

think over this matter. If all of them stay here permanently, the entire India will be in Delhi. Maybe it is a human problem, but it cannot be tackled in the Question Hour.

Shri Tyagi: Was it the Corporation's responsibility or directly the responsibility of the Home Ministry? Let us at least know who is responsible for it.

Mr. Speaker: He will know next time; not now. Next question.

अलीगढ़ मुस्लिम विश्वविद्यालय नया बनारस हिन्दू विश्वविद्यालय

*२६०. श्री भक्त दर्शन : क्या शिक्षा मंत्री ५ दिसम्बर, १९६१ के अतारंकित प्रश्न संख्या ५६७ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि अलीगढ़ मुस्लिम विश्वविद्यालय और बनारस हिन्दू विश्वविद्यालय के नामों में से साम्प्रदायिकता के चिन्ह अलग करने का जो प्रश्न विचाराधीन था, उसके बारे में क्या निर्णय किया गया है ?

शिक्षा मंत्री (श्री का० ला० श्रीमाली): विषय अभी विचाराधीन है।

श्री भक्त दर्शन : क्या यह सत्य है कि इस समय बनारस हिन्दू विश्वविद्यालय और अलीगढ़ मुस्लिम विश्वविद्यालय के जो अधिकारी हैं, वे इस परिवर्तन का विरोध कर रहे हैं ? और क्या इसी वजह से इस में इतनी देरी हो रही है ?

डा० का० ला० श्रीमाली : इस मामले में अभी उनसे मशवरा नहीं हुआ है ?

श्री भक्त दर्शन : यदि यह कारण नहीं है, तो आखिर क्या कारण है, जिस की वजह से इतनी देरी ही रही है ?

डा० का० ला० श्रीमाली : हाउस को यह मालूम है कि अलीगढ़ विश्वविद्यालय और बनारस विश्वविद्यालय, इन दोनों के विधेयकों का अमेंडमेंट करना है और मैं

आशा करता हूँ कि जब नई पार्लियामेंट के सामने ये विधेयक आयेंगे, उस वक्त उस प्रश्न पर भी विचार किया जायेगा।

अपूर्ण मतपत्र

*२६६क. श्री प्रकाशवीर शास्त्री : क्या विधि मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि अलीगढ़ में लोक-सभा निर्वाचन क्षेत्र में बड़ी संख्या में ऐसे मतपत्र (बैलट पेपर) पाये गये हैं जिनमें एक प्रमुख प्रत्याशी का चुनाव चिन्ह छपने से रह गया था;

(ख) ये मतपत्र जिस प्रेस में छापे गये, क्या वहाँ सरकार ने पता लगाया है कि कुल मिला कर ऐसे मतपत्रों की संख्या कितनी थी ;

(ग) क्या यह भी सत्य है कि अलीगढ़ के निर्वाचन अधिकारी ने इस संबंध में चुनाव आयोग को यथा समय सूचना दी परन्तु उस पर कोई कार्यवाही नहीं की गई ;

(घ) क्या चुनाव आयोग गंभीरता से इस संबंध में कुछ पता लगा रहा है कि ऐसे त्रुटिपूर्ण मतपत्र कितने मतदान केंद्रों पर प्रयुक्त हुए ;

(ङ) यदि हां, तो इस प्रयोजन के लिए जांच की क्या पद्धति नियत की गई है; और

(च) इस मामले में क्या कार्यवाही करने का विचार है ?

विधि उपमंत्री (श्री हज़रनबीस)

(क) से (च) तक. अलीगढ़ संसदीय निर्वाचन क्षेत्र के निर्वाचन पदाधिकारी ने १९ फरवरी, १९६२ को सूचना दी थी कि अलीगढ़ संसदीय निर्वाचन क्षेत्र में के नगलापदम मतदान केंद्र में मतदान के दौरान ऐसे चार मतपत्रों का पता लगा जिन पर कि निर्वाचन लड़ने वाले उम्मीदवारों में से एक के नाम के सामने गलत प्रतीक छपे हुए थे। इन मतपत्रों को

