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to Bills

Employees Provident Funds Act, 1952:—

- (a) G.S.R. No. 632 dated the 4th June 1960, and
 - (b) G.S.R. No. 683 dated the 18th June 1960. [Placed in Library. See No. LT-2184/60].
- (ii) A copy of Notification No. G.S.R. 748 dated the 2nd July 1960, making certain further amendment to the Employees' Provident Funds Scheme, 1942, under sub-section (2) of Section 7 of the Employees' Provident Funds Act, 1952. [Placed in Library. See No. LT-2185/60].
- (iii) (a) A copy of the Conventions and Recommendations adopted by the International Labour Conference at its 43rd session held in June, 1959; and
- (b) A copy of statement showing the action taken or proposed to be taken by the Government to the above Conventions and Recommendations. [Placed in Library. See No. LT-2186/60].

PARLIAMENTARY COMMITTEES—SUMMARY OF WORK

Secretary: Sir, I lay on the Table a copy of the 'Parliamentary Committees—Summary of Work', pertaining to the Tenth Session of the Second Lok Sabha.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table following seven Bills passed by the House of Parliament during the last session and assented to by the President since a report was last made to the House on the 29th April 1960:—

- (1) The Finance Bill, 1960.
- (2) The Reserve Bank of India (Amendment) Bill, 1960.

(3) The Appropriation (Railways) No. 3 Bill, 1960.

(4) The Estate Duty (Amendment) Bill, 1960.

(5) The Supreme Court (Number of Judges) Amendment Bill, 1960.

(6) The Indian Boilers (Amendment) Bill, 1960.

(7) The Hindu Marriages (Validation of Proceedings) Bill, 1960.

Sir, I also lay on the Table copies, duly authenticated by the Secretary of Rajya Sabha, of the following two Bills passed by the Houses of Parliament during the last session and assented to by the President since a report was last made to the House on the 29th April 1960:

(1) The Bombay Reorganisation Bill, 1960.

(2) The Representation of the People (Amendment) Bill, 1960.

13.42 hrs.

STATEMENT RE: THE NAGA HILLS AND TUENSANG AREA

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I have on many previous occasions referred in this House to the problem of the Nagas. As hon. Members are aware, we have always regarded the territory inhabited by the Nagas, as by other tribal peoples all over India, as part of Independent India as defined in our Constitution. We looked upon all these tribal people as citizens of independent India having all the privileges and obligations of such citizenship.

The Nagas are a hard-working and disciplined people, and there is much in their way of life from which others can learn with profit. We have had for many years Nagas in the Indian

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Army, and they have proved to be excellent soldiers. Our policy has always been to give the fullest autonomy and opportunity of self-development to the Naga people, without interfering in any way in their internal affairs or way of life.

Unfortunately, the process of devolution of local autonomy could not be implemented in full because troubles arose in the area as a result of the hostile activities of a section of the Nagas. The ostensible object of this hostile section was to carve out an independent Naga territory entirely separate from India. This was a demand which no Government in India could ever agree to. These hostile elements among the Naga people thereafter took to violent methods, and we had to take steps to meet these illegal activities. The hostile Nagas indulged in arson, loot and extortion of money from their own fellow Nagas. They also committed a number of gruesome murders. It became our duty to give protection to the large number of other Naga residents of these areas and to meet the menace of this continued violence. The help of our Army and the Assam Rifles was taken in this conflict, and various steps were taken to give the necessary protection and to maintain law and order. This conflict inevitably caused much suffering to the people of those areas, most of whom were anxious to live a peaceful life and carry on their avocations. The story of the last five or six years has been a sad and depressing one. Gradually, there was an improvement in the situation and, over large areas in the Naga districts, peaceful conditions were established. One bright feature was the extension of our development work and the establishment of schools, hospitals and communications. But in spite of this considerable improvement, a hard core of the hostile elements continued their violent activities, even though they were driven back into the remoter parts of these Hills.

