recorded as for Noes.

Shri Arunachalam: My vote which is for Ayes, has been wrongly recorded for Noes.

AYES

Division No. 6]

[18.00 hrs.

Abdul Wahid, Shri	Dinesh Singh, Shri	Lalit Sen, Shri
Achal Singh, Shri	Dube, Shri Mulchand	Laskar, Shri N.R.
Akkamma Devi, Shrimati	Dwivedi, Shri M.L.	Laxmi Bai, Shrimati
Alagesan, Shri	Elayaperumal, Shri	Laxmi Dass, Shri
Alva, Shri A.S.	Ering, Shri D.	Lonikar, Shri
Aney, Dr. M.S.	Firodia, Shri	Mahadeo Prasad, Shri
Azad, Shri Bhagwat Jha	Gaitonde, Dr.	Mahadeva Prasad, Dr.
Bakliwal, Shri	Ganapati Ram, Shri	Mahananda, Shri
Balmiki, Shri	Gandhi, Shri V.B.	Mahtab Shri
Barkataki, Shrimati Renuka	Ganga Devi, Shrimati	Mahida, Shri Narendra Singh
Barupal, Shri P.L.	Ghosh, Shri N.R.	Maimoona Sultan, Shrimati
Basappa, Shri	Goni, Shri Abdul Ghani	Malaviya, Shri K.D.
Basumatari, Shri	Govind Das, Dr.	Malhotra, Shri Inder J.
Baswant, Shri	Guha, Shri A.C.	Mallick, Shri
Bhagat, Shri B.R.	Gupta, Shri Badshah	Manaen, Shri
Bhkt Darshan, Shri	Gupta, Shri Ram Ratan	Mandal, Dr.
Bhanu Prakash Singh, Shri	Gupta, Shri Shiv Cheran	Mandal, Shri Jamuna Prasad
Bha'ker, Shri	Hajarnavis, Shri	Mantri, Shri
Bhattacharya, Shri C.K.	Hansda, Shri Subodh	Marandi, Shri
Bhattacharya, Shri Dinen	Hanumanthaiya, Shri	Masuriya Din, Shri
Biren Dutta, Shri	Haq, Shri M.M.	Mathur, Shri Hraish Chandra
Bist, Shri J.B.S.	Harvani, Shri Ansar	Mehdi, Shri S.A.
Borooh, Shri P.C.	Hazarika, Shri J.N.	Mehrotra, Shri B.B.
Brahm Prakash, Shri	Heda, Shri	Mehta, Shri Jashvant
Brajeshwar Prasad, Shri	Hem Raj, Shri	Mengi, Shri Gopal Datt
Brij Basi Lal, Shri	Himmatsinhji, Shri	Menon, Shri Krishna
Brij Raj Singh Kotah, Shri	Imbichivaba, Shri	Minimata, Shrimati
Buta Singh, Shri	Iqbal Singh, Shri	Mirza, Shri Bakar Ali
Chakravartty, Shrimati Renu	Jadhav, Shri M.L.	Mishra, Shri Bibudhendra
Chakraverti, Shri PR.	Jadhav, Shri Tulshidas	Mishra, Shri Bibhuti
Chanda, Shrimati Jyotsna	Jagjivan Ram, Shri	Mishra, Shri M.P.
Chandrasekhar, Shrimati	Jamir, Shri S.C.	Misra, Shri Shyam Dhar
Chattar Singh, Shri	Jedhe, Shri	Mohanty, Shri G.
Chaturvedi, Shri S.N.	Jena, Shri	Mohsin, Shri
Chaudhuri, Shri D.S.	Joshi, Shri A.C.	Morarka, Shri
Chaudhuri, Shrimati Kamala	Joshi, Shrimati Subhadra	More, Shri K.L.
Chavan, Shri D.R.	Jyotishi, Shri J.P.	More, Shri S.S.
Chavda, Shrimati	Kabir, Shri Humayun	Mukerjee, Shrimati Sharda
Chettiar, Shri Ramanathan	Kachhavaiya, Shri	Murli Manohar, Shri
Chuni Lal, Shri	Kadadi, Shri	Murmu, Shri Sarkar
Colaco, Dr.	Kanungo, Shri	Muthiah, Shri
Daffe, Shri	Kappen, Shri	Naidu, Shri V.G.
Daji, Shri	Kar, Shri Prabhat	Naik, Shri D.J.
Daljit Singh, Shri	Karni Singhji, Shri	Naik, Shri Maheswar
Das, Dr. M.M.	Karuthiruman, Shri	Nair, Shri Vasudevan
Das, Shri B.K.	Kedaria, Shri C.M.	Nallakoya, Shri
Das,, Shri N.T.	Khadilkar, Shri	Nanda, Shri
Das, Shri S.B.	Kham, Dr. P.N.	Naskar, Shri P.S.
Dasappa, Shri	Khan, Shri Shah Nawaz	Nayak, Shri Mohan
Datar, Shri	Khanna, Shri Mehr Chand	Nayar, Dr. Sushila
Deo, Shri P.K.	Khanna, Shri P.K.	Nehru, Shri Jawaharlal
Deo Bhanj, Shri P.C.	Kindar Lal, Shri	Nesamony, Shri
Desai, Shri Morarji	Kotoki, Shri Liladhar	Nigam, Shrimati Savitri
Deshmukh, Dr. P.S.	Kripa Shankar, Shri	Niranjan Lal, Shri
Deshmukh, Shri B.D.	Krishna, Shri M.R.	Oza, Shri
Deshmukh, Shri Shivaji Rao S.	Krishnamachari, Shri T.T.	Paliwal, Shri
Deshpande, Shri	Krishnapal Singh, Shri	Pande, Shri K.N.
Dhullshwar Meena, Shri	Kunhan, Shri P.	Pandey, Shri R. S.
Dig he, Shri	Kureel, Shri B.N.	Pandey, Shri Vishwa Nath
	Lakshmikanthamma, Shrimati	Panna Lal, Shri

