Chapter IV

CREATION OF NAGALAND STATE

Granting of statehood to Nagaland as a constituent State of the Union of India, is a story of mutual understanding, adjustment and conciliation. The majority of the Naga people had realised by 1956 and after that their well-being and prosperity lay in remaining with India and not as an independent Naga State as Phizo had conceived earlier. They however, wanted change and modification in the existing administrative arrangements which should ensure the separation of the Naga Hills from Assam. The Government has also come to realise that the policy of keeping the Naga hills district linked with Assam was not a sound one. Some changes had to be made in the existing set-up in order to satisfy the Naga people. This realisation by the Nagas as well as by the Government was the beginning of the creation of Nagaland statehood as a constituent State of India. And thus it took years to realise its objectives in creating statehood for Nagaland on 1st December 1963.

The first step towards the creation of Nagaland statehood was due to the convening of the first Naga peoples' Convention in August, 1957. A Reforming Committee of the Naga National Council under the chairmanship of T.N. Angami had already been formed in 1957 with a aim
of restoring peace to the Naga hills area and to effecting administrative changes in the hill districts. To this end a Naga Peoples' Convention was called on 22 August 1957, at Kohima. Nearly 1,735 representatives of different Naga tribes particularly from the Naga Hills and Tuensang area of the North East Frontier Agency and about 2,600 observers from other Naga areas came to attend this historic convention. Imkongliba Ao, was its chairman and Jasokie Angami was its secretary. This first Naga Peoples' Convention held its deliberations from 22 August to 26 August, 1957. The Convention of August 22 to 26, 1957, Kohima, adopted the following resolutions:

1. We maintain that the only answer to the Naga question is satisfactory political settlement.

2. In as much as a large number of our people are still underground and there is no freedom of movement and speech under the present condition in the Naga hill district, we feel no discussions can be held among the people preliminary to negotiations.

3. In order to create the conditions necessary for a political settlement the following immediate change as an interim measure is essential. The present Naga hills district of Assam and Tuensang Frontier Division of N.E.F.A. along with the reserved forests, transferred out of the Naga hills district
after the reforms of 1921, should be constituted into a single administrative unit, under the External Affairs Ministry, Government of India, through the Governor of Assam acting in his discretion as the Agent of the President of India, so as to ensure with our active help, a genuine general amnesty, speedy end of hostilities and relief to suffering.

4. We strongly urge the Government to implement the above proposal immediately as we, on our part, pledge ourselves to actively work with together to end hostilities that the army and police can be withdrawn and the village de-grouped, and to try by all means in our power to heal old feuds so that all of us, both those now in underground and those overground, may work together for the good of our land and the free development of our people and according to our own traditions.

5. We appeal to our countrymen in arms to give up the cult of violence.

6. The Convention asks for the prayers of all men of goodwill, both underground and overground and in Government service, for the achievement of lasting and honourable peace.

While the Naga Peoples' Convention was deliberating upon, the resolutions to be adopted, the Governor of Assam
sent a message to Mr. Imkongliba Ao, Chairman of the NPC, on 25th August, 1957, in which he welcomed the efforts of the Naga people for the peaceful solution to the problems of the Naga hills area. He however, made it clear that any political settlement had to be arrived at within the Indian Constitution. The Governor concluded the message with the remarks, "any settlement to be practical and acceptable must be within the Indian Union. It will also be as far as, I can see in the best interest of the Naga people in whom we are all interested. I have great hope in the collective wisdom and practical sense of the Assembled Delegates".

This message had deep impact on the Naga leaders who had organised the Convention. They adopted a resolution on 26 August, 1957, which clarified that by satisfactory political settlement they meant a satisfactory political settlement within the Indian Union. The Naga Peoples' Convention elected nine (9) persons to constitute a delegation with Imkongliba Ao as leader to start negotiations first with the Governor of Assam and then with the Prime Minister of India in the light of the resolutions adopted in the first Naga Peoples' Convention. This newly elected delegation waited upon Fazl Ali, the Governor of Assam, and held a fruitful discussion with him on 23 September, 1957. Imkongliba made it clear
that they believed neither in violence nor in the creation of an independent Naga State. They just wanted a modification in the existing administrative set-up so that they could share the fruits of India’s independence and develop in accordance with their economic, social and religious beliefs. Thereafter, Fazl Ali, the Governor of Assam, expressed his satisfaction and told the members of the Naga delegation that he too shared their views and sentiments. He was satisfied that at long last the Naga people had come out with a practical and workable solution to the Naga problem. He strongly recommended to the Government to accept the demands of the Naga people for a change in the present administrative set-up of the Naga hills area. Thereafter this delegation went to New Delhi to meet and discuss with the Prime Minister, Jawaharlal Nehru, their problems. There they held fruitful discussions with the Prime Minister on 25 and 26 September, 1957. The Prime Minister at the very outset made it clear that the Indian Government was not prepared to discuss any scheme which demanded the independence of the Naga Hills. He however, accepted the Kohima Convention’s proposal for the formation of a Naga administrative unit under the Central Government of India. He stressed upon the need for putting an end to the violent activities and expressed his satisfaction over the Convention’s resolutions expressing political settlement within the Indian Union. Nehru
assured the Naga delegation that necessary amendment to the Constitution would be considered by the Parliament at its next session in November and December, 1957. He said that his 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. Thereafter the Minister of External Affairs of India, issued a statement on 26 September 1957, which summarised the talks held between Nehru and the Naga delegation and also spelt out the scheme of future administration of the Naga hills area. The statement said, "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.11 In the end it was hopefully visualised that the progress to normalise conditions would be rapid and that all the members of the delegation would cooperate in restoring peace to the troubled areas.

Reform in Administrative Set-up in the Naga Hills District

In pursuance of the assurances given by Nehru to the Naga delegation, a Bill for the amendment of the sixth schedule of the Indian Constitution was introduced in the
Lok Sabha on 20 November, 1957. While introducing the Bill the Home Minister, G.B. Pant said that independence of a territory having having 35,000 people with an annual revenue of less than £4,000 was not a practical proposition in modern times. Hence the political arrangement of Nagaland contained in the Bill was the best solution in the given situation. He expressed the hope that this arrangement would encourage the forces of peace and help others to realise as to what was in the best interest of the Nagas. The amendment Bill was passed by the Lok Sabha on 25 November 1957. The Rajya Sabha approved the amendment Bill on 28 November 1957. The President of India, Dr. Rajendra Prasad, gave his assent to the amendment the next day. Consequently, a new administrative unit known as the Naga Hills Tuensang Area came into existence on 1 December 1957. The Tuensang area which formed part of N.E.F.A. earlier, was detached from it and was amalgamated with the Naga hills. Because of the amalgamation this came to be known as the Naga Hills Tuensang Areas. Soon after the promulgation of the Naga Hills Tuensang Area Act 1957, the Naga Hills Tuensang Area (Administration) Regulation, 1957, was enacted with a number of provisions for the administration of the newly created unit.