The leaders of all the tribes of the Naga Hills representing their people,

who had suffered so much from this conflict and the depredations of the hostiles, decided to make an effort to put an end to the conflict. They called a representative Convention of the Naga people, drawn from every tribe and area of the territories then forming part of the Naga Hills district of Assam and the Tuensang Frontier Division of the North East Frontier Agency. This Convention met from the 22nd to the 25th August 1957, at Kohima in search, as the Convention put it, of a solution to end the infinite sufferings and bloodshed. This Convention passed a number of resolutions. The principal one requested the Government of India to constitute a single administrative unit consisting of the Naga Hills district of Assam and the Tuensang Frontier Division of the NEFA, under the External Affairs Ministry of the Government of India. This unit was to be administered by the Governor of Assam as the agent of the President of India, under the Ministry of External Affairs.

I received a delegation of the leaders chosen by the Convention on September 25th and 26th, 1957. We considered the Naga request for a separate administrative unit as a reasonable one. In order to give effect to this proposal, the matter was brought before Parliament, and the Naga Hills-Tuensang Area Act, 1957, was passed. This area thus became an administrative unit and the necessary Regulation was promulgated by the President, making detailed provision for the administration of the new unit. It has since been administered by the Governor of Assam as the agent of the President, under the Ministry of External Affairs.

The Naga people hoped that the formation of the new unit would give them an opportunity of developing their area in the way they considered suited to their needs. Some progress was no doubt made, but the activities of the hostile elements stood in the way of normal development.

Another Convention was, therefore, held at a place called Ungma in the

Mokokchung district of the Naga Hills-Tuensang Area in May 1958. This Convention appointed a liaison committee to contact the underground elements and win them over to support of the Convention's policy of securing the maximum autonomy of their area and finally settling the future of the Nagas. Though some among the hostile elements appreciated this approach, broadly speaking, the response was not encouraging.

The leaders of the Naga People's Convention, therefore, decided to draft their own proposals and place them before the Government of India. A third Naga People's Convention met at Mokokchung in October 1959 and prepared a 16-point memorandum for consideration by the Government. The main demand formulated by the Nagas at this Convention was for the constitution of a separate State within the Indian Union to be known as Nagaland, under the Ministry of External Affairs, with a Governor and administrative secretariat, a Council of Ministers and Legislative Assembly. Provision was also made for the constitution of the Village Council, the Range Council and the Tribal Council to deal with matters concerning different tribes and areas. These bodies were also to deal with disputes and cases involving breaches of customary laws and usages.

A delegation of Naga leaders presented the 16-point memorandum, on behalf of the Naga People's Convention, to the Governor of Assam in April last. The delegation expressed a wish to meet the Prime Minister. The Prime Minister informed them that he would gladly meet them but, as he was leaving for England soon for the Commonwealth Prime Ministers' Conference, the meeting desired by the Naga leaders would have to be held after his return from abroad.

On the 26th July 1960, the Prime Minister received a delegation of 15 Naga leaders led by Dr. Imkongliba Ao, President of the Naga People's Convention. The delegation placed

before him the 16-point memorandum to which I have already referred. The proposals contained in the memorandum were fully examined. The Prime Minister reaffirmed the Government's policy to give the maximum autonomy to the Nagas in their internal affairs. He accepted their request for the constitution of the Naga Hills-Tuensang Area as a separate State within the Indian Union, but pointed out to the Naga leaders that the extent of this territory, its population and its financial resources are such that it would not be able to bear the weight of a heavy super-structure in the administration. The details were discussed with the Naga leaders and a broad agreement has been reached on the following lines.

A new State to be called 'Nagaland' will be established within the Indian Union comprising the territory of the existing Naga Hills and the Tuensang Area. The same person will be appointed as the Governor of Assam and the Governor of Nagaland and the existing jurisdiction of the Assam High Court over the area comprising the new State would continue. There will be a transitional period during which an interim body will be constituted with representatives from every Naga tribe to assist and advise the Governor in the administration of Nagaland. The Governor will have special responsibility for law and order during this transitional period and for so long as the law and order situation continues to remain disturbed on account of hostile activities. Since the financial resources of the new State will be extremely limited, and large grants from the Central Government may be necessary, not only for the development schemes, but also to maintain the efficiency of the administration, the Governor will have general responsibility for ensuring that the funds made available by the Government of India are expanded for the purposes for which they are approved by the Central Government.

