

States have said that it should not be made a cognizable offence and those States are Punjab, West Bengal and Orissa.

SHRI J. S. ANAND : I want to know what the reasons are for not making it a cognizable offence and which have been stated by the Punjab State.

SHRI NITI RAJ SINGH CHAUDHURY : I cannot give the reasons. They have only stated that they do not want it to be a cognizable offence.

DR. R. K. CHAKRABARTI : Since the passing of the Child Marriage Restraint Act in 1929, I want to know how many cases have been referred to the courts upto now and in how many of these cases the parents have been convicted.

SHRI NITI RAJ SINGH CHAUDHURY : The enforcement of this law is with the State Governments and the figures must be available with them. We do not have any figures.

DR. R. K. CHAKRABARTY : Will you kindly let me know how many cases have been sent to the courts?

MR. CHAIRMAN : You have put this question. You have got your answer.

#### Deletion of Nepali speaking voters from electoral rolls

\*296. SHRI JAGJIT SINGH ANAND :†

SHRI B. D. BARMAN :

SHRI L. MAHAPATRO :

SHRI BHUPESH GUPTA :

. DR. Z. A. AHMAD :

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether it is a fact that the names of a larger number of Nepali speaking voters on the electoral rolls of different

constituencies in Assam are being deleted ; if so, the reasons therefor ;

(b) whether Government have received any complaints on this account ; and

(c) if so, the main points raised therein ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI RAJ SINGH CHOWDHURY) :

(a) The information is being collected from the Chief Electoral Officer of the State of Assam and will be laid on the Table of the House.

(b) No such complaint has been received in the Ministry of Law.

(c) Does not arise.

SHRI J. S. ANAND : You say that the information is being collected. Can you assure the House by what time the information will be available ?

SHRI NITI RAJ SINGH CHAUDHURY : The Election Commission has already moved into the matter and we hope to get it very soon. I can assure the hon. Member that we will try to expedite and get the information as soon as possible, in the shortest possible time. But I cannot certainly fix the number of days.

SHRI NIREN GHOSH : But will you see that the names are not struck off the rolls ?

MR. CHAIRMAN : Any other question ?

SHRI J. S. ANAND : I would only like to ask whether he will see that in the meantime no names are deleted.

SHRI NITI RAJ SINGH CHAUDHURY : Names are retained or entered or deleted according to qualifications laid down in the Representation of the People Act. If any person who is not a citizen of India has his name there, that name is bound to be removed, and

†The question was actually asked on the floor of the House by Shri Jagjit Singh Anand.

if the name of a person who is a citizen of India is not there, that name is bound to be entered.

**SHRI B. D. BARMAN :** Will the hon. Minister say whether there is any deliberate discrimination in this regard?

**SHRI NITI RAJ SINGH CHAUDHURY :** I will refer this matter—whether there is any deliberate discrimination—to the Election Commission and ask them to inform us, and as soon as I get the information I will communicate it to the hon. Member.

**SHRI K. B. CHETTRI :** We have received numerous complaints from many parts of Assam, especially that their names have been deleted from the electoral rolls even though they have their permanent landed properties and houses. This question was raised by me even last year and Government said that the matter would be looked into. I would like to know from the Minister whether the Ministry had investigated or made any inquiries and, if so, I would like to know the findings also.

**SHRI NITI RAJ SINGH CHAUDHURY :** As I said, the Ministry of Law and Election Commission have not received any complaint. As soon as this question came up we referred the matter to the State Government. I would request my hon. friend that if he has received any complaints, and he passes them on to me I will see that they are specifically and individually looked into.

**SHRI K. B. CHETTRI :** Last time I gave the names also.

**SHRI N. R. CHOUDHURY :** The Nepalese in the north-eastern region come from Nepal and you allow them to settle down. They take to business and even cultivation but mostly they take to dairy farming. I would like to know from the Minister whether they allow them to settle down in that part of the country as aliens or whether they allow them all the rights of Indian citi-

zens. They should take an immediate decision about that because this problem is coming up and in the near future it may take a serious turn. So, may I know from the Minister whether they are giving any serious consideration to this problem and, if so, what it is?

**SHRI NITI RAJ SINGH CHAUDHURY :** Sir, as I said, if they come for a short period it is a different matter but if they acquire Indian citizenship they have certainly a right to be enrolled as voters in India. This matter, as I said, the Assam Government has been asked to explain and details are awaited from them.

**SHRI N. R. CHOUDHURY :** My point is not cleared—whether they keep them as aliens or Indian citizens. That is the question.

**MR. CHAIRMAN :** All right.

**SHRI NITI RAJ SINGH CHAUDHURY :** Those who have acquired Indian citizenship would be entitled to be enrolled as voters. Those who have no citizenship under the Act, they cannot. . .

**SHRI N. R. CHOUDHURY :** What is the policy about it?

**SHRI NIREN GHOSH :** The question is how the names have been entered in the electoral rolls at all if they are not citizens of India, and if they have been entered in the electoral rolls the question that there might be some sort of discrimination becomes dubious and it will have serious repercussions on the Nepali-speaking citizens everywhere in India. So, it is a serious matter which should be looked into.

**SHRI NITI RAJ SINGH CHAUDHURY :** Whether their names were entered and thereafter removed, this is precisely the point on which we have sought clarification and information from the Assam Government.

**श्री राजनारायण :** श्रीमन्, हमारा सीधा प्रश्न है कि जो नेपाल के लोग यहां रहते हैं और यहां के सिटीजन हो गए हैं उनको नाम सूची से निकाला जाता है तो निश्चय ही यह गलत काम है। तो सरकार को यह आंकड़ा देने में क्या दिक्कत है कि कितने नेपाली आसाम के अन्दर ऐसे हैं जो भारतीय नागरिक हैं और कितने नेपाली ऐसे हैं जो भारतीय नागरिक नहीं हैं ?

**श्री नीतिराज सिंह चौधरी :** जो नेपाली भारतीय नागरिक हो गए हैं उनका नाम मतदाता सूची में होना अनिवार्य है, होना चाहिए, इसमें मतभेद नहीं है। मैं कह सकता हूं इलेक्शन कमीशन सजग रहेगा और हम भी उसे सजग करेंगे कि जो भारतीय नागरिक हो गए हैं उनके नाम मतदाता सूची में अवश्य रहें।

**श्री लाल आडवाणी :** अध्यक्ष जी, मामला गम्भीर है। मैं इतना जानना चाहता हूं कि आसाम सरकार से इस विषय में आपने अथवा इलेक्शन कमीशन ने कब जानकारी प्राप्त करने की कोशिश की और उन्होंने कब जवाब दिया या जवाब नहीं दिया ? मेरा कहना यह है कि साल भर पहले यह बात उठाई गई थी और तब भी यह जवाब मिला था।

**श्री नीतिराज सिंह चौधरी :** जिस समय यह सवाल आया उसी समय हमने इलेक्शन कमीशन को लिखा और उनके पश्चात् इलेक्शन कमीशन ने आसाम सरकार से उत्तर मांगा। उनका उत्तर अभी तक नहीं आया है।

**श्री लाल आडवाणी :** आप हमें तारीख बता दीजिए कब आपने इलेक्शन कमीशन से पूछा और कब इलेक्शन कमीशन ने आसाम सरकार से उत्तर मांगा जिससे हम अन्दाजा लगा सकें कि क्या वे डेलीबरेटली नहीं बता रहे हैं।

**श्री राजनारायण :** वोटर सूची का मामला इलेक्शन कमीशन का नहीं है। इलेक्टोरल रोल कौन बनाता है? तहसीलदार और एस०डी०ओ०

इलेक्टोरल रोल बनाता है। वहां के इलेक्शन आफिसर का वोटर सूची से क्या मतलब है। जब वोटर सूची बन जाती है तब कैसे इलेक्शन हो इसको इलेक्शन कमीशन देखता है।

**श्री नीतिराज सिंह चौधरी :** मतदाता सूची इलेक्शन कमीशन के आदेशानुसार बनती है...

**श्री राजनारायण :** वह प्रदेश का शासन बनाता है।

**श्री नीतिराज सिंह चौधरी :** हर स्टेट में चीफ इलेक्टोरल आफिसर रहता है और वह हर जिले में अधिकारी नियुक्त करता है। यहां से आदेश जाता है इलेक्शन कमीशन से, उसके अनुसार मतदाता सूची बनती है प्रकाशित होती है? आपत्तियां होती हैं, नाम जोड़े जाते हैं, जो लोग चल जाते हैं, मर जाते हैं उनके नाम काट भी दिए जाते हैं। यह सब काम चुनाव आयोग कराता है।

**श्री राजनारायण :** प्वाइंट आफ आर्डर। श्रीमन्, आप जानते हैं कि हमारे यहां लोक सभा के सम्मानित सदस्य थे, जो तीन बार, चार बार चुनकर आए हैं कामथ साहब, उनका नाम इलेक्शन आफिसर ने काट दिया था। उसके लिए इलेक्शन कमीशन कुछ नहीं कर पाया।

**श्री सभापति :** यह प्वाइंट आफ आर्डर नहीं है।

**श्री राजनारायण :** कांस्टीट्यूशन में लिखा हुआ है कि जो 21 साल का हो गया है वह वोटर होगा।

SHRI KRISHAN KANT : I have a point of order. My colleague, Mr. Chetui, had given last year the names of certain Nepalese who had become Indian citizens but not on the voters' list, during the discussion on the Linguistic Minorities here. The hon. Minister says that he does not have any information. My point is whether the Government of India take cognisance of what hon. Members say in the House or not. Not only in this House, but it was discussed in the Assam Assembly also. Why does the

Minister come and say that he does not know anything? I want your specific instructions on this.

**SHRI NITI RAJ SINGH CHAUDHURY :** I said that the Ministry of Law did not receive any complaint, nor the Election Commission, I again repeat it. . . .

**SHRI KRISHAN KANT :** This is my point of order, about what the hon. Members say in this House, does the Government take cognisance or not? It should take Members of this House seriously. My friend, Mr. Chettri, mentioned those names. The Government of India is collectively responsible. We want your instructions and directions in this matter.

**MR. CHAIRMAN :** If anything has been said in this House, the Government has to take notice of it.

**श्री लाल आडवाणी :** श्रीमन्, मैंने उस समय आपत्ति नहीं उठाई जब माननीय मंत्री जी ने जवाब दिया प्रश्न के 'बी' पार्ट के सम्बन्ध में। प्रश्न यह था —“(b) whether Government have received any complaints on this account;” and the reply of the Minister is that he has not received any complaint. It was evidently evasive.

उसका मतलब यह था कि क्या वहाँ इलेक्टोरल आफिसर के खिलाफ किसी ने आपत्ति की है। उसके बारे में जानकारी होनी चाहिए थी। यहाँ जो जवाब दिया गया उससे यह निकलता है कि इसमें कुछ भी नहीं है, अगर हम कार्यवाही करेंगे। मैं निवेदन करूँगा कि ऐसे मामलों में आप सरकार को एडमोनिश करे कि इस प्रकार के इन्वेजिबल जवाब न दे। स्पष्ट सवाल का स्पष्ट उत्तर होना चाहिए। मैं एक निवेदन करके समाप्त कर दूँगा कि इस विषय में जो पत्रव्यवहार हुआ है, चाहे इलेक्शन कमीशन से, चाहे आसाम गवर्नमेंट से, वह सदन के पटल पर रख दिया जाय तो पता लगेगा कि क्या हुआ है, क्या नहीं हुआ है।

**श्री नीतिराज सिंह चौधरी :** आप आदेश देंगे तो हमें उस में आपत्ति नहीं। हम वह पत्र व्यवहार सदन की मेज पर रख देंगे।

**श्री लाल आडवाणी :** उन्होंने किस तारीख को उत्तर दिया . . .

**श्री नीतिराज सिंह चौधरी :** जो पत्र असम गवर्नमेंट को लिखा गया है उसे की उनका उत्तर आ जायेगा, हम वह दोनों ही आप के पास भेज देंगे। इस में हम कोई आपत्ति नहीं है।

**SHRI KRISHAN KANT :** No, Sir. That is not the question . . .

**MR. CHAIRMAN :** I have made my observations that the Government has to take notice of what is said in this House. I think that should be enough.

**SHRI KRISHAN KANT :** They should inform us what has happened.

#### Shortage of Railway wagons for Transportation of Rock Phosphate

\*297. **SHRIMATI LAKSHMI KUMARI CHUNDAWAT :** Will the Minister of RAILWAYS be pleased to state :

(a) whether it is fact that rock phosphate from Jhamra Kotra mines is being dumped in railway yards due to shortage of wagons ;

(b) the number of wagons demanded and number of wagons actually supplied for transportation of rock phosphate ;

(c) whether it is also a fact that adequate facilities are not being provided at Kharwa Chanda Station for the purpose and, if so, the reasons therefor ; and

(d) whether Government have any proposal under their consideration to construct a railway line upto the Jhamra Kotra mines for quicker transportation of rock phosphate ?