Section 3 of this regulation provided that the Naga Hills Tuensang Area should be divided into three
districts to be called as the Kohima District, Mokokchung District and Tuensang District. The fourth section of the regulation stated the administration of the Naga hills Tuensang Area should be carried on by the Governor of Assam as the Agent of the President of India. The Central Government might appoint a Commissioner for the Naga hills Tuensang area to assist the Governor who might appoint a Deputy Commissioner for each district therein. The Deputy Commissioners were to perform their functions under the supervision and control of the Commissioner. It was provided in section 5 (five) of the regulation that all officers who were working in the Naga hills area before the formation of the Naga Hills Tuensang Area should 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. Section six provided that all laws in force in the Naga Hills district or the Tuensang Frontier Division of N.E.F.A. immediately before the promulgation of this act would continue to be in force in the district of Kohima and Mokokchung or in the Tuensang district until repealed or amended by a competent legislature or other competent authority. The most important provision of the regulation however, was concerning property and assets in Nagaland. Before the formation of the Naga Hills Tuensang Area all the properties and assets in the Naga hills area used to
vest in the Assam Government. The new regulation however, laid down that all properties and assets within the district of Kohima and Mokokchung would henceforward vest in the Central Government. All rights liabilities, obligations of the State Government of Assam in relation to the district of Kohima and Mokokchung should be the rights, liabilities and obligations of the Central Government. It was also laid down that if any difficulty arose in giving effect to the provisions of the Naga Hills Tuensang Area, the Central Government might, by order, make such further provisions as appeared to it to be necessary or expedient for removing the difficulty. The Central Government might by notification in the official Gazette make rules to carry out the purposes of this regulation.

Thus the formation of the Naga Hills Tuensang Area in 1957, as an independent administrative unit separate from Assam, was the first milestone in the way of the creation of the autonomous State of Nagaland within the framework of the Indian Union. While Phizo and his followers denounced the settlement, the peace loving and moderate Nagas held it as the dawn of a new era in Nagaland. Thus the political settlement of the problem of the Naga hills area in 1957 had a mixed reception in Nagaland. This settlement on the one hand gave encouragement to the
moderates, on the other it irriated the hostiles all the more. While the moderates considered it as the first positive step in the direction of the eventual triumph; the underground Naças regard it as an attempt of the Government of India to consolidate and strengthen their position in the Naga hills area. This realisation made the hostile elements intensify their struggle further.

The Government by conceding the demand of the moderate Naga, in fact, showed political maturity. A few writers like Asoso-yonuo, however, were of the view that the settlement was a much delayed step. "Has the Central Government dealt firmly with the Naga a little earlier in a more liberal way ... the problem would have not become precarious". This view however, does not appear to be logical. In fact, the Naga at the time of independence were not very clear about what they wanted. Moreover, the Government was busy with the refugee problems because of the partition of India and the Kashmir issue. So it did not have sufficient time to look into the matter. Not only had the Naga adopted the path of violence but some neighbouring countries hostile to India also wanted to fish in the troubled political waters. They were instigating the Naga to demand an independent Naga State as a member of the United Nations. So the settlement of the problem was not possible in the given situation. It was only when the Naga agreed
to find out the solution to the problem within the framework of the Indian Constitution that the issue could be settled peacefully. Hence to say that this step should have been taken earlier does not appear to be very logical.

Foreign observers appreciated the step taken by the Government to solve the Naga problem. The New York Times of 28 September, 1957, stated, "this is a realistic approach. It is not possible to conceive of a really viable independent Naga State. The Tribesmen are vigorous and liberty loving, but they are not in a position to assume all responsibilities of self Government except upon a limited local scale. Economically their position, completely landlocked, would be impossible to improve. Politically while they may rightly desire to have a sense of freedom, they have not the equipment with which to conduct the affairs of an independent State." Further, the New York Times, April 17, 1967, wrote, "The Government of India contends that it inherited British sovereignty over the strategically important Naga Hills after British granted independence to India, in 1947. On the other hand the Nagas maintain that Britain had never acquired or claimed sovereignty over Nagaland and that the British presence was due to a slow penetration of the area to protect India's borders from marauding Tribesmen." Thus both claimed and counterclaimed.
There is no denying the fact that the formation of the Naga Hills Tuensang Area ushered in a new era in the Naga Hills. About 3,000 Naga rebels came out overground voluntarily. Major General Kochar, said in November, 1957, "from January 1957, onwards, however, increasing number of Naga rebels surrendered. [Phizo's sons and daughters gave themselves up on 25 April, 1957, saying that they were unable to bear the hardships of life in the jungles and his brother was arrested in August while attempting to escape to Burma.] A general amnesty was granted and all prisoners under trial were detained for the offences committed against the State were finally released from jails. The law and order situation in the Naga hills greatly improved but this was only one side of the picture. The other side was not as bright as expected to be. There were still some hostile Nagas who were working on the dictates of Phizo. These Nagas still clung to their demand for sovereign independent State of Nagaland. They considered the formation of the Naga Hills Tuensang Area as a 'bribe' to the moderates. They therefore, continued their plunder, attack and killings against the army and the loyal Nagas to the Government. Hence it cannot be said that the creation of the new administrative arrangement in the Naga hills ushered a permanent peace. It was just a step towards that direction.
However, the Naga moderates organised a second Naga Peoples' Convention in May 1958, as encouraged by the success (to the greatest extent and however difficult a task was) of the first Naga Peoples' Convention held in August 1957. Despite the protest and threat of the hostile Nagas the second Naga Peoples' Convention was held at Ungma village in Mokokchung district from 21 to 23 May, 1958.19 The second Convention was attended by nearly 2,705 delegates representing various Naga tribes. It reaffirmed the decision of the first Naga Peoples' Convention held at Kohima in August 1957 and expressed satisfaction that since the creation of the new administrative unit under the External Affairs Ministry, there has been cessation of armed conflict despite sporadic instances of raids by some irresponsible parties. The Convention in its second resolution strongly condemned all sorts of violence, dacoity, theft, intimidation, false impersonation and propaganda, imposition of fines, and closing down of schools in certain areas.19A In the third resolution the Convention requested the Government of India to extend the period of amnesty and appeals to all those who are still underground to come overground, availing themselves of the amnesty. The Convention constituted a Liaison Committee of 8 (eight) members comprising Imkongliba, Vizol, Takasonang, Lazinonong, Kevichusa, Khelhose, Sangba and Etsorhomo - to explore
possibilities for an agreed solution to the Naga problems and the outcome of which was to be placed for consideration before the Select Committee, which had been constituted in the Convention of May, 1958, at Ungma, Mokokchung Area. This Liaison Committee took pains to contact the underground Nagas, but it failed to convince them. The underground Naga leaders laid down certain preconditions for their participation in any negotiations with the Government of India. These conditions were firstly, the recognition of their Naga Federal Government and secondly, the acceptance of their demand for a sovereign independent State of Nagaland. But these conditions were such that the NPC could not entertain as stated earlier. This demand was like—putting the cart before the horse. The Convention leaders in the hope that they would give up the path of violence and would work for peaceful solution to the problem took up the mission. But because of the stiff and uncompromising attitude of the hostiles, all hopes of the Convention leaders were dashed to the ground.