There will be a Legislative Assembly to which the Council of Ministers of the new State will be responsible.

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Certain safeguards, as in the existing Sixth Schedule of the Constitution, will be provided for the religious and social practices of the Nagas, Naga customary laws and procedure and the ownership and transfer of land. Otherwise, the existing laws relating to the administration of civil and criminal justice will continue to remain in force. Jurisdiction of the High Court of Assam will also continue. Special provision will be made for the administration of the Tuensang district in accordance with the wishes of the people inhabiting that district. There are some other matters of relatively lesser importance on which also full understanding has been reached between the Government of India and the Naga leaders. It is hoped, therefore, that there will be no room for any misunderstanding in future about the Government of India's intention and what they propose to do to implement the understanding reached during the recent discussions.

It is now the intention of the Government of India to give effect to the arrangements reached with the Naga leaders without delay. This will involve amendment of the Constitution and a Bill will be placed before Parliament for approval in due course.

I take this opportunity to express our satisfaction at the agreement reached with the Naga leaders. We have always regarded the Nagas as full Indian citizens. I have said to the Naga people several times in the past that there could be no question of independence for the Nagas. India achieved her independence thirteen years ago and the Nagas are as independent as other Indian citizens. We have not the slightest desire to interfere in the tribal customs and usage of the Nagas or in their distinctive way of life. The Nagas have been anxious to have a separate State within the Indian Union. The agreement now reached with them should enable them to find the fullest opportunity of self-expression and we sincerely hope that the new arrange-

ment will result in the rapid restoration of normal conditions in the area. I must, however, make it clear that no Government can permit hostile activities on its soil, and while we are ready to give our fullest support to those who will cooperate in giving effect to the agreement just reached we shall continue to deal firmly with the hostile elements. This is an unpleasant but necessary task and I trust that the Naga leaders will cooperate fully in putting an end to the disloyal activities of a minority of their people.

Shri Braj Raj Singh (Ferozabad): Sir, the Prime Minister was pleased to say that the Government of India will be dealing strictly with the hostile elements. Now, Dr. Phizo is reported to be approaching the United Nations Organisation, perhaps. May I know what is the attitude of the Government of India with regard to the activities of Dr. Phizo and how do they want to meet the situation?

Shri Raghunath Singh (Varanasi): What is the relevancy of this?

Dr. Ram Subhag Singh (Sasaram): I only wish to point out one thing. I fully support the agreement. But I do not clearly understand the meaning of the word 'Nagaland'. I, therefore, request the Prime Minister and the Government to carefully name that area. It may be named Naga State or Naga Pradesh; Nagaland is something bigger.

Shri Jawaharlal Nehru: It is true; but that word was accepted because of the strong desire of the Naga leaders to have it.

Shri C. K. Bhattacharya (West Dinajpur): Do they want to have an outlandish name? Nagaland is outlandish. (*Interruptions*).

Shri Raghunath Singh: It should be something like Naga State or Naga province.

Shri Vidya Charan Shukla (Baloda Bazar): It has been reported in the Press that the affairs of the Nagaland, by convention, will be looked after by the Ministry of External Affairs. We want to know why this special provision by convention is being established so that this new State in the Union will be looked after not by the Ministry of Home Affairs but by the Ministry of External Affairs. We are rather concerned about this new procedure that is being evolved. And, we would like to have a clarification from the Prime Minister about it.