पीठासीन पदाधिकारी ने तुरन्त रद्द कर दिया था और सील बन्द लिफाफे में रख लिया था। निर्वाचन पदाधिकारी से निर्वाचन आयोग ने यह जानकारी मांगी थी कि क्या ऐसे मतदान केन्द्र और भी हैं जिनमें मतदान के दौरान इसी तरह के मतपत्रों का पता लगा हो। अलीगढ़ संसदीय निर्वाचन क्षेत्र में समाविष्ट बाकी सभी विधान सभा निर्वाचन क्षेत्रों में मतदान समाप्त हो चुने पर निर्वाचन पदाधिकारी ने निर्वाचन आयोग को सूचित किया था कि उसे किसी अन्य मतदान केन्द्र से इस तरह की कोई सूचनाएं नहीं मिलीं। चूंकि उस समय प्राप्त सूचना के अनुसार गलत छपे मतपत्रों की संख्या केवल चार थी और चूंकि ऐसा कोई मतपत्र स्पष्टतया किसी निर्वाचक को नहीं दिया गया था अतः निर्वाचन आयोग के लिए इस सम्बन्ध में कोई विशेष कार्यवाही की जाने की कोई बात ही नहीं थी।

निर्वाचन पदाधिकारी ने मतगणना की समाप्ति के पश्चात् २८ फरवरी, १९६२ को सूचना दी थी कि उसे १८६ ऐसे मतपत्र खारिज करने पड़े जिन पर कि उम्मीदवार का प्रतीक गलत छपा हुआ था और जो सभी मतपत्र नगलापदम मतदान केन्द्र के मतदाताओं को ही दिये गये थे। इनके अलावा ऐसा कोई मतपत्र किसी अन्य मतपेटी में नहीं पाया गया। चूंकि सफल उम्मीदवार और उस उम्मीदवार को जिसका प्रतीक गलत छपा था, मिले मतों की संख्या में ३००० मतों से अधिक का अन्तर था और खारिजशुदा गलत छपे मतपत्रों की संख्या केवल १८६ थी, अतः निर्वाचन आयोग ने विचार किया कि यह अनियमितता महत्वपूर्ण अनियमितता नहीं है और इसलिए इस या किसी अन्य मतदान केन्द्र में नये सिरे से मतदान कराये जाने की कोई आवश्यकता नहीं है।

श्री प्रकाशवीर शास्त्री : माननीय मंत्री जी के वक्तव्य से ऐसा प्रतीत होता है कि जिस प्रिन्सिपल ऑफिसर ने जो १९ फरवरी को रिपोर्ट दी वह केवल चार बैलट पेपरों के

सम्बन्ध में थी और काउंटिंग के समय रिटर्निंग ऑफिसर को उसी पोलिंग स्टेशन के जिन ऐसे बैलट पेपरों का पता चला वे १८६ थे और ये ऐसे बैलट पेपरों थे जिन के ऊपर एक प्रत्याशी का चुनाव चिह्न नहीं था। मैं जानना चाहता हूँ कि जिस प्रेस में ये मतपत्र छपे थे वहां केवल १८६ ही छपे थे—या कि एक पूरा ब्लाक इस प्रकार का था जिस के द्वारा ये गलत मतपत्र छप गये हैं? मैं यह भी जानना चाहता हूँ कि क्या सरकार ने इस बात की जानकारी लेने का कोई प्रयत्न किया है और क्या काउंटिंग के समय यह जाने का भी प्रयत्न किया गया कि और मतदान केन्द्रों पर भी इस प्रकार के मतपत्र तो प्रयुक्त नहीं हुए हैं? मेरी जानकारी इस प्रकार की है कि करीब बीस हजार मतपत्र इस प्रकार के थे जिन पर एक प्रत्याशी का चुनाव चिह्न ही नहीं था। ऐसी स्थिति में चूंकि भारत में यह इस किस्म का पहला केस ही है आगे के लिए कोई ऐसी बात न हो और किसी के मसितक में कोई सन्देह न रहने पाये, क्या चुनाव आयोग की ओर से इस प्रकार की जानकारी ली जायेगी?

Mr. Speaker: The hon. Member says that it might have been 4 at that time but while counting the Returning Officer found 186 incomplete ballot papers. First of all, is that correct?

Shri Hajarnavis: Yes, Sir. One of the polling officers detected the mistake. It was not detected at the other polling stations.

Mr. Speaker: Whoever might have detected it, was it 186?

Shri Hajarnavis: Yes, it was 186.

Mr. Speaker: The hon. Member now alleges that it is not 186 but 20,000.