Pant, Shri K.C.	Eaut, Shri Bhola	Soundaram Ramachandran, Shri-
Paramasivan, Shri	Ray, Shrimati Renuka	mati
Parashar, Shri	Reddi, Dr. B. Gopala	Soy, Shri H.C.
Patel, Shri Chhotubhai	Reddiar, Shri	Srinivasan, Dr. P.
Patel, Shri Man Singh P.	Reddy, Shri Eswara	Subramaniam, Shri C.
Patel, Shri N.N.	Reddy, Shri K.C.	Subramanyam, Shri T.
Patil, Shri P.R.	Reddy, Shri Narayan	Sumat Prasad, Shri
Patil, Shri D.S.	Roy, Shri Bishwanath	Sunder Lal Shri,
Patil, Shri M.B.	Saha, Dr. S.K.	Surendrapal Singh, Shri
Patil, Shri S.B.	Sahu, Shri Rameshwar	Surya Prasad, Shri
Patil, Shri S.K.	Saigal, Shri A.S.	Swamy, Shri M.P.
Patil, Shri Vasantryao	Samanta, Shri S.C.	Swaran Singh, Shri
Patnaik, Shri B.C.	Samnani, Shri	Tahir, Shri Mohammad
Pattnayak Ramani, Shri C.R.	Sanji Rupji, Shri	Tantia, Shri Rameshwar
Pillai, Shri Nataraja	Saraf, Shri Sham Lal	Thomas, Shri A.M.
Pottekkatt, Shri	Satyabhama Devi, Shrimati	Tiwary, Shri D.N.
Prabhakar, Shri Naval	Satyanarayana, Shri	Tiwary, Shri K.N.
Pratap Singh, Shri	Sen, Shri A.K.	Tiwary, Shri R.S.
Puri, Shri D.D.	Sen, Shri P.G.	Tripathi, Shri Krishna Deo
Raghavan, Shri A.V.	Shah, Shri Manabendra	Tula Ram, Shri
Raghunath Singh, Shri	Shah, Shri Manubhai	Tyagi, Shri
Raghuramaiah, Shri	Shah, Shrimati Jayaben	Uikey, Shri
Raj Bahadur, Shri	Sham Nath, Shri	Ulaka, Shri
Raju, Dr. D.S.	Sharma, Shri A.P.	Upadhyaya, Shri Shiva Dutt
Ram, Shri T.	Sharma, Shri D.C.	Utiya, Shri
Ram Sewak, Shri	Shastri, Shri Lal Bahadur	Vaishya, Shri M.B.
Ram Subhag Singh, Dr.	Sheo Narain, Shri	Valvi, Shri
Ram Swarup, Shri	Shinde, Shri	Varma, Shri M.L.
Ramakrishnan, Shri P.R.	Shree Narayan Das, Shri	Varma, Shri Ravindra
Ramaswamy, Shri S.V.	Shrimali, Dr. N.L.	Veerappa, Shri
Ramaswamy, Shri V.K.	Siddiah, Shri	Venkaiiah, Shri Kolla
Ramdhani Das, Shri	Sidheshwar Prasad, Shri	Venkatasubbaiah, Shri P.
Rampure, Shri M.	Singh, Shri J.B.	Verma, Shri B.
Rananjai Singh, Shri	Singh, Shri R.P.	Vidyalankar, Shri A.N.
Rane, Shri	Singh, Shri S.T.	Virbhadra Singh, Shri
Ranga Rao, Shri	Singha, Shri G.K.	Vyas, Shri Radhelal
Ranjit Singh, Shri	Singha, Shri Y.N.	Wadiwa, Shri
Rao, Dr. K.L.	Sinha, Shri B.P.	Warior, Shri
Rao, Shri Jaganatha	Sinha, Shri Satya Narayan	Wasnik, Shri Balkrishna
Rao, Shri Krishnamoorthy	Sinha, Shrimati Ramdulari	Yadab, Shri N.P.
Rao, Shri E. Madhusudan	Sinha, Shrimati Tarkeshwari	Yadav, Shri Ram Harkh
Rao, Shri Muthyal	Sinhasan Singh, Shri	Yadava, Shri B.P.
Rao, Shri Rameshwar	Sonavane, Shri	Yashpal Singh, Shri
Rattan Lal, Shri		Yusuf, Shri Mohammad

NOES

Brij Raj Singh, Shri
Chaudhary, Shri Y. S.

Gauri Shanker, Shri
Trivedi, Shri U.M.

Vishram Prasad, Shri

Mr. Speaker: The final result of the division is: Ayes 313; Noes 5.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Mr. Speaker: We will now take up the State of Nagaland Bill.

Shri Hari Vishnu Kamath: This is not an amending Bill to the Constitution. It does not need a special majority and all that. So it may be taken up tomorrow as a simple majority is enough for it. There are a

[Shri Hari Vishnu Kamath]
lot of amendments which will take a long time.

Mr. Speaker: Hon. Members have already spoken at length on this Bill.

Shri Hari Vishnu Kamath: There are a large number of amendments.

Mr. Speaker: I will allow the hon. Member to move, or speak about, those amendments.

Shri Hari Vishnu Kamath: Hon. Members are anxious that we should

adjourn now and take up that Bill tomorrow.

Mr. Speaker: I am in the hands of the House. I will do as the House wishes.

Some hon. Members: We will take it up tomorrow.

Mr. Speaker: All right.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 29, 1962/Bhadra 7, 1884 (Saka).