Shri Jawaharlal Nehru: This is not a constitutional matter. No amendment of the Constitution will lay down the administration in charge of an area. The Government of India looks after it; and it is a matter for the President, acting through his Prime Minister, to decide as to the allocation of work between the Ministries. But, it has been stated here that two years ago, in 1957, it was the request of this Convention that the Ministry of External Affairs, which is generally looking after the NEFA area should continue to do so. Since it was their request, and, in fact at that time we were going to continue to have it, we said so. It is again their request. As I said, this is not going to be put down in the Constitution; and it is a matter entirely for us to determine. But, since it is their wish we have mentioned it here.

Shri Tyagi (Dehra Dun): Is it also part of the agreement that we can never take it away from the Ministry of External Affairs to the Ministry of Home Affairs? Is it a commitment?

Shri Asoka Mehta (Muzaffarpur): We can understand the Prime Minister looking after that area. The Ministry of External Affairs deals with external matters and this is an internal matter. Why should this internal question be looked after by the External Affairs Ministry and why should we be a party to that kind of agreement? I can understand that they would have liked to be looked

after by you as the Prime Minister of India. But I cannot understand how this idea came to be entertained today.

Shri Jawaharlal Nehru: I have endeavoured to explain the causes historically. The North East Frontier Agency region has been directly connected with the External Affairs Ministry. The NEFA is as much a part of India. And, in fact, the House may know that in the Budget estimates of the Ministry of External Affairs very large sums of money are provided for the Assam Rifles even. So, it has been dealt with in that way because it was considered rather a special region requiring special treatment. I am not justifying it. I am merely stating the historical background of it.

Later on, a special service was started which was quite a different service from the other services. There was the Political Service which was also put under the Ministry of External Affairs. In these services people were taken on special experience, on special aptitude, special toughness to live in isolation and away from the normal amenities of life and all that. They were taken from the Army, from the Civil services and from outside, so that it has been connected in that way. And, when in 1957 this Convention of people expressed a wish that they should be one unit, they expressed also the wish that the External Affairs Ministry should be in charge. In fact, we told them that this is a matter entirely for us to determine. But since they were anxious to lay stress on it we put that in. But, it is not, as I said, a matter of the Constitution or anything. We can change this by agreement or whatever it is, later. But, for the present anyhow, it will continue in that way.

Shri Braj Raj Singh: What about my question?

Shri Jawaharlal Nehru: But, at the present moment, this unit is under

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the External Affairs Ministry, and it is really a continuation more or less of that. Of course, a change is made that the officers and others that serve there are from that political service that has been specially recruited.

14 hrs.

Shri Tyagi: I want to seek further clarification. I want to know whether this agreement is as such a formal agreement and will go into the Constitution or whether it is an informal talk with the Prime Minister and certain conclusions have been arrived at in some talks with a non-official body and also whether Parliament will have the final say with regard to the changes which have to be effected in the Constitution. Will this agreement go as a legal document or is it a type of treaty?

Shri Asoka Mehta: How can there be a treaty? I cannot understand.

Mr. Speaker: Would the hon. Member consider the desirability of reserving all this for the Bill?

Shri Asoka Mehta: But we must surely understand what is being done. If I have understood it clearly, a sixteenth State is going to emerge in the Indian Union. If it is going to be the sixteenth State it will have the same status as the other fifteen or it may have a different status. If it has a different status, there must be reason why a different status is given to it. We want to understand whether as a result of this agreement, a sixteenth State is going to be born in the Indian Union or there is something different. Again, wherein does this External Affairs Ministry come in if it is the sixteenth State?

Shri Jawaharlal Nehru: This State will be the sixteenth State, as the hon. Member says, subject to certain provisional arrangements, etc. The period is indefinite because much depends upon other factors, law and order, etc. Naturally, it is the sixteenth State. By virtue of its size

etc. It will function without, I hope, that complicated structure of administration which the other States require. Now, the agreement arrived at is an agreement between the Government of India and the representatives of the Naga Peoples' Convention. That has to be translated in legal, constitutional terms. The agreement itself is not a legal document in that sense but it will have to be translated in proper terms and drafted properly. The essentials of it have to be included in the Bill—not the smaller matters. The basic things will have to be included and the Government of India hope and trust that these essentials would be accepted by this House. Minor things of course do not much matter.