Shri Hajarnavis: This is the only complaint which has come to the notice of the Election Commission. An enquiry is being made. These ballot papers were printed at the Government Press in Lucknow. So

far as we have been able to ascertain, the proofs were correct and this mistake has occurred after that. The enquiry is proceeding and is not yet complete.

Shri Tyagi: How could the election be valid under the circumstances? When the name of the candidate itself is missing, or his election symbol is missing, how could the election be held valid?

Mr. Speaker: We are going at a tangent. The hon. Minister agrees with the Election Commissioner, who said that after all only four papers were found not to contain the election symbols and even though later on the Returning Officer declared that there were 186 such papers, whether it is 4 or 186, it is much less than 3,000 which is the difference and, therefore, it does not materially affect the result of the elections. Now the hon. Member says that 20,000 ballot papers were printed like that and if they have been printed they must have been put into some boxes. Of course, if they have not been put into the boxes, it would not affect the election.

Shri Braj Raj Singh: The hon. Minister never says that such papers were not used. He only says these were detected. There might have been some others also.

Mr. Speaker: This cannot go on like this. The hon. Member is not *Sarvathra*. Every candidate has got his own agent at the time of counting.

Shri Braj Raj Singh: No, Sir.

Mr. Speaker: I cannot understand what this "No, Sir" is. If the candidate is indifferent and does not care to have his agent, let him take the responsibility and suffer. Now, so far as the facts are concerned, only four were detected at the time when they were issued. Later on, at the time of counting, 186 papers were detected. Beyond that, even if they have been issued, they have not been put into

the ballot boxes. Therefore, they have not affected, or will not affect, any election. Now, for the future this may be taken into account. The question hour is over.

12 hrs.

Shri Tyagi: This is a serious matter. The foundation of democracy is voting.

Mr. Speaker: I know all that is true. Now the question hour is over.

Shri Prakash Vir Shastri: On a point of order.

Mr. Speaker: What is the point of order?

श्री प्रकाशवीर शास्त्री: आपने जैसे बताया कि १८६ मतपत्र इस प्रकार के थे जो एक पोलिंग स्टेशन पर पड़े। अगर यह प्रेस की गलती थी और केवल १८६ मतपत्र ही इस प्रकार के थे तो उसी समय वे हटाये जा सकते थे लेकिन ऐसा नहीं हुआ। इसका अभिप्राय यह है कि एक ब्लाक इस प्रकार का था जो बराबर बैलटपेपरों को इस तरह से मिसप्रिंट करता रहा और जान-बूझ कर यह चीज हुई। इलैक्शन कमिशन की ओर किसी के मन में कोई शंका या सन्देह न रहने पाए कि उसकी ओर से भ्रसावधानी बरती गई, इसलिए क्या यह आवश्यक नहीं है कि जितने मतपत्र हैं, उनको दुबारा रिकॉर्ड कराया जाए और देखा जाए कि किन किन मतदान केन्द्रों पर इस प्रकार के मतपत्र पड़े?

Mr. Speaker: A point of order should not be such a long statement. The point of order is quite clear. If the number is 4 or 186, it is not such a big one when compared to the difference of 3,000 votes to necessitate an enquiry. Further, if any candidate has been affected by these incomplete ballot papers, there is the tribunal which can go into the question. What is the meaning of my accepting or the House accepting the statement of the hon. Member that there were one lakh such papers and so on? I think the statements we

make must be more responsible. There is no point of order.

RE: Q. No. 286

Shri A. K. Gopalan: In reply to my question it was stated that the question has been transferred to the Minister of Planning, as it relates to the Kerala Agrarian Reforms Act. I think that is not correct. I put the question to the Minister of Home Affairs, because the question is not about the Kerala Reforms Act but whether "the Government of Kerala have approached the Government of India for amending the Constitution". So, it refers to the amendment of the Constitution, which is the responsibility of the Home Ministry.

Mr. Speaker: The contention of the hon. Member is, irrespective of whether it is the responsibility of one department or another, it is a question of amendment of the Constitution.

Shri Datar: The principles and the policy of the Kerala Agrarian Reforms Act were considered in consultation with the Planning Commission. Certain provisions of this Act have been held to be *ultra vires* by the Supreme Court, and therefore, the Kerala Government have addressed a communication to the Government of India. Now the Planning Commission is the body which is competent to consider this question. The question of amending the Constitution will arise subsequently.

