



## **Full Length Research Article**

### **IMPLEMENTATION OF THE CONSTITUTIONAL SAFEGUARDS IN NORTHEAST INDIA AND CHALLENGES BY THE NAGAS**

**\*Divyarchana**

Assistant Professor, Department of Political Science, Lakshmibai College, University of Delhi, Delhi, India

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#### **ABSTRACT**

The framers of the Indian Constitution have provided a lot of safeguards and autonomies for the tribal people of northeast India to protect their interests and preserve their identity keeping in mind their backwardness. The makers of the Constitution fully considered the report of Bardoloi Sub-Committee constituted by the government of India and most of their recommendations were given place in the constitution. This paper presents a critical account of Naga politics and analyses the implementation of constitutional safeguards in the northeast India and the challenges posed by the Nagas who were worried and anxious about their future political status in independent India.

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#### **INTRODUCTION**

Northeast India is a land of conglomerate population divided into various racial and ethnic groups living isolated and disintegrated from the time immemorial and maintaining their separate identities. The makers of the constitution were of the view that the constitutional safeguards for the tribal people and autonomies given to them would definitely please them and their prolonged habit of separation would gradually decrease and they would willingly accept the mainstream. They would develop the sense of participation and become an integral part of the country but when the provisions were brought in practice in northeast India, The Naga people were the first to challenge and boycott the constitutional provisions. The constitution of India came in to being on 26 January 1950, meanwhile the Naga people had prepared their mind not to accept anything other than a sovereign Nagaland. Nagaland, the sixteenth constituent state of the Indian republic, carries a peculiar and heart-breaking history behind the growth of its democratic legislative processes. Its journey from a district to state is full of turmoil, upheavals, violence and bloodshed. No state of northeast India has shed as much blood as the Naga people have shed so far for the achievement of their own separate political identity and independent political status.

The Naga intellectuals by submitting various memorandums and petitions before the British government and the Indian political leaders had made it amply clear that the Nagas would not accept anything less than a separate political identity of their own. But it was unfortunate that the makers of the Indian constitution, keeping aside their requests and wish, tagged the Naga Hills on Assam in the capacity of a district provided with autonomous district council. This was not acceptable to the Nagas. Hence, the Naga people had to march through political turmoil and armed conflicts to achieve their long cherished goal. Thereafter, the course of Naga political history, which took place, brought about unexpected damage of lives and properties to the people as a result of the armed conflicts between the Naga freedom fighters and the Indian armed personnel. The Naga people obtained a full-fledged Nagaland State on 1 December 1963, but the cost, which they had to pay for that, was heavy.

#### **Implementation of the constitutional safeguards and challenges by the Nagas**

The Naga freedom movement, which began soon after India's independence, reached such a critical impasse by 1955 that it had jeopardized the total peace and progress of the Naga Hills putting the general Naga mass in such a grim condition where nothing was left except miseries, troubles, harassment, torture and uncertainty. Under such a perplexing situation, division took place among the leaders of the freedom movement on the

**\*Corresponding author: Divyarchana**

Assistant Professor, Department of Political Science, Lakshmibai College, University of Delhi, Delhi, India

issue so as to decide a better course of action to ensure the achievement of their goal. The moderate leaders of the Naga National Congress (NNC) wanted the solution of the Naga issue to be attained through peaceful means having negotiation with the government of India while the extremists remained determined to continue on the path of militancy as a means to achieve sovereign political status for the Nagas. The moderate Naga leaders disassociating their path from the politics of insurgency mobilized the general mass for peaceful solution on the one hand and established contact with the Indian political leaders to have a peaceful solution of the problem on the other. On the other hand, the extremists having their own underground government and Naga army went on fighting for the cause of the Naga's independence. The path followed by the moderates paved the way for the creation of Nagaland State under the Indian federal system while the course of action followed by the extremists effectively established a battle line between the Government of India and the Naga militants. The battle line, which was drawn between the Naga freedom fighters and the Indian security forces, reached a climax by 1955.

The government of India under the excuse of the problem of law and order applied all the efforts to suppress and crush out the Naga rebellion while the Naga militants having the moral and material support from the neighboring states of India such as China and Pakistan, remained firm and tough to face the Indian mounting attack. Arrest warrant was issued against A.Z. Phizo, the President of the NNC, who managed to sneak away to England in early 1956. After the exit of Phizo from the Naga Hills the situation somewhat eased. From 1952 to 1956, the Naga people had not witnessed peace in their land. Absence of Phizo from Nagaland, created circumstances favorable to those who had disliked the path of violence. Such leaders came on forefront demanding to reconsider the stand of the NNC against the government of India. They pleaded that despite heavy resistance and fight the Naga's independence was not in the sight. Rather the struggle had brought more uncertainty, turmoil and troubles to the Naga people damaging total peace and progress. They had realized that the Nagas had to change the method in order to achieve the goal. Hence, they became vocal about the peaceful method avoiding the path of insurgency and armed conflicts. The moderates under the leadership of T.N. Angami severing their relations with the militant group formed a Reformation Committee in February 1957, which became instrumental in arranging peace talks with the Indian leaders and creating a new political unit for the Nagas, namely, The Naga Hills Tuensang Area (NHTA) in 1957, which ultimately resulted in creation of the Nagaland state under the Indian Republic. The most attractive feature of the Reformation Committee was that while framing its aims and objectives, it explicitly condemned and opposed the methods of violence.

It also expressed its commitment to help restore peace, order and security in Nagaland and laid down the objectives of winning over those Nagas who were yet determined to fight with arms for the cause of the Nagas. The Reforming Committee declared, "It stands by the Prime Minister's assurance that when peace is restored, administrative changes would be introduced in the Naga Hills in full consultation with the Naga people of all tribes... It also claims for the Naga people the rightful share of India's independence and is convinced that the desire of the majority of the Nagas is for a separate administrative unit in keeping with the Naga tradition

within the framework of the constitution of India" (Asian Recorder, 1957). Thus, the declaration of the Reformation Committee was a historic turn in the history of Naga politics, which paved the way for growth of democratic processes in Nagaland. Now, it was crystal clear that the NNC was a divided house and that the Nagas, except extremists, wanted to join the main stream of India, provided that the Naga people would be granted a separate political identity of their own under the Indian constitution. This also made it amply clear that the moderate Nagas realizing the futility of armed struggle against a mighty power like India, were ready to accept the Indian constitution, provided they were given internal autonomies (Pt. Nehru's speeches, 1958). It was not only the moderate Naga leaders who had realized the futility of the armed struggle against the government of India but even the Indian political leaders, though late, had also understood that the Nagas could not be subdued for ever. The challenges, which were given to the government by the underground set up was enough for the government's leaders to realize that the Naga people could not be tagged on Assam. Now division of the NNC and inclination of the moderates towards peaceful negotiation of the Naga issue provided an ample opportunity for the Indian rulers to take the moderate Naga leaders in good faith by conceding their demand without any further delay.

It is evident from the steps taken by the Indian Prime Minister, Pt. Jawaharlal Nehru, who assured the Nagas to provide them with a separate status by changing the existing administrative procedure in the Naga Hills. The Naga freedom movement, thereafter, lost the required strength, no doubt, but it must be noted that the change, which took place in the mind of the Indian rulers, was due to hard battle fought by the underground Naga people in support of their demand. Thus, it is evident that the major achievement of the Naga's freedom movement till 1956 was their hard pressure upon the Indian government to change its mind and attitude about the problem of the Naga issue. Dissension in the NNC was a great set back to the movement of Naga national freedom, no doubt, but the Phizoists were not ready to tolerate such move of the moderates silently. To express their wrath, they killed T. Sakhrie, who was one of the most veteran and farsighted leaders of the NNC, who had dissociated from the path of militancy. The murder was committed as a sort of warning to other leaders of the NNC who were pleading for peaceful negotiation with the government of India. The extremists were of the view that such drastic action against their own leader would dampen the courage of other Naga leaders and they would drop their course of peaceful action, but the events, which followed after the murder of Sakhrie, proved that the extremist Naga leaders were in illusion (Singh, 2004). The loss of Sakhrie was soon compensated by other dashing and peace loving Naga leaders who came ahead openly to condemn the murder of Sakhrie and also the violent path of the militants. The determination of the moderates to have negotiation with the government of India for solution of the Naga problem was strengthened effectively and the leaders of the Reformation Committee continued their efforts to bring peace in Nagaland for the greater interest of the Naga people as a whole. The Reformation Committee proclaimed, "The majority demand of the Nagas is for a separate administrative unit in keeping with the Naga tradition within the framework of the Indian Union" (Asian Recorder, 1957). Thereafter, the Committee sent a delegation of the Naga leaders to Pt. Jawaharlal Nehru, the then Prime Minister of India, who was expecting such a move from the moderate Naga leaders. He welcomed the delegation

wholeheartedly at New Delhi. The talk with Pt. Nehru was fruitful. He assured the delegation of granting the Naga people a separate administrative unit with maximum autonomies provided peace and normalcy were allowed to exist in the Naga Hills as soon as possible (ibid). During the mid fifties of the 20th Century, the dissociation of the moderate Naga leaders from the path of militancy, their declaration to avoid violence and armed struggle, meeting of the Naga delegation with the Indian Prime Minister and commitment of the Baptist church leaders to work for peace are the events, which gave a historic turn to the history of Naga politics. It opened a new chapter in the political history of Nagaland paving the way for growth of democratic processes in Nagaland on the one hand and giving a serious blow to the Naga freedom movement on the other. On the other hand, the Indian leaders seized the opportunity to apply the policy of divide and rule by appeasing the moderate Naga leaders.

Asoso Yonuo has rightly observed that Pt. Nehru with a view to appeasing the moderate Nagas promised them not only special status but also of considering "any change except sovereign subject to the unity, integrity and security of the Indian Union" (Asoso, 1974). Observing that the NNC was a divided house and a strong voice in favor of peace in Nagaland was emerging, Pt. Nehru adopted the policy of appeasement and applied the policy of divide and rule which remained successful. The freedom movement thereafter, went on weakening, though it continued. Under such changing political scenario, which favored both the government of India and the moderate Naga leaders, the need was immediately felt to work for modalities for providing place for durable stay of peace in Nagaland. The Naga people were fed up with the continuous armed struggle where their life had become hell and progress was totally jeopardized. They had to face enormous troubles and inconveniences. The mood of the public was not to disturb peace of the land. They wanted progress and to live peacefully. The public opinion favored the move of the moderate leaders. Hence, under such favorable circumstance the moderate Naga leaders with the help of the church leaders organized Naga People's Convention (NPC) in August 1957. Unexpectedly, the convention was attended by a number of the Naga delegates from different tribes. The delegates thoroughly discussed about the significance of peace in Nagaland and constituted a delegation with Imkongliba Ao as the chairman with a View of initiating peace talks with the Indian Prime Minister at New Delhi.

The delegation reached New Delhi and opened peace dialogue with Pt. Nehru and other Union leaders on 15 September 1957 (Keesings C. Archive, 1957). The historic convention of the NPC held on 22 August 1957 explicitly declared that the Naga people were deeply grieved by the killing and widespread suffering caused by the burning of houses and granaries, the destruction of crops, grouping of villagers, restriction of freedom of movement and speech, forced labor without payment, the resultant diseases and hunger. All these events had taken place on the land of the Nagas due to direct armed struggle between the government of India's forces and the forces of the underground. Both forces fought but ultimately victims were the people. Both of them exploited and tortured the Naga people. The Security personnel did not spare even the women and children and victimized them. Hence, the Naga People's Convention passed certain resolution stating that, "We, a Convention of the Naga people drawn from every tribe

and area of the territories now known as the Naga Hills district of Assam and Tuensang Frontier Division, having met at Kohima on 22 August 1957 in search of a solution to end the infinite sufferings and bloodshed, do hereby resolve as the following: We maintain that the only answer to the Naga question is a satisfactory political settlement" (ibid). In order to create the conditions necessary for a political settlement, the convention demanded immediate changes as an interim measure to constitute the Naga hills district of Assam and Tuensang Frontier Division of North Eastern Frontier Agency (NEFA) along with the reserved forests into a single administrative unit, under the External Affairs Ministry of India. The present Naga Hills district of Assam and Tuensang Frontier Division of North Eastern Frontier Agency (NEFA) along with the reserved forests, transferred out to the Naga Hills district after reform of 1921, should be constituted into a single administrative unit, under the External Affairs Ministry of the government of India. It also demanded administration of the newly created administrative unit through the Governor of Assam acting as in his discretion as the agent of the President of India (ibid). It appealed to the Naga militant group "to give up the cult of violence, the convention asks for the prayer of all men of goodwill, both underground and over ground and in government services for the achievement of a lasting and honorable peace" (ibid). The resolution of the NPC passed at Kohima on 22 August 1957, made it clear that the Naga people wanted peace and to obtain peace, suspension of hostile activities and peaceful negotiation was a must. It also proposed the nature of separate administrative unit for the Naga people where unification of the various Naga tribes was a must. That is why it demanded transfer of Tuensang division from NEFA to the Naga Hills. It was also desired that the proposed administrative unit be placed under the External Affairs Ministry of India and the Governor of Assam should govern the Naga people as an agent of the President of India. It only goes to show that the Naga people did not want to be the administrative part of the province of Assam. They demanded placement of the new political unit under the External Affairs Ministry because it would have helped them to deal the affairs directly without much political process.

Imkongliba Ao was one of the most dashing as well as farsighted moderate Naga political leaders. He had established his reputation while convincing the people at the Naga People's Convention. The convention had elected him as the chairman of the Naga delegation, which was assigned to go to Delhi and have meaningful dialogues with the Indian Prime Minister, Pt. Jawaharlal Nehru. The Naga delegation constituted by the NPC under the chairmanship of Imkongliba soon availed the opportunity and reached New Delhi. Negotiation began from 23 September 1957 and continued till 25 September 1957 in a cordial and friendly atmosphere. The Government of India assured the Naga delegation that the government would soon do the needful to carve out a separate administrative unit for the Naga people within the constitution of India. On the other hand, the leader of the Naga delegation, Imkongliba, made it clear that the Naga people were quite averse to violence and bloodshed. Pt. Nehru being satisfied with the assurance of the Naga delegation for restoring peace in the Naga Hills said that an amendment to the constitution would be considered by the parliament in next session in November and December 1957. He also told them that the government would grant amnesty to the rebels "in respect of all offences committed against the state in the past though amnesty would not cover future offences" (Keesings C.

Archives,1954). To substantiate the assurance, which Pt. Nehru had given to the Naga delegation, the Ministry of External Affairs of India issued a statement on 26 September 1957, which indicated that the Centre was going to take up the step to fulfill the demand of the Naga people by creating a new administrative unit under the Ministry of External Affairs. The statement issued by the External Affairs Ministry stated, "The Naga Hills district and the Tuensang Frontier Division would be constituted into one administrative unit within the Indian Union directly under the President of India. This unit will be administered by the Governor of Assam on behalf of the President under the Ministry of External Affairs"(Asian Recorder,1957).

The differences between the moderate and extremist Naga leaders increased. The underground setup who had not given up the hope of liberating their land from India's occupation, disliked this move of the moderates. They began to issue direct and serious threats to leading moderate Naga leaders. However, their threat and warning did hardly create much impact upon the moderate Naga leaders or caused to deviate from their decided course. On the other hand, the government of India did not like to make even slightest delay to grant the Naga people a separate administrative unit. As a result, a Bill to make amendment in the Sixth Schedule of the Indian constitution was introduced in the Lok Sabha on 20 November 1957 where hectic debates took place on the issue of separation of Naga Hills from the province of Assam and award the Naga people a separate political status. There were some leaders who were not at all in favor of granting the Naga people a separate political unit because such step of India would have definitely encouraged other hill people to come ahead with the similar demand. G.B. Pant, the then Home Minister, while introducing the Bill, informed the honorable member of the Lok Sabha that the government of India had decided to grant the Naga people an independent status providing a separate administrative unit under the Indian Republic keeping in view the persistent demand of the Naga people for a separate political unit. Justifying the arrangement for a separate administrative unit for the Nagas, the Home Minister said that the Bill was the best solution in the given situation (The Statesman, 1957). He expressed the hope that this arrangement would encourage the forces of peace and help others also to realize as to what was in the best interest of the Nagas. The Lok Sabha making no delay passed the Bill on 28 November 1957. Thereafter, President of India gave his assent to the Bill. The Naga Hills Tuensang Area Act, 1957, created a new administrative unit known as the Naga Hills Tuensang Area (NHTA). The territory of the Tuensang area which was hitherto until now under the NEFA was transferred to the newly created unit, the Naga Hills Tuensang Area.

The Naga Hills Tuensang Area Regulation (administration) was promulgated in November 1957, which provided a number of provisions for the administration of the NHTA. Section 3 of the Regulation provided that NHTA should be divided into three districts to be called Kohima, Mokokchung and Tuensang. Section 4 of the Regulation empowers the Governor of Assam to carry on the administration of NHTA as the agent of the President of India (NHTA Act, 1957). The Commissioner who was to be appointed by the President of India, was empowered to appoint Deputy Commissioners for the districts of NHTA. Section 5 of the Regulation, further provided that all the officers who were working in the Naga Hills area before formation of the NHTA, would continue to

exercise their respective powers and jurisdiction and to perform their respective duties in the same manner and to the same extent as before. Again, Section 6 of the Regulation made provision that all laws enforced in the Naga Hills district or in the Tuensang Frontier division of NEFA immediately before the promulgation of this act would continue in force in the district of Kohima, Mokokchung and Tuensang until repealed or amended by a competent legislature or other competent authority (ibid). The provision was also made that the property and assets within the district of Kohima and Mokokchung would henceforward vest in the central government, which meant the government of Assam lost its jurisdiction over these properties and assets. It was further provided that, "All rights, liabilities, obligation of the state government of Assam in relation to the district of Kohima and Mokokchung should be the rights, liabilities and obligation of the central government (ibid). The creation of NHTA was, in fact, the first mile stone in emergence of legislative and democratic processes in Nagaland. The step of the government of India in this regard was late, no doubt, but it didn't prevent it from being a wise step nonetheless. It not only eased the tense situation of Nagaland but also won over the heart of many Nagas. In the opinion of the editor of the New York Times, too, it was "a realistic approach and the step as such was a wise one"(Singh,1974), the Manchester Guardian, too, remarked that the Prime Minister's offer to the Nagas was like a "statesman effort" (ibid). The creation of NHTA was simply a beginning towards the direction of procuring democratic processes in Nagaland. The demand of the Nagas for a separate administrative unit was accepted, but it did not bring what the Naga people, had in fact, wanted.

Their second step was to provide NHTA the status of interim state, so that they could obtain the full-fledged state as their final goal. Hence, the second Naga People's Convention, which was held in May 1958, with the objective to chalk out future program and search out device to bring the underground Nagas in the mainstream of India, set up a Select Committee and a Liaison Committee which constituted a Drafting Committee with a view to preparing a plan for the political settlement of the Naga issue. The Committee formulated a Sixteen Point Proposal, which essentially subscribed to the establishment of Nagaland State within the Indian Union. The Third Naga People Convention, which met at Mokokchung in October 1959, finally adopted the Sixteen Point Proposal as a basis to form the basis of negotiation with the government of India for the final political settlement. The Sixteen Point Proposal became a historic document of Nagaland because the Naga people were granted statehood on the basis of the demands incorporated in the Proposal. The Proposal envisaged the formation of a new state to be known as Nagaland within the Indian Union. For the transitional period an interim government of the Naga people was to be formed, which would prepare the ground for the formation of new state. A Council of Ministers responsible to the Naga legislative assembly was also proposed, which would assist and advise the governor. Special provision was demanded for the people of Tuensang area keeping in view their backwardness (Keesings C. archives, 1950).

The proposal also talked of inclusion of contiguous Naga areas with Nagaland, formation of a separate Naga regiment in the Indian army and continuation of the Inner Line Regulation, 1873. Thus, the Sixteen Point Proposal formed the basis of the proposed Nagaland state. Despite the protest of the

underground Nagas a fifteen-man Naga delegation headed by Imkongliba Ao reached Delhi and met Pt. Nehru on 26th July, 1960 and submitted the Sixteen Point Proposal with a request to grant the Naga people a full-fledged state of their own under the Indian Union. Pt. Nehru who had become too much sympathetic to the cause of the moderate Nagas readily agreed to consider the demand of the Naga delegation despite the denial of the Home Minister and the Reorganization Committee of States of India. The Reorganization Committee was of the view that the separation of the Naga Hills from Assam will add to the cost of the administration and coordination of the policy and program between the state of Assam and the hill areas on the one hand and between the hills districts themselves on the other (The States Reorganising Commission Report, 1955). The government of India under the leadership of Pt. Nehru was predetermined to grant the Naga people the full-fledged state. Nehru thought that such step would prove the policy to kill two birds with one stone. Creation of Nagaland state would enable the Nagas to practice the democratic processes and at the same time it would weaken the strength of the underground Nagas. So far his policy to kill two birds with one stone in this regard was correct, but to think that once the Naga people achieved the status of statehood, the freedom movement would subside was a wrong assumption on his part.

Here, Pt. Nehru's realization was not based on the true study of the Naga mind. It is true that the moderates under the compulsion of the bloody and anarchic situation had inclined towards the government of India, but the general Naga mass had not yet forgotten the dream of independent Nagaland. It is evident from the fact that even after creation of Nagaland state, the freedom movement of the Nagas continued and the underground people intensified their militant activities after creation of Nagaland state. The Sixteen Point Proposal with a slight modification was finally accepted in the light of the discussions with the Foreign Secretary of India held on 27 July 1960. To give effect to the decision of the Foreign Secretary, the government of India formulated the Nagaland Transitional Provisions Regulation, 1961, for the regulation of Nagaland and for matters connected therewith until the creation of Nagaland as a state under the Indian Union (N T P Regulation, 1961). The Regulation provided for an Interim Body consisting of forty-two members chosen by election from the tribes of Nagaland. The nomenclature as the Naga Hills Tuensang Area was replaced with the new term as Nagaland. Provision was also made for an executive body to assist and advise the governor on the exercise of public order as may be specified by the governor in this behalf (ibid). The tenure of the Interim Body was fixed for three years and it was to meet at least once every four months. The Executive Council would consist of such members of the Interim Body, not exceeding five in number, as the governor may appoint after obtaining recommendation of that Body and the Executive Council would choose a member of the Council to be the Chairman (ibid). The Interim Body was assigned the right to discuss and make recommendations to the Executive Council on matters of administration involving general policy and schemes of development and other matters referred to it by the Executive Council (ibid).