Dr. M. S. Aney (Nagpur): May I ask one clarification? Would it be necessary to have another agreement with them to make any changes in this agreement, if it is incorporated in the Constitution as it is and if a change is necessary later on or this House, on its own authority, can change it?

Shri C. R. Pattabhi Raman (Kurnakonam): I take it that this agreement is an understanding or arrangement and not agreement proper.

Shri Jawaharlal Nehru: Agreement means agreement—nothing else.

Shri Tyagi: How can there be agreement between the Government of India and the people of India? The Government of India cannot come to an agreement with the people of U.P. or of Punjab. They are subordinate to the Government of India.

Shri Jawaharlal Nehru: Agreements are made between any two parties, subordinate or not. We need not quarrel about the language used. If this House approves it, it will become in a legal and constitutional form a part of our Constitution—not as I have read it but the basic thing. The basic thing is the creation of a certain State. Obviously, this House will have to approve it before it becomes so. If it approves

of it, it becomes a part of our Constitution. This agreement cease if it is part of our Constitution. But certainly Government is bound to put it forward as such and endeavour to get it through the Parliament.

Shri Thirumala Rao (Kakinada): The word 'agreement' confers some rights on the Naga people which they are not entitled to. They are as good citizens of India as any others and have equal rights with the other citizens of India. No such special status was given to the people of Maharashtra when Maharashtra was carved out of India or when Andhra Pradesh was created. Now, a special status is sought to be conferred on some citizens of India who are part and parcel of India and who own allegiance to the Constitution of India. So, we request you to consider whether the word 'agreement' should be given that status in the statement.

Raja Mahendra Pratap (Mathura): I fully support the creation of the Nagaland. When Soviet Russia can have 149 autonomous States, we can also have 70 or 80 States. Take for instance, Punjabi Suba, U.P. can be divided into two or more States; there will be State with Nagpur as headquarters, Himachal Pradesh can be a separate State and so on.

14:06 hrs.

**MAHENDRA PRATAB SINGH
 ESTATES (REPEALING) BILL**

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, on the 18th March, 1960, the House adopted Shri P. R. Patel's motion that the consideration of the Raja Mahendra Pratap Singh Estates (Repealing) Bill be postponed till the first day of the next session. Government have examined the constitutional aspects of this Bill and are advised that Parliament is not competent under any of the entries in the legislative lists or under its residuary power to divest Amrit Pratap Singh of his immovable properties and vest such properties in Raja Mahendra

Pratap Singh. Parliament can, however, enact legislation to repeal the Mahendra Pratap Singh Estates Act, 1923. While Government are in entire agreement with the basic objective which is to remove from the Statute book a measure which we consider objectionable and agree, broadly speaking, with the objects and consequences of the Bill, the constitutional position is that the Bill in its present form would not be a valid legislation. Government, therefore, propose to introduce at an early date a Bill seeking to repeal the Act of 1923.

14:07 hrs.

**STATEMENT RE: MAJOR RAILWAY
 ACCIDENTS**

The Deputy Minister of Railways (Shri Shahhawaz Khan) rose—

Mr. Speaker: Is the statement too long?

Shri Shahhawaz Khan: There are two pages. I shall place it on the Table if you so desire.

Mr. Speaker: He may lay it on the Table.

Shri Shahhawaz Khan: Sir, I beg to lay it on the Table. [See Appendix I, annexure No. 8.]

Shri Braj Raj Singh: Will it be circulated?

Mr. Speaker: Let it be circulated.

ELECTION TO COMMITTEES

**CENTRAL ADVISORY COMMITTEE FOR THE
 NATIONAL CADET CORPS**

The Parliamentary Secretary to the Minister of Defence (Shri Fatesinhrao Gaekwad): Sir, I beg to move:

"That in pursuance of clause (i) of sub-section (1) of Section 12 of the National Cadet Corps Act, 1948, as amended by the National Cadet Corps (Amendment) Act, 1952, the members of Lok Sabha