The Select Committee now decided to go ahead all alone for political settlement of the Naga Hills area within the Indian Union inspite of the refusal of the underground Nagas who refused to come overground. Therefore, the Select Committee met on 11 and 12 December, 1958
to chalk out a plan for the future status of the Naga Hills Tuensang Area. In this meeting it was decided to constitute a Drafting Committee to prepare a plan for the political settlement of the Naga problem. This Drafting Committee formulated a 16 (sixteen) point proposal which essentially desired for the establishment of a Nagaland State within the Indian Union. 21 The sixteen point proposal envisaged the formation of a new State to be known as Nagaland within the Indian Union comprising the territories hitherto known as the Naga hills Tuensang Area (NHTA) with the executive powers invested in a Governor who would have special responsibility with regard to law and order during the transition period. A Council of Ministers was also proposed which would assist and advise the Governor. The Ministers were to be made responsible to Nagaland Legislative Assembly. The Council of Ministers would consist of elected as well as nominated members representing the different Naga tribes. The sixteen point proposal also laid down that every village would have a village Council, a Range Council and a Tribal Council to deal with administrative matters concerning the respective tribes and areas. These Councils would also look into the disputes and cases concerning breaches of customary laws and usages. Special provisions were made for the Tuensang area whose administration was to be carried on by the Governor for a period of ten (10)
years until such time as the people of Tuensang were capable of shouldering the responsibilities of their administration. The other proposals included integration of the contiguous Naga areas with Nagaland, formation of a separate Naga Regiment in the army and continuance of Inner-Line Regulation.21A

The 16-point proposal, thus drafted by the Select Committee was placed before the Third Naga Peoples' Convention which met at Mokokchung from 22 to 26 October, 1959. These proposals were discussed in detail and were finally adopted "to form the basis of negotiation with the Government of India for the Naga political settlement."21B The third Naga Peoples' Convention also passed some special resolution which demanded the release of political prisoners, extension of general pardon to underground Nagas coming overground and relaxation of military operations in the Naga hills, to enable free contact between the underground and overground Naga people.22 The third Convention further appealed that every Naga tribe take effective steps to bring normalcy in Nagaland. The Convention leaders requested the underground Nagas to come overground and to give up the path of violence and to participate fully in the running of the new Government of Nagaland. Thus a careful study of the 16-point proposal and the special resolutions
adopted in the third Naga Peoples' Convention suggests that the leaders in fact were interested in the creation of a Naga State within the Indian Union. It is also apparent that these leaders had disliked the violent activities of the underground Nagas. They wanted to preserve their culture, economic and political identity and so they had demanded a separate State of their own within the Indian Union. Imkongliba, the President of the Naga Peoples' Convention, in his letter of 26 July, 1960, to the Prime Minister of India had clearly stated, "It is only in a separate homeland of our own, we fully play our part in the development of the country as a whole and running of our own popular Government according to our culture and traditions."23

In pursuance of the 16-point proposal and resolutions adopted in the third Naga Peoples' Convention, a 15-men delegation with Imkongliba as the leader was constituted to negotiate with the Government for the final political settlement of the Naga problems. This delegation met the Governor of Assam in April, 1960, and presented him a memorandum containing the 16-point proposal.24 The Governor held discussions with the members of the delegation in a very calm and cool atmosphere. Imkongliba, the leader of the delegation requested the Governor to arrange a meeting with the Prime Minister with the Naga
delegation. Pandit Nehru however, was not free at that time of May and June 1960, as he had to attend to the Commonwealth Prime Ministers' Conference at London, U.K. So the meeting had to be postponed until his return. When Nehru came back to India after his foreign tour the meeting was arranged on 26 July, 1960. The Naga delegation consisted of 15 members including among others Jasokie, P. Demo, and Thanwang Konyak etc. There were four consultants in addition to the delegation. They were, Shilu, Zopiangsa, Shashimeren and Gopiya. Imkongliba Ao presented to the Prime Minister a memorandum containing the 16-point proposal.25 He told the Prime Minister that as they were the representatives of the Naga people and as such they have come to discuss for settlement of the Naga problem (NHTA). The task was difficult for both, no doubt, but if they put their heads together there was no reason why a long standing political deadlock that existed between the Government and the Naga people could not be solved with honour and dignity to both. But on the other hand, neither G.B. Pant, the Home Minister nor the report of the State Reorganisation Committee was in favour of granting the Naga hills the status of a constituent State of India. G.B. Pant was of the view that the 16-point proposal could be considered only after the cessation of the hostility of the underground Nagas.26 The report of the State Reorganisation Committee had suggested that
that the separation of the Naga hills district from Assam will add to the cost of the administration and coordination of the policy and programmes between the Assam and the hill areas on the one hand and between the hill districts themselves on the other. However, Pandit Nehru, gave a patient hearing to the members of the delegation as he was quite sympathetic to their demands. He believed that by conceding the demands contained in the 16-point proposal with necessary modifications they would be able to satisfy the Nagas in general and the hostile elements in the Naga hills area would be gradually eliminated. In fact, he looked at the problem in a wider perspective and he wanted to win over the Naga people. He was of the view that if the Naga Hills Tuensang Area was given statehood within Indian Union that would have a sobering effect on the Nagas and their hostility would gradually come to an end. The Nagas had a different culture, a different social and religious outlook and the Government was committed to give maximum autonomy to the Nagas in their internal affairs. Nehru thought that if the Nagas did not want to be tagged with Assam they should be given a separate State of their own as they had demanded. He, therefore, thought it prudent to accept the proposals of the Naga delegation with certain modifications. Nehru however, pointed to the Naga delegation that the proposition of the territory
of the Naga Hills area to population and financial resources was such that it would not be able to bear the weight of the heavy superstructure of administration. Ultimately the 16-point proposal, as finally recast by the Naga delegation in the light of the discussions held on 27 and 28 July, 1960, with the Foreign Secretary of India, was concluded between the representatives of the Naga Peoples' Convention and the Government of India on 30 July, 1960.

The provisions of the agreement were almost the same as presented in the 16-point proposal by the Naga delegation with slight modifications. Firstly, point 3(1) of the 16-point proposal had provided that the President of India would appoint the Governor of Nagaland with his headquarters in the State itself. But after considering the economic aspect it was decided and incorporated in the agreement that the Governor of Assam and Nagaland would be the same person. Secondly the 16-point proposal has a provision for three elected members to represent Nagaland in the Union Parliament, e.g. two in the Lok Sabha and one in the Rajya Sabha. Since the proposed representation was not conceived of on the basis of population of July 1960, provided for only two representative members one for each House of Parliament. Thirdly, the agreement had kept in abeyance the provision which
suggested, "The Governor shall have special relationship with regard to law and order situation during the transition period and for so long as the law and order situation continues to remain disturbed on account of hostile activities. In exercising this special responsibility the Governor shall after consultation with the Ministry, act in his individual judgement. This special responsibility of the Governor will cease when normalcy returns. Fourthly a provision was added which read, "The existing laws relating to the administration of civil and criminal justice as provided in the rules for the administration of justice and police in the hills district shall continue to be in force".308 Fifthly, the Nagas had wished the inclusion in Nagaland of all the reserved forests and other Naga areas that had been transferred to other areas during the British time. They had also demanded the inclusion in Nagaland of other Naga inhabited areas contiguous to the present Nagaland. The agreement did not provide any such thing simply noted, "The Naga delegation discussed the question of the inclusion of the reserved forests and of contiguous areas inhabited by the Nagas. They were referred to the provisions in Articles 3 and 4 of the Constitution of India, prescribing the procedure for the transfer of area from one State to another. The Naga leaders expressed the view that other Naga inhabited contiguous areas should be enabled
to join the new state. It also pointed out to them on behalf of the Government of India that Articles 3 and 4 of the Constitution provided for increasing the area of any state, but that it was not possible for the Government of India to make any commitment in this regard at this stage.

Here a question may arise as to why the Government did not agree to the Nagas' demand for the inclusion of the reserved forests and contiguous Naga inhabited areas to Nagaland. The reasons are not far to seek. Had the Nagas' demand for independence been conceded to, it would have created misunderstanding and enmity among the Nagas and other tribals living in the neighbouring areas. Moreover, some Nagas also live in Burma. Hence acceptance of the Nagas' demand for independence could have irritated the Burmese Government and instead of solving the issue it would have complicated it further. The Government, therefore, simply recorded the views of the Naga leaders in the agreement and kept the issue open for future negotiation.

**Provision of an Agreement for Nagaland State**

The conclusion of the 16-point proposal between the Government and the representatives of the Nagas Peoples' Convention finally opened the gate for the creation of
Naşalard as a constituent State of the Indian Union. The process which had started with the convening of the first Naga Peoples' Convention in August 1957 at Kohima, was completed with the conclusion of this agreement in July 1960. Pandit Nehru declared in the Lok Sabha in August, 1960, "A new State to be called Naşaland will be established within the Indian Union comprising the territory of the existing Naşa hills and Tuensang area. It is now the intention of the Government of India to give effect to the arrangements reached with the Naşaland leaders without delay. This will involve amendment to the Constitution and a Bill will be placed before the Parliament for approval in due course". With the signing of the agreement it was obvious that the Naşa Hills Tuensang Area would be given statehood within the framework of the Indian Union. The stage was now set and only the formalities had to be observed. It was expected that the creation of Naşaland by the Naga Peoples' Convention (NPC) would not satisfy the moderates but also induce the underground Naşas to come forward and cooperate with the Government in making Naşaland a prosperous State. This expectation, however, was soon dashed to the ground because of the uncompromising attitude and violent activities of the hostile Naşas.

Phizo, President of the Naşa National Council, had arrived in London, on 10 June 1960, (Phizo told me in
London, July 1985) from Zurich in Switzerland (escorted by Michael Scott), even while the negotiations for the settlement of the 16-point proposal were going on. Phizo after arrival issued a press statement and he said, "I have come to Britain to do what I can for my people in Nagaland. I hope it may be possible for a fact finding commission to be appointed to establish the truth about the condition of my people and their hopes for the future".33 Again at another press conference in London on 26 July, 1960, Phizo gave a list of seventy-two (72) alleged atrocities which had been committed by the Indian army officers against the Nagas since 1954. He also made allegations of torture, crucifixion, scalping, flogging of women, raping of women, forced prostitution, concentration camps and starvation.34 Phizo's proposal for the Fact Finding Commission was as mysterious as the creation of his self-styled Naga Federal Government. It is true that Pandit Nehru had already declared in the Lok Sabha that, "there is no such thing as a Naga Federal Government established by Phizo except on paper".35 But when Phizo's statement of establishing a Fact Finding Commission (F.F.C.) came to the notice of the people in general, Nehru thought it wise to clarify the whole matter. He said in a press conference in New Delhi on 24 June, 1960, that the whole idea of establishing a Fact Finding Commission (F.F.C.) was ridiculous. Throwing light on the anti-national
activities of Phizo. He said, "There have been warrants against him (Phizo) for very serious offences in the past. Subsequently we proclaimed a general amnesty for offences committed previously. I do not know how would it apply to him, but anyhow, quite apart from strictly legal interpretation our broad policy in the Naga hills has always been to treat the people with consideration, leniency and to win them over. Naturally, when terrorist activities and snippings go on, armed forces come into use, but not with any idea to take revenge. That broad policy is applied to everybody. We are not after repraisal. On being questioned by a Press Correspondent whether Phizo's demand would be considered sympathetically on his return to India, Nehru said, "we always consider every case sympathetically. Sympathy does not mean looseness. We are not out to punish anybody, but every case has to be considered in relation to the circumstances." Refuting the false allegations of Phizo against the Government and the Indian army in the Naga hills, Pandit Nehru stated in the Lok Sabha on 4 August, 1960, that some of the allegations had been examined by the Government and found to be false, some were completely distorted and some had never previously been brought to the Government's notice. He told the House that he had refused Phizo's demand for appointing an independent (Fact Finding Commission) to enquire into the alleged atrocities."
Thus, these policy statements of Pandit Nehru concerning Nagaland made it abundantly clear that the Government had a flexible policy. It wanted to accommodate the Nagas including Phizo, but this accommodation was not to be at the cost of the India's sovereignty. This is evident from the fact that Pandit Nehru not only hinted at granting general amnesty, to all the underground Nagas if they gave up the path of violence, but also readily accepted the 16-point proposal of the moderate Nagas which had sought the solution of the Naga problem within the framework of the Indian Union. After signing the 16-point proposal, the hostile Nagas, at the instigation of Phizo, deliberately intensified their struggle with a view to showing their anger and displeasure. A group of about 400 (four hundred) hostile Nagas attacked the Assam Rifles post at Purr in Tuensang area on 25 August, 1960. A Dakota Aircraft which was engaged in dropping food materials for security personnel was also shot at and forced to land near Purr. The four members were captured and kept in detention by the underground Nagas for about 14 months during which time they were badly harassed and tortured, but released them later. The underground Nagas continued to attack the posts of the Indian security forces, Naga villages and Government institutions. The rebels threatened the leaders of the moderate Nagas with a view to terrifying them. They also caused derail-
ment of trains in Assam with the intention of disrupting communications. They started collecting revenue from the villagers at gun point. To add fuel to fire, Phizo declared in London that the agreement was nothing more than a 'bribe' given by the Government to the members of the Naga Peoples' Convention (N.P.C.). According to him the Naga Peoples' Convention was no more than a 'puppet assembly'. The Naga people will accept neither the Indian 'bribe' of statehood nor India's offer of 'internal autonomy' as something to be eulogised. It is only a means to conceal her heinous crime against humanity.39 It is thus evident that there had been a number of cases of arson, looting and murder by hostile Nagas following the acceptance of the demands of the Naga Peoples' Convention by the Government and possibly as a result of that one could consider it as acts of desperation because a change was coming and they wanted to put difficulties in the way.40

The violent and unlawful activities of the hostile Nagas compelled the Government to tighten the administrative machinery and security measures to crush the rebellion. The Indian security force was instructed to intensify patrolling and to locate the hideouts of the Nagas in the jungles. For this the villagers were interrogated. Because of these open reactions many hostile Nagas were either arrested or killed. Some
rebels sought shelters in Sibsagar district, North Cachar district, the Mikir Hills area of Assam, Manipur and Burma. The Burmese also took serious note of the entry of the hostile Nagas into Burma and dealt with the intruders firmly during 1967-68 in particular. The moderate Nagas also condemned the violence committed by the hostile Nagas. The Government was not however, concerned about these activities of the hostiles. Hence the Government went ahead with implementing the provisions of the agreement concluded, in July 1960. The working committee of the Naga Peoples' Convention had already ratified the 16-point proposal on 22 August 1960, and it asked the Government to take necessary steps for the implementation of the agreement. Article 15 of the 16-point proposal had provided that "there shall be an interim body with elected representatives from every Naga tribe to assist and advice the Governor in the administration of Nagaland during the transitional period (the period between the signing of the agreement and the creation of Nagaland statehood). The tenure of the members of the interim body will be three years subject to re-election." In pursuance of this provision the working committee of the Naga Peoples' Convention met at Mokokchung on August 22, 1960, and decided to finalise the composition of the interim body. In the meeting it was decided that there would be 12 members in the interim
body to aid and advice the Governor in the administration of the Naga Hills Tuensang Area (NHTA) until the creation of the State of Nagaland.\textsuperscript{44} A little later, the committee wished to increase the number of members of the interim body. Consequently it was decided that the interim body would consist of 40 members - 5 from the Angami tribe, 4 from each major Tribes such as Ao, Lotha, etc. and two from each minor Tribe. It was further decided that the interim body would in turn choose 3 or 4 Advisors who would be stationed at Kohima and advise the authorities in day-to-day administration of the area. The interim body was asked to meet once in 3 months to review the work of the Advisors. When the working committee of the Naga Peoples' Convention finalised the composition of the interim body, the Government of India, proceeded to frame a regulation for the administration of Nagaland during the transitional period.

Accordingly, on 24 January, 1961, the President of India promulgated the Nagaland (Transitional Provision) Regulation for the administration of Nagaland and for matters connected therewith until the creation of Nagaland as a State under the Union. This Nagaland Transitional Regulation provided for an interim body of 42 members and an Executive Council of 5 members to be appointed by the Governor from amongst the members of the interim body.
While the interim body was to act as the Legislature of Nagaland, the Executive Council was to function as the Cabinet. Therefore, on 18 February, 1961, General Shri Nagesh, the Governor of Assam, inaugurated the interim body at Kohima. While inaugurating the interim body, he said that the setting up of this august body marked the beginning of a new era in Nagaland. Shri Nagesh asked the Nagas to forget the bitterness of the past so as to make the future peaceful and prosperous. The Governor further said that the Government and the people had to work together to bring happiness and prosperity to Nagaland. The members of the interim body expressed their allegiance to the Constitution of India and committed themselves to work for the upliftment and general welfare of the people. Jinkongliba Ao, the Chairman of the interim body, reciprocating the sentiments of the Assam Governor, said that he and the members of the interim body would leave no stone unturned to bring peace, prosperity and general happiness to Nagaland. He appealed to the hostile Nagas to abandon the path of violence and not to sabotage the final decision of the Naga people who wanted to have no more bloodshed, sufferings and miseries. The inauguration was witnessed by thousands of the Naga people who had come to Kohima in their colourful ceremonial dresses. After the inauguration of the interim body, General Shri Nagesh constituted the 5-member Executive Council with
Shilu Ao as its Chairman. The formation of the interim body and the Executive Council, thus, evolved a constitutional machinery which fulfilled the long-cherished demands of the nationalist and moderate Nagas.

Naga Underground Disagreement with the Formation of the Interim Body

The formation of the interim body and the Executive Council satisfied the moderate Nagas, but it irritated the hostile Nagas all the more. They turned a deaf ear to the appeal made to them by the interim body led by Imkongliba and Shilu Ao for giving up the path of violence. They continued their hostile activities against the Government and created trouble for both the Government and the Naga people. It appears that they still hoped to achieve their goal of an independent Nagaland by striking terror in the hearts of the people. To express their resentment and opposition of the provisions of the Nagaland Regulation, the hostile Nagas assassinated Imkongliba Ao at Mokokchung on 22 August, 1961, when he was returning at night from his dispensary. 48

To malign India, the hostile Nagas alleged that the Government had a hand in the murder of Imkongliba Ao. This was however, denied by Nehru on the floor of the House, Lok Sabha. 48A The allegation of the rebel Nagas seems to be false, both on the bases of fact and logic.
No doubt, Imkongliba Ao, was an associate of Phizo earlier but he had dissociated himself from the rebel activities of Phizo long ago. In fact Imkongliba Ao was instrumental in bringing the Naga people and the Government closer. He was the man who not only organised the Naga Peoples' Convention but also created the proper atmosphere for a meaningful dialogue with the Government for the settlement of the Naga problem. Imkongliba was undoubtedly the link between the Government and the Naga people. Taking into considerations all these it is inconceivable to think that the Government was behind the murder of Imkongliba Ao. It appears more plausible that the rebel Nagas killed Imkongliba Ao - out of frustration and despair. The murder of Imkongliba Ao, however, did not dampen the spirit of the nationalist Nagas to work for the success of the constitutional machinery evolved after the 16-point proposal. The interim body held its session at Kohima on 22 September, 1961, and elected T.N. Angami as the Chairman in place of Imkongliba Ao. 49 In this session, the interim body demanded that the Nagaland (Transitional Provision) Regulation should be scrapped and the elected Executive Council be recognised as the Provisional Cabinet during the interim period. It further demanded that the interim body should act as the provisional Legislature and it should have its own secretariat. A memorandum containing these demands were prepared and
Shilu Ao, the Chairman of the Executive Council was asked to go with a delegation for presenting the memorandum to the Government. Consequently the delegation met Nehru in New Delhi on 29 October, 1961. The delegation requested Nehru to increase the powers of the interim body and the Executive Council. It was emphasised in the memorandum that while the Governor of Assam and Nagaland should act as constitutional head, the Executive Council should function as the real Executive. It was further demanded that the interim body and the Executive Council should be treated as de facto Legislature and Cabinet respectively until the creation of a full-fledged Nagaland State.

Nehru gave a patient hearing to the Naga delegation and after careful consideration the Prime Minister Nehru accepted their demands. Thus the Naga interim body and the Executive Council were installed as de facto bodies of Nagaland.

Functioning of the De facto Naga Legislature and Cabinet

After recognising as the de facto Legislature, the interim body proceeded to tackle the problems created by the hostile Nagas. While inaugurating the third session of the interim body, which was held at Mokokchung from 17 to 20 January, 1962, General Shri Nagesh, the Governor of Assam and Nagaland, expressed the hope that in the not too
distant future Nagaland would move towards self-sufficiency and be able to maintain its various services. The third session of the interim body was mostly devoted to finding ways and means as to how the hostile Nagas should be made to fall in line with the moderates. The members of the interim body were sharply divided on this issue. Some favoured negotiation with the self-styled Naga Federal Government to solve the problem while others were not in favour of any talk with the hostile elements as these hostiles had consistently harassed them and put obstacles in the way of finding a peaceful solution to the problem. After a heated debate and discussion a compromise formula was adopted by a majority of one vote, which recommended the convening of a general meeting of all the Nagas in March 1962 to seek a solution acceptable to all. The idea behind this move was to enlist mass support for all that they had done to solve the Naga problem. Rebel Nagas however, declined to participate in the proposed general meeting and stepped up their hostile activities by attacking civil and military installations and road communication systems. A despatch on 23 January, 1962, to the Times of India, New Delhi, from Shillong said, "despite the efforts of the Naga leaders, the interim body and the Executive Council to win over the hostile Nagas from their cult of violence and seek their participation in the new State; the hostile
seem to be determined to continue their struggle for an independent Naga State.54 Phizo also appeared to be determined to fight for the cause of independent Nagaland. Phizo said in London at a news conference on 21 January, 1962, that he was contemplating to seek help from China and Burma for independence. He emphasised that first he was making an effort to negotiate with the Government for the settlement of the Naga problem. If there was no response to his suggestions within three weeks, his next step would be to ask the International Commission of Jurists to investigate into the behaviour of Indian army occupying key positions in Nagaland.55

When Phizo’s threat failed to make much of an impact, the self-styled exiled leader changed his tactics. In his letter to Shilu Ao, dated 15 February, 1962, he welcomed the resolution of the interim body for convening a general meeting of the Naga people and said that he was in favour of discussion for a final settlement and peaceful solution to the Naga issue. He agreed to Shilu’s reported suggestion for a conference of all Naga tribes and sects including the hostile elements to seek a settlement acceptable to all the Nagas.56 Then, Shilu Ao wrote a letter to Phizo on 24 February, 1962 in which he made it amply clear that the present settlement on the future of Nagaland was final and that there was no
question of reopening the Naga issue in any circumstances. Shilu drew the attention of Phizo in his letter to the resolution adopted at three sessions of the Naga Peoples' Convention between 1957 and 1959 to prove that Nagaland's future as a State within India was settled for good. He however, expressed his view to consider the question of the safety of the underground Naga elements as and when they surrendered. Phizo not only made overtures to Shilu but also requested India's High Commissioner in London to give him an assurance of safe conduct so that he might attend the proposed conference. But the Government of India, refused him to grant him permission to visit India on the ground that he led a rebellion against the sovereignty and integrity of India and that he had adopted British citizenship whereby he had disqualified himself to participate in the conference. While clarifying India's stand Mrs. Lakshmi Menon, Minister of State for External Affairs, told the Lok Sabha on 27 April, 1962, that Phizo had forfeited the right of free entry into India as he had adopted British citizenship. The Indian Government had already informed the British Government that the grant of British citizenship to Phizo would not entitle him the right of free entry into India. If Phizo tried to come to India, then he would be arrested. It may be asked as to why Phizo wanted to participate in the Naga conference.
One may argue that Phizo wanted to participate in the proposed Naga conference with a view to settling the problem once and for all. But taking into consideration the antecedents of this rebel leader, one can easily conclude that Phizo had some ulterior motives and he wanted to exploit the simple and innocent Nagas for achieving his selfish ends. Since he was far away from the scene of Nagaland politics, he was finding it difficult to meet and communicate with his associates. Had he been allowed to come to India to participate in the proposed Naga conference, he would have retrieved most of his lost ground. His evil design, however, was nipped in the bud by the Government. Having failed to get entry into India, Phizo submitted a memorandum to the International Commission of Jurists on 29 January, 1962, accusing India of committing genocide, murder, loot and rape on the Naga people. These allegations however, were denied by the Indian Government. It was asserted that Phizo out of frustration, had levelled wild charges against India. Contrary to this, Indian troops had behaved in an exemplary manner and had succeeded in winning over the sympathy of the Naga people.

The Indian Government version appears to be nearer the truth because had it been otherwise, the hostile Nagas could not have surrendered in a large number.
underground Nagas were fast loosing faith in their leaders. The underground Nagas were finding it difficult to explain to their supporters what greater benefit they would derive from a sovereign Nagaland than from a separate Naga State under the Indian Union. Moreover, the much propagated independent Nagaland was not in sight. They and their families were on the verge of starvation and lack of facilities in their jungle hideouts had made their life all the more miserable. So many Naga hostile had surrendered. It is true that there are some hard-core who still continued their hostile activities. These underground Nagas compelled the villagers to supply them money and food materials. This method of the underground Nagas irritated them (overground) and they cooperated with the army of the Indian Government in getting them arrested. A self-styled General Hothrong was killed in an encounter with the Assam Rifles in Tuensang area in January, 1962. It is thus evident that the strength of the hostile Nagas was on the decline in 1962 onwards. At this very time the interim body in its fourth session passed a resolution in which it was said that Phizo had forfeited the right to speak for the Naga people because he had accepted the citizenship of a foreign country. And thus Phizo stood condemned by his own people.
Amendment of the Constitution

After the conclusion of the 16-point proposal in July 1960, the interim Naga Government headed by Shilu Ao had functioned well on expected lines for two years. Since the principle of granting statehood to the Naga Hills Tuensang Area had already been accepted, the Government proceeded to implement it. Hence two Bills were prepared one for amending the Part XXI of the Indian Constitution for incorporating the provision of the proposed Nagaland State in the Constitution and another for the formation of the State of Nagaland and for matters connected with it. The proposed Nagaland State was to comprise such territories of the Naga Hills Tuensang Area which were at that time part of Assam State. Since Article 3 of the Indian Constitution stipulated that any proposal "to form a new State by separation of territory from an existing State" shall be referred to the Legislature of that State for expressing its views thereon, the Government referred the proposed Bill for the creation of the Nagalard State to the Assam Legislature for its opinion. Thus the Legislative Assembly of Assam took up the consideration of the Nagaland State Bill on 6 August, 1962 and B.P. Chaliha, the Chief Minister of Assam, regulated the move to carve out a State out of the territory of Assam. The Chief Minister
of Assam, moved in the Assembly a resolution stating that the provisions of the Draft Nagaland Bill 1962, were not conducive to the objectives of a coordinated development and political stability of the Eastern region of India. He said, "this Assembly is of the opinion that in the interest of national solidarity and also with a view to bringing about a coordinated development and greater political stability of the Eastern region of India, there should be an integrated political and administrative set up of 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 arrangement could be made to meet the needs of different regions of this area. This Assembly is of the view that the provisions of the State of Nagaland Bill, 1962, are not conducive to the aforementioned objects .... 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.64

The members of the opposition also strongly criticised the Bill. Their argument was that if the proposed Bill was adopted by the Parliament, Assam would lose about 6,300 square miles of its land and its population would be reduced by about 3,60,000. They also expressed their apprehension that the separation of the N.H.T.A. from
Assam would naturally encourage other Hill Tribals such as those of Khasi-Jaintia, Garos, N.E.F.A., Mizoram and Tripura to come forward with similar demands. They accused Nehru of sowing the seeds of disintegration in the country. Chaliha however, was not prepared to accept the allegation. He said that all should share the blame equally. There were some members who welcomed the very creation of Nagaland. Posha the leader of the Hill Leaders Conference, frankly said that, "it is the loyalty of the people" that is the strength of the country and not its artificial boundaries. He expressed the hope that Parliament would soon enact the Bill for the Nagaland. Thus Assam Legislative Assembly adopted the resolution giving its consent to the enactment of the Bill, after a heated debate and discussion.

After getting clearance from the Assam Legislative Assembly, Nehru proceeded to introduce two Bills in the Lok Sabha on 21 August, 1962, one for one amending the Constitution for creating the State of Nagaland and another for matters connected therewith. At the time of the introduction of the Bills there was a controversy in the Lok Sabha as to whether the 13th Amendment Bill or the Nagaland State Bill should be introduced first. After a heated debate and discussion for two hours the Speaker gave his ruling that the Amendment Bill should be introduced first because that very Bill could create
the State of Nagaland and only after its creation could another Bill be introduced for matters connected with the State of Nagaland. While initiating the debate on these Bills on 28 August, 1962, Nehru said that these Bills had been introduced in pursuance of a commitment made by the Government to the Nagas while signing the 16-point proposal in July 1960. He further said that the creation of Nagaland as a constituent State of India with certain special provisions would be a right step towards integrating the diverse people of India. While explaining reasons for the introduction of the Bill, Nehru said, "we have always made political approach to make these people friends and citizens of India". He also gave the detail description of the political evolution of Nagaland after independence. The Bill had stipulated certain special powers for the Governor of Nagaland. Nehru was of the view and said, "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". While elucidating the nature of the proposed Nagaland State Nehru said, "the State is a small one and the State for the time being, will have certain restrictions in regard to law and order and certain special provisions in regard to Tuensang district. Otherwise it will be a full State of the Union and in the course of time, I hope,
as the situation returns to normalcy, it will have all the other powers of the State of the Indian Union". 66C

The opposition members, however, expressed their doubts about the sagacity of the creation of the Naga State. Smt. Renu Chakravarty, Member of Parliament of the Lok Sabha was critical of the special powers of the Governor of Nagaland. She suggested that these special powers of the Governor should at the earliest opportunity devolve upon the elected representatives of the people. 66D

Another Member of Parliament Shri P.K. Deo of the Lok Sabha, expressed the fear that giving a separate State to the Naga people would encourage the Punjabis to demand a Panjabi Suba and the people of Jharkhand, a Jharkhand State. 66E U.M. Trivedi, a Jan Sangh member of the Lok Sabha, said that they were embarking upon a dangerous path. "We are creating a territory which have not been able to administer because of violence that was practised there". 66F He accused Nehru of leading the country on the path of disintegration. While expressing his resentment over the Bill, P.C. Barooah, a Congress Member from Assam, said that he would accept the Bill with sorrow and pain because of two reasons. Firstly, the new State was being created by 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,
people are out to revive them. A few others accused Nehru of pursuing a policy of appeasement in respect of the Naga people. The charges of the opposition were, however, refuted by S.C. Jamir, the representative from the Naga Hills Tuensang Area and Parliamentary Secretary to the Ministry of External Affairs. He stated that "the creation of Nagaland State within Indian Union is a matter of pride for India because we have in the Nagas a brave, honest and hard-working set of people .... 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 that the creation of the State of Nagaland is due to any policy of appeasement."

Hem Baruah, a Member of the Lok Sabha (from Assam) while welcoming the creation of Nagaland State said, "this political settlement arrived at by the Government of India, with the Naga Peoples' Convention led by Imkongliba is an act of sagacity." Concluding the debates Nehru said that all the people in India lived like a family. The creation of Nagaland State would not encourage the fissiparous and disruptionist tendencies, it would rather help in bringing the Naga people into the mainstream of India. The 13th Amendment Bill of the Constitution
and the Nagaland State Bill were thereafter adopted by the Lok Sabha on 29 August, 1962. \(^{67}\) The same were adopted by the Rajya Sabha on 3 September, 1962. \(^{68}\) The President of India gave his assent to these two Bills on 4 September 1962, and thus Nagaland, the sixteenth State of the Indian Union came into existence. \(^{68A}\) The 13th Constitution Amendment added one Article to the Constitution of India which was termed as Article 371A. This ensured the creation of the Nagaland State and made certain special provisions for the protection of the customary laws and religious beliefs of the Naga people. \(^{69}\) It was laid down that no Act of Parliament in respect of religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, 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. \(^{69A}\) Further the Governor of Nagaland was given special responsibility with respect to law and order in the State of Nagaland for so long as, in his opinion, internal disturbances continued to occur in Nagaland. In this situation he was empowered to exercise his individual judgement after consulting with the Council of Ministers. \(^{69B}\) It was 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 judgement, 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 not to have acted in the exercise of his individual judgement. 69C