It was the promulgation of the Regulation, 1961, which, in fact, gave the foundation of democratic processes in Nagaland. It may also be treated as a historic turn in the politics of Nagaland because it opened the way for the Naga electorate to

exercise their right to franchise and choose the representatives of their choice. The Naga political leaders lost no time to form the Interim Body, which consisted of the members chosen by the Tribal councils and Area councils of the Naga tribes. While inaugurating the Interim Body, the Governor General S.M. Shrinagesh, said that with formation of the democratic body Nagaland took a step forward towards the path of constitutional government and suggested the Naga people to forget the bitterness of the past so as to make the future of the Nagas and Nagaland peaceful and prosperous (Asian Recorder, 1957). Imkongliba Ao who had been instrumental all these days to pave the way for the growth of democratic processes in Nagaland was elected as the Chairman of the Interim Body. While thanking the governor, he assured him that all the efforts would be applied to restore peace in Nagaland and create the avenues for the prosperity of the Naga people. At this occasion he did not forget to invite the underground brothers to come over ground and work for prosperity of the Naga people abandoning the path of violence. Since, the promulgation of Nagaland Transitional Provisions Regulation, 1961, was definitely a severe blow to the Naga national movement followed by the hard core Naga leaders, they became more adamant and dangerous to both the government of India and the leaders of the Naga Interim Body. By issuing warning letters to the moderate Naga leaders, they asked them not to infringe on the Naga's birth right to be free. However, the enthusiasm and courage of the moderate Naga leaders were so high and bold that they hardly paid any heed to their warning and followed the democratic and constitutional course fearlessly.

On the other hand, the extremists assassinated the chairman of the Interim Body, Mr. Imkongliba, on 22 August 1961, when he was coming back from his dispensary in Mokochung with the intention to create fear and panic among the Nagas, who were favoring the move of the moderate (Assam Tribune, 1961). The assassination of Imkongliba, which created wide terror and fear all over the state, was, in fact, a serious blow to the growth of democratic processes in Nagaland. It was also an open challenge to both the newly formed government of Nagaland and the government of India. The moderate Naga leaders who were creating new history for Nagaland and were determined to work for growth of democracy in the state accepted the challenge. T.N. Angami, another dashing and foresighted Naga leader, accepted the challenge by assuming the responsibility of the Chairman of the Interim Body. Thereafter, the government of India assured the Naga leaders to provide all possible protection and assistance to protect their lives and change the economic face of Nagaland. Thus, the Interim Body moved ahead with greater determination to work for the progress and prosperity of the Nagas as a whole. Murder of Imkongliba made other Naga leaders more determined to go for a full-fledged state of Nagaland. Hence, the first session of the Interim Body demanded that the Nagaland (Transitional provision) Regulation should be scraped and the elected Executive Council be recognized as the provisional cabinet and the Interim Body should also act as the provisional legislature of Nagaland and it should have its own secretariat. As a second step, Mr. Shilu Ao, the first Chairman of the Executive Council, reached New Delhi with the memorandum, which emphasized to grant the Executive Body and Interim Body the real status as the cabinet and the legislature respectively. The situation in Nagaland was very much critical. There were only two alternatives before the government of India. One was to

encourage the peace loving Naga leaders by accepting their demand and another was to withdraw from political activities of Nagaland and allow the extremists to follow their course without hindrance. The underground people were waiting for the chance. The Indian ruling political leaders did not like that the Naga militants could strangle the infant democratic processes, which had recently taken birth in Nagaland. Hence, at this juncture when the undergrounds were hanging like daggers over the heads of the peace loving Naga leaders, the government of India decided to accept the demand of the Interim Body with the result that the central government increased the power and status of both the Interim Body and the Executive Council.

Thereafter, the Interim Body assumed the status of de-facto legislature while the Executive Council got the status of de-facto cabinet of Nagaland. The Naga Interim Body in the form of de-facto legislature worked successfully for two years proving the fact that the Naga politicians had the wisdom and guts to run their own government to the best of satisfaction of the people. Within these two years, the Interim government worked hard for maintenance of peace in the state and serves the Naga people as per their wish and needs. It is notable that these leaders worked under the situation which was not only critical but dangerous also. They served the people without caring for the threats on their life served to them by the Naga militants. Successful working of the Interim Naga Government on all expected fronts for two years under the leadership of Shilu Ao convinced the government of India that the Naga leaders had the wisdom and capability to run their own state in any circumstances. Hence, the government of India decided to grant the Naga people a full-fledged state and prepared two Bills: The Constitution Amendment Bill, 1962 and the Nagaland Bill, 1962, to incorporate constitutional provisions for creation of Nagaland state under the Indian Union. According to Article 3 of the Indian constitution, the Nagaland Bill was sent to the Assam legislative assembly for its consideration and approval. Introducing the Bill in the Assembly on 6 August 1962, the Chief Minister of Assam, B.P. Chaliha moved a resolution, which stated that the provision of the Draft Nagaland Bill, 1962 was not conducive to the coordinated development and political stability of the eastern region of India. It further stated that, "In such an integrated set up special arrangement could be made to meet the need of different regions of the area. This Assembly, however, notes that the government of India is committed to the setting up of Nagaland as a separate state within the Indian Union" (The Statesman, 1962). The Bill was placed before the honorable members of the Legislative Assembly of Assam for discussions.

Some of the members of Assam Assembly opposed the Bill on the ground that it would not only reduce the size and population of Assam by separating Nagaland from it but it would also encourage other hill peoples, such as Jaintia, Khasi, those of NEFA, Mizo, Tripura to put forward similar demands. Some of the members accused Pt. Nehru, the then Indian Prime Minister of sowing the seed of disintegration in the country. B.P. Chaliha, however, defending the move of the government of India said that, "All of us should share the blame equally." H.E. Posha, the leader of the All Party Hill Leaders Conference, welcoming the Bill stated that, "It is the loyalty of the people that is the strength of the country and not artificial boundaries" (ibid). Since, the Congress government at Centre had already decided to grant the Naga people

statehood and the province of Assam was also under the Congress rule at that time, the assembly had no alternative other than to adopt the Bill. When the Bills: Nagaland and the Constitution Amendment, were introduced by the Indian Prime Minister in the Lok Sabha house on 21 August 1962, the members of the august House got the opportunity to express their mind over the related issues freely and frankly. First of all, the Prime Minister informed the members of the House that these Bills were in pursuance of commitment made by the government of India to the Naga delegation in July 1962. He also said that the creation of Nagaland state would be a right step to consolidate and integrate the people of India having different culture, languages and social backgrounds. Commenting on the nature of the Bills the Prime Minister further stated 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, it will not be so. The state is small one and for the time being, it will have certain restriction in regard to Tuensang District. Otherwise it will be a full state of the Union, and it will have all other powers of the state of the Indian Union" (Lok Sabha Debates, 1962). Various members of the opposition bench while participating in debates opposed the move of the government for creation of a new state, namely, Nagaland by bifurcating Assam. Their main worries were that such move of the government of India would definitely encourage various other peoples of India to come ahead with the similar demand at the cost of national integrity. U.M. Tiwari, a Jan Sangh member, expressed the view that "We are creating a territory, which we have not been able to administer because of violence that was practiced there" (ibid).

He accused Pt. Nehru of leading the country on the path of disintegration. P.C. Baruah, the Assam representative said that he would accept the Bill with sorrow and pain for two reasons. Firstly, the new state was being created cutting a limb of Assam and secondly, when all efforts were being made to put an end to the "fissiparous and disruptionist tendencies in the country" (ibid). The vital question, which may be raised here as to whether the step of the government of Pt. Nehru to grant the Naga people a full-fledged state under the Union was a wrong step. May the step be considered as a policy of appeasement of the government of India towards the Nagas? The answer is given below. Those who have the knowledge of the land and people of the northeastern region of India may not deny the fact that the region is occupied by different people who belong to different ethnic groups and who differed in their language, culture, religion, race and social backgrounds. The tribal people who live in the region were in prolonged isolation where they developed the habit of separation. These people have been sensitive and suspicious about the plains people of India. That is why the Naga people did not like at all to be associated with the people of Assam. Moreover, the Naga leaders had been putting constant pressure upon the government of India to grant them a special status. In support of that demand the whole Naga people had boycotted constitutional procedures made for the Naga Hills district in 1952. Again, the rebel Nagas were still determined to fight for the cause of the Nagas.

Had the Naga people been not granted the statehood, it would have been very much difficult to control the situation. Secondly, not only the Nagas but even all tribal people living in the northeastern region were very much apprehensive of the Assamese intervention in their affairs. For instance, the imposition of Assamese language over the tribal people had

irritated them. Moreover, the development of the tribal people under the rule of Assam was very much limited. Hence, they wanted to have their independent and separate identity. Therefore, at this very critical juncture “No other assurances and alternative suggestions could satisfy them. So ultimately the political map of northeast India had to be reorganized by forming separate states of Meghalaya and Nagaland” (Shrikanth, 2000). Having close observation of the situation, which existed in Nagaland during 1960s and examining the factors involved there, one may come to the conclusion that the government of India's decision of giving the Naga people a separate state of their own may, not be treated as a policy of appeasement or a step towards disintegration of the nation. The militant Nagas were determined to fight with the government and had already opened the front supported with moral and material assistance from the India's neighboring countries. Pt. Nehru had visualized the existing situation in the northeast wisely. That is why he thought of granting the Naga people a state under the Indian Union.

