

APPENDIX I

THE SIXTEEN POINT AGREEMENT

THE SIXTEEN POINT AGREEMENT ARRIVED AT BETWEEN THE NAGA PEOPLE'S CONVENTION (NPC) AND THE GOVERNMENT OF INDIA IN JULY 1960

The point placed by the delegate of the Naga people's Convention before the Prime Minister on 26 July 1960, as finally recast by the Delegation in the light of discussion on 27 and 28 July 1960 with the Foreign Secretary.

1. The Name

The territories that were herefore known as the Naga Hills Tuensang Area under the Naga Hills – Tuensang Area Act 1957, shall form State within the Indian Union and be hereafter known as Nagaland.

2. The Ministry Incharge

The Nagaland shall be under the Ministry of External Affairs of the Government of India.

3. The Governor of Nagaland

1. The president of India shall appoint a Governor for Nagaland and he will be vested with the executive powers of the Government of Nagaland. He will have his headquarters in Nagaland.
2. His administrative secretaries will be headed by a Chief Secretary stationed at the Headquarters with other Secretariat Staff as necessary.
3. The Governor shall have special responsibility with regard to law and order during the transitional 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 consulting with the Ministry, act in his individual judgement. This special responsibility of the Governor will cease when normalcy returns.

4. Council of Ministers

1. There shall be a Council of Ministers with a Chief Minister at the head to assist and advise the Governor in the exercise of his functions.
2. The Council of Ministers shall be responsible to the Naga Legislative Assembly.

5. The Legislature

There shall be constituted a Legislative Assembly consisting of elected and nominated members as may be deemed necessary representing different Tribes. (Further a duly constituted body of Experts may be formed to examine and determine the principles of representation on democratic basis.)

6. Representation in Parliament

Two elected members shall represent Nagaland in the Union Parliament, that is to say one for the Lok Sabha and the other for the Rajya Sabha.

7. Act of Parliament

No Act or Law passed by the Union Parliament affecting the following provisions shall have legal force in the Nagaland unless specifically applied to a majority vote of the Naga Legislative Assembly:

1. The Religion or Social practices of the Nagas.
2. Naga Customary Law and Procedure.
3. Civil and Criminal Justice so far as these concern decisions according to Naga Customary Law.

The existing laws relating to administration of civil and criminal justice as provided in the Rules for the Administration of Justice and Police in the Naga Hills District shall continue to be in force.

4. The ownership and transfer of land and its resources.

8. Local Self-Government

Each tribe shall have the following Units of Law-Making and Administrative Local Bodies to deal with matters concerning the respective tribes and areas:

1. The Village Council.
2. The Range Council; and
3. The Tribal Council.

These council will also deal with disputes and cases involving breaches of customary laws and usages.

9. Administration of Justice

- a) The existing system of administration of civil and criminal justice shall continue.
- b) Appellate Courts:
 1. The District Court-cum-Sessions Court (for each district), High Court Supreme Court of India.
 2. The Naga Tribunal (for the whole of the Nagaland) in respect of cases decided according to Customary Laws.

10. Administration of Tuensang District

1. The Governor shall carry on the administration of the Tuensang District for a period of 10 (ten) years until such time when the tribes in the Tuensang District are capable of shouldering more responsibility of the advanced system of administration. The commencement of the ten-year period of administration will start simultaneously with the enforcement of detailed workings of the Regional Council shall be formed for Tuensang.
2. Provide further that a Regional Council shall be formed for Tuensang District by elected representatives from all the tribes in Tuensang District, and the Governor may nominate representatives to the Regional Council as well. The Deputy Commissioner will be the Ex-officio Chairman of the Council. The Regional Council will elect members to the Naga Legislative Assembly to represent Tuensang District.
3. Provide further that on the advice of the Regional Council, steps will be taken to start various Councils and Courts, in those areas where the people feel themselves capable of establishing such institutions.

4. Provide further that no Act or Law passed by the Naga Legislative Assembly shall be applicable to Tuensang District unless specifically recommended by the Regional Council.
5. Provide further that the Regional Councils shall supervise and guide the working of various Councils and Tribal Courts within Tuensang District thereof.
6. Provide further that Council of such areas inhabited by a mixed population or which have not as yet decided to which specific Tribal Council to be affiliated to shall be directly under the Regional Council for the time being. And at the end of ten years the situation will be reviewed and if the people so desire the period will be further extended.

11. Financial Assistance from the Government of India

To supplement the revenue of the Nagaland, there will be a need for the Government of India to pay out the consolidated fund of India:

1. A lump sum each year for the development programme in the Nagaland and
2. A grant-in-aid towards meeting the cost of administration.

Proposals for the above grants shall be prepared and submitted by the Government of Nagaland to the Government of India for their approval. The Governor will have general responsibility for ensuring that the funds made available by the Government of India are expended for purpose for which they have been approved.

12. Consolidation of Forest Areas

The delegation wished the following to be placed on record:

The Naga delegation discussed the question of the inclusion of the Reserve Forests and of contiguous area inhabited by the Nagas. They were referred to the provisions in articles 3 and 4 of the Constitution, prescribing the procedure for the transfer of areas from one State to another.

13. Consolidation of Contiguous Naga Areas

The delegation wished the following to be placed on record:

The Naga leaders expressed the wish for the contiguous areas to join the new State. It was pointed out to them on behalf of the Government of India that Articles 3 and 4 of the

Constitution provide for increasing the areas of any State, but that it was not possible for the Government of India to make any commitment in this regard at this stage.

14. Formation of Seperate Naga Regiment

In order that the Naga people can fulfil their desire of playing a full role in the defence of India the question of raising a separate Naga Regiment should be duly examined for action.

15. Transitional Period

1. On reaching the political settlement with the Government of India, the Government of India will prepare a Bill for such amendment of the Constitution, as may be necessary, in order to implement the decision. The Draft Bill, before presentation to Parliament, will be shown to the delegates of NPC.
2. There shall be constituted an interim Body with representatives from every tribe, to assist and advise the Governor in the demonstration of the Nagaland during the transitional period. The tenure of office of the Interim Body will be 3 (three) years subject to re-election.

16. Inner Line Regulation

Rules embodied in the Bengal Eastern Frontier Regulation, 1873 shall remain in force in the Nagaland

Source: Lasuh, W. (2002). (ed.). *The Naga Chronicle*. New Delhi: Regency Publications, pp. 195-198.