This special power of the Governor however, was not a permanent thing. The newly inserted Article 371A, laid down that if the President, on receipt of a report from the Governor or otherwise, is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order, he may direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order. 69D The Governor of Nagaland was given special powers because of the fact that the Government had been spending a large sum of money in the welfare schemes in Nagaland and therefore, it was considered that the Governor should have powers to see that the finances were not misused. The 13th Amendment also provided certain special provisions for the administration of Tuensang Area. It was laid down in Article 371A(d) that "there shall be established a Regional Council for the Tuensang district consisting of 35 (thirtyfive) members and the Governor shall in his discretion make rules providing for the composition of the Regional Council and the manner
in which the members of the Regional Council shall be chosen. It was further provided that the Deputy Commissioner of the Tuensang district would be the Chairman of the Regional Council and the Chairman of the Regional Council would be elected by the members of the Regional Council. The special provisions for the Tuensang district were made only for 10 years from the date of the formation of the State of Nagaland. The tenure of the Regional Council of Tuensang might be extended further by the Governor on the recommendation of the Regional Council. The Governor was made responsible to arrange for an equitable allocation of the money provided by the Government of India between the Tuensang district and the rest of the State. The most important provision for the Tuensang area was in respect of the administration of this district. It was provided that 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 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 or modifications as the Governor may specify on the recommendation of the Regional Council. It was also provided that 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. The Minister for Tuensang Affairs was empowered to deal with and have direct access to the Governor on all matters relating to the Tuensang district on the condition that he would keep the Chief Minister informed about all these. Thus keeping in view the backwardness of the Tuensang area, the special provisions in the 13th Amendment gave to the people of that area 'Autonomy within Autonomy'.

Thus area and territory of Nagaland State and the organisation and functions of its government were spelt out in the Nagaland State Act of 1962. Part two and section 3(i) of the Act provided that there shall be formed a new State to be known as the State of Nagaland comprising the territories which immediately before that day were comprised in the Naga Hills Tuensang Area and thereupon the said territories shall cease to form part of the State of Assam. It was further provided that the State of Nagaland would consist of three districts to be called, Kohima, Mokokchung and Tuensang districts. Part two of the Act provided that there should be allotted one seat to the State of Nagaland in the Council of States and one seat in the House of People. For the formation of the Naga Legislative Assembly it was provided that the total number of seats to be filled by persons chosen by
direct election in the Legislative Assembly of Nagaland shall be sixty. But it was indicated that for the period referred to in clause two of Article 371A, the total number of seats in the Legislative Assembly of Nagaland would be 46, out of which 6 seats would be allocated to the Tuensang district. It was clearly stated that members of the regional council of the Tuensang district would choose their representatives for the Naga Legislature. The remaining 40 seats were to be filled by persons chosen by direct election from Assembly constituencies in the rest of the State of Nagaland. It was further provided that the election Commission shall delimit the Assembly constituencies in accordance with the provisions of the constitution of it on the basis of the latest census figures. Part IV of the State of Nagaland Act provided that there shall be a common High Court for the State of Assam and the State of Nagaland, to be called the High Court of Assam and Nagaland. For financial provisions of Nagaland it was provided that the President may at any time before the appointed day authorise such expenditure from the consolidated fund of the State of Nagaland as he deems necessary for a period of not more than 6 months beginning with the appointed day and the President shall by order, determine the grants-in-aid of the Revenue of the State of Nagaland and the share of the State in the Union duties of excise,
estate duty and taxes on income and for that purpose amend thereby the relevant provisions.\textsuperscript{74} Thus the most important provision was that all properties, assets situated in or used for, or in connection with the administration of the Naga Hills Tuensang Area and vested in the Union immediately before the appointed day (other than any property or assets so vested for purposes of the Union) shall as from that day, vest in the State of Nagaland.\textsuperscript{74A} It was further provided that all rights, liabilities and obligations of the central government whether arising out of any contract or otherwise, which are immediately before the appointed day, the rights, liabilities and obligations of the Central Government arising out of or in connection with the administration of the Naga Hills Tuensang Area shall as from that day, be the rights, liabilities and obligations of the Government of the State of Nagaland.\textsuperscript{74B}

The President of India, no doubt, assented to the 13th Constitutional Amendment and the Nagaland State Bills on 4 September 1962, which created the State of Nagaland, but before the inauguration of the State, several administrative measures had to be undertaken to complete the necessary constitutional formalities. The first of these, the appointment of Shri Vishnu Sahay, as the Governor of Nagaland was announced on 19 November, 1962, in a Rastrapati Bhavan communiqué.\textsuperscript{75} The Assam
Governor had hitherto been de facto Governor of Nagaland. The executive councilors were designated as Ministers according to the practice in other States. The elected 42 members of the interim body of Nagaland would be dissolved to make room for a State Assembly of 46 members of whom 40 were to be elected on the basis of adult franchise.

The State of Nagaland Inauguration

When these constitutional formalities were completed a 5-member caretaker ministry, headed by Shilu Ao, was administered the oath of office and secrecy by the Governor of Assam and Nagaland on 1st December 1963. That very day Dr. S. Radhakrishnan, the President of India, came to Kohima to inaugurare the new State. He congratulated the gallant Nagas for the creation of a State of their own and wished them a bright future. In his inaugural address, he said, "May I express the hope that, now the wishes of the Nagas have been fully met normal conditions will rapidly return to the State, and those who are still unreconciled will come forward to participate in the development of Nagaland. The highest position in the country is open to every Naga, in the Parliament, in the Central Cabinet and in the various services, military and civil. Understanding and friendship help to build a society where hatred and violence tend
to disrupt it. Let us avoid the later and adopt the former. On this auspicious day I make an appeal to all the Naga people, let all past rancour and misunderstanding be forgotten and let a new chapter of progress, prosperity and goodwill be written on the page which opens today. I once again say that a bright future awaits the brave people of Nagaland. 77 After the inaugural speech of President, Dr. Radhakrishnan, Shilu Ao, welcomed the President and thanked the Central Government for the immense help it had extended in building up the new State. He hoped that the development of Nagaland, the rehabilitation of uprooted families and the reconstruction of destroyed villages would continue. 78 He said that the main task now was to build up the new State into a strong, progressive unit. He emphasised the importance of the political settlement reached between the Naga Peoples' Convention led by the (late) Imkongliba Ao, and the Government. While concluding his speech Shilu Ao, said, "Today is a day of rejoicing which also makes the day to redeem our pledge". 79

Thus the inaugural ceremony was witnessed by nearly 10,000 (ten thousand) Nagas who had come in their colourful ceremonial dresses. The Nagas celebrated their new status with enthusiasm and pomp. The festivity continued for two days and there was much rejoicing
among the elite as well as the common people. Thus the creation of Nagaland, as a constituent State of India in 1963, was the culmination of the political processes which had been set in motion by the First Naga Peoples' Convention held in 1957.
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