Rather the step was late. S.C. Jamir, a Naga representative in the Lok Sabha and also parliamentary secretary to the Ministry of External Affairs rightly said that, “The creation of the 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. I feel that Nagas have got a right to claim a place in the Union of India” (Lok Sabha Debates, 1962). Hem Barua, an Assamese member of the Lok Sabha, also said that, “this political settlement arrived by the government of India with the Naga people's convention led by Imkongliba Ao is an act of sagacity” (ibid). There were some other members who too accepted creation of Nagaland state as a right step of the government of India. Chandrika Singh (2004) rightly observed that creation of Nagaland state was the step, which remained fruitful in due course of time because such step helped the government to control the problem of insurgency in Nagaland to a great extent. Pt. Jawaharlal Nehru concluding the debate rightly said that all the people in India lived like a family. Hence, the creation of Nagaland state would not encourage fissiparous and disruptionist tendencies; it would rather help in bringing the Naga people in the mainstream of India (Lok Sabha Debates, 1962). Pt. Nehru was very much correct in his observation. What he did was the need of the circumstance. Since entire events were moving fast due to prior decision of the government of India, both the Bills took no much time to obtain the approvals of both the houses of the Indian parliament. The Constitution (Thirteenth) Amendment Bill and the Nagaland Bill were adopted by the Lok Sabha on 29 August 1962 and Rajya Sabha approved them on 3 September 1962. Thereafter, the President of India assented these Bills on 4 September 1962. Every thing was done in quick succession. Thus, the state of Nagaland came into being on 1 December 1963 after its inauguration by the President of India as a full-fledged state under the Indian Union.

The day was marked as a gala day in the political history of Nagaland. The Naga people were very much suspicious about outside intervention in their local affairs from the beginning. They did not like that any outside force could create problems in their social, cultural, religious and economic affairs. It is evident from the memorandums and petitions, which they had placed before the British and Indian authorities from time to time. Even while submitting Sixteen Point Proposal the Naga leaders had put much emphasis on protection of their internal

affairs. Hence, preparing the Nagaland Bill and the Thirteenth Constitution Amendment Bill, proper attention was paid to protect internal affairs of the Naga people. The Thirteenth Constitution Amendment Act, 1962 added a new Article 371(A) to the constitution, which ensured the creation of Nagaland state on the one hand and made some special provisions for the protection of the customary laws and religious beliefs of the Naga people on the other. The article laid down that unless so decided by the state assembly, no act of parliament shall apply to the state of Nagaland in respect of:

- Religious and social practices of the Nagas;
- Naga customary laws and practices;
- Administration of civil and criminal justice involving decisions according to the Naga customary laws; and
- Ownership and transfer of land and its resources (The Constitutional Amendment Act, 1962).

Again, the situation in Nagaland was still tense and explosive. Hence, the Government of India was not at all in mood to grant the Naga people all the rights of a state as it is in other states of the country. The government wanted to assign the governor of Assam with some special power to exercise when the situation so demanded. It is evident from the provision made in the Section 3 (1) of the Act, which assigned the governor special responsibility with respect to law and order in the state as long as in his opinion, the internal disturbances continued to occur there. However, such special power was subject to the permission of the Indian President who had the authority to withdraw such provision of special power any time. In regard to the Naga representation in the Indian parliament it was provided that, “there shall be allotted one seat to the state of Nagaland in the Council of States (Rajya Sabha) and one seat in the House of People (Lok Sabha)” (ibid). So far the Nagaland legislative assembly was concerned, the act converted the de-facto interim Naga legislature as the legislative assembly with “the total number of seats six to be filled by persons chosen by direct election” (ibid). Creation of Nagaland state was a historic event. The British authorities had created the Naga Hills district at the time when the political consciousness of the Naga people was at raw stage. The Naga tribes were disintegrating and they were confined only to the villages. These disintegrated people were inimical to each other. Their political process was democratic, no doubt, but the head of the village based on dynastical system had enough room of authority to control and command the people. Situation changed with the arrival of the British and Christian missionaries in their land.

The political will and ambition of the Nagas with the integration of the tribes expanded. The Naga people found themselves safe and secured under the British rule because the British had no design to intervene in their local affairs. Rather they had separated the Nagas from rest of the country by providing with certain Acts and Regulations. The Inner Line Regulation, 1873, separated the Hill tracts of northeast India not only from the rest of the plains area but also from the administration of Assam awarding the hill people special status. The regulation empowered the government to make summary legislation and also the power to frame rules for the tribal people according to the needs and circumstances (Mackenzie, 1981). The Assam Frontier Tract Regulations 1880 and 1884 enabled the government to administer the Nagas in a simple and more personal manner by virtue of enactment relating to elaborate codes of law. Thereafter, the



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