Mr. Speaker: The Planning Commission is not the authority here. Whoever might be the hon. Minister, some hon. Minister must have responsibility for the Planning Commission.

Shri Datar: It is the hon. Minister of Planning. He is a member of the Government of India.

Mr. Speaker: He says that he has referred it to the hon. Minister of Agriculture and not to the Minister of Planning.

Shri Datar: The Planning Commission deals with all subjects including agriculture.

Shri A. K. Gopalan: I have no objection to that. I only want to say that about my addressing the question to the hon. Home Minister you, Sir, made a remark saying that hon. Members should address the question properly and that the hon. Minister only helped me. The point is that when it is a question of amending the Constitution the Kerala Government has to approach the Home Ministry. The Home Ministry may take the information from the Planning Commission and know about it. So, my addressing the question to the hon. Minister is correct. You said that he was only helping me. It is not helping me.

Shri Datar: The Home Ministry does not come into the picture in this case. After a Bill has been passed by the local legislature if the Governor reserves it for the assent of the President, the Home Ministry deals with the matter and advises the President. Here what has happened is that the Kerala Agrarian Reforms Act had been passed into law. It was then partly set aside, or its provisions were declared *ultra vires* by Supreme Court. Therefore this is a subsequent matter.

Shri A. K. Gopalan: All that I knew when I gave notice of the question.

Mr. Speaker: The hon. Member takes exception to my having stated that if the hon. Member addressed it to the Ministry of Home Affairs and if it did not belong to them, they sent it to the proper Ministry. They have done so and it will come up tomorrow. Of course, in such nice matters hon. Members will also try to find out and give two notices, one to the Planning Commission and the other to the Home Ministry. We will evolve some such practice. The hon. Member need not feel that there is any attack against his character or capacity. He made an honest attempt to address the question correctly. He thought that the Home Ministry generally dealt with amendments to the Constitution. The

hon. Home Minister says that it must go to the Planning Commission. There is no harm. It will certainly be taken up tomorrow. Even if it is late I will allow it to be taken up as early as possible.

RE: SHORT NOTICE QUESTION No. 3.

Mr. Speaker: Shri Morarka: He is not here.

WRITTEN ANSWERS TO QUESTIONS

Nunmati Refinery

*275. Shri P. C. Borooah: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that the Nunmati refinery has gone into production;

(b) if so, when and what is the total amount of crude oil refined at the refinery so far; and

(c) whether it is now working at its full capacity and what is the production capacity installed there?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). Trial production has commenced from 26th December, 1961. About 67,000 tons were processed upto 28th February, 1962.

(c) The refinery is not yet working to full capacity. The installed capacity is 0.75 million tons per annum.

Indian Soldiers in Congo

*276. { Shri D. C. Sharma:
Shri P. C. Borooah:

Will the Minister of Defence be pleased to state:

(a) the number of Indian soldiers serving at present in Congo under the U.N. Command and those killed or wounded so far;

(b) the number of wounded who have been repatriated and who are

being treated at the U.N. Hospital in Leopoldville;

(c) whether any other personnel have been sent there in place of those who died in the operation; and

(d) if so, the details thereof?

The Deputy Minister of Defence (Shri Raghuramalah): (a) The number of Indian Armed Forces personnel serving in Congo under U.N. Command before the recent turn-over commenced was 5,803. 15 of our personnel have been killed and 83 wounded in action in Congo.

(b) 44 of the wounded personnel were repatriated to India. None of the wounded is at present receiving treatment at the U.N. Hospital in Leopoldville.

(c) and (d). 2 officers, 3 JCOs. and 39 Other Ranks have been despatched to Congo as replacement of casualties.

Oil Exploration in Assam

*280. Shri Morarka: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that Government is considering a proposal to enter into some sort of drilling contract with some foreign firms for the expeditious oil exploration in Assam; and

(b) if so, with what results?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) The Government have entered into an Agreement with Ente Nazionale Idrocarburi (ENI), Italy, which, *inter-alia*, includes a scheme for contract drilling in Assam under the supervision of the Oil and Natural Gas Commission.

(b) Drilling under the Contract has not yet commenced and details are being worked out.

Fire in Kurasia Mines

*285. Shri T. B. Vittal Rao: Will the Minister of Steel, Mines and Fuel be pleased to state: