

[Dr. B. Gopala Reddi]

tion 43B of the Sea Customs Act, 1878 and Section 38 of the Central Excises and Salt Act, 1944. [Placed in Library, See No. LT-2691/61].

**LOK SAHAYAK SENA (AMENDMENT)
RULES**

The Deputy Minister of Defence (Sardar Majithia): Sir, I beg to re-lay on the Table a copy of the Lok Sahayak Sena (Amendment) Rules, 1960 published in Notification No. S.R.O. 406 dated the 3rd December, 1960, under sub-section (3) of Section 11 of the Lok Sahayak Sena Act, 1956. [Placed in Library, See No. LT-2539/60].

12.19 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORT-
ANCE.**

**ENROLMENT OF BENGALIS RESIDING ON
ASSAM IN VOTERS' LIST**

Shri Muhammed Elias (Howrah): Sir, under Rule 197, I beg to call the attention of the Minister of Law to the following matter of urgent public importance and I request that he may make a statement thereon:

The difficulties faced by Bengalis residing in Assam in regard to their enrolment in the Voters List.

The Minister of Law (Shri A. K. Sen): Sir, the Government of India have no information regarding any difficulties which are being faced by Bengalis residing in Assam in regard to their enrolment in the Voters List. It has, however, been alleged that Bengalis en masse residing in Assam are required to produce citizenship certificate or satisfactory proof of their having settled in Assam before the 18th July, 1948 to get themselves registered as electors. Indian citizenship is, however, a primary qualifica-

tion for registration as electors. Bengalis in Assam who were born in India are automatically citizens of India. There are, however, in Assam a large number of displaced persons from East Pakistan. They can acquire Indian citizenship if they migrated from Pakistan before 19th July 1948 and have been ordinarily resident in India since then, or if they have registered themselves as citizens under section 5(1)(a) of the Citizenship Act. In order that the displaced persons may be registered as electors they have to fulfil either of the above conditions.

Steps, however, have already been taken to get the displaced persons registered as Indian citizens. The Assam Government have issued instructions to all district registration authorities, including sub-divisional officers working as registration officers in sub-divisions to see that easier facilities are given to those displaced persons who apply for and who are found eligible for registration as Indian citizens. These officers have been asked to give prompt attention to such applications and to see that all applications from eligible persons are disposed of speedily. The Election Commission has also directed the Chief Electoral Officer of the State to tour the districts and see that there are no complaints of omission of eligible electors on any appreciable scale. Under the procedure prescribed by the Election Commission in this behalf only a portion of the electoral rolls of the State of Assam is being revised this year. Every care is being taken to enrol all the eligible voters in the electoral rolls.

Shri Muhammed Elias: May I ask one thing? During 1951 or 1956 when the Bengalis enrolled themselves as voters they were never told to produce any citizenship certificate; they only produced the refugee registration certificate or affidavit. But now they have been told—the Registration Officer has issued one circular on 23-1-1961 (the number of the circular

is 8209) and in this circular he has instructed all the Bengalis to produce their citizenship certificate. It is a very costly affair and the certificate cannot be had unless they go to the court, and every refugee has to spend a lot of money to get the citizenship certificate. They have already got their refugee registration certificate and also the affidavit. When that is so I do not understand why these things will not be enough for the purpose of enrolment as voters.

Shri A. K. Sen: I do not exactly know what circular is being referred to. This difficulty arose also in 1955 and 1956 before the last elections of 1957. The hon. Member will recall that so far as Indian citizenship is concerned, under article 6 of the Constitution a person who has migrated before 19th July 1948 and is ordinarily resident in India is a citizen automatically. So, he has just to show proof, if he is not already registered on the electoral rolls, that he has migrated before the 19th July 1948. It is only in respect of those who have migrated after 19th July 1948 that an application has to be made for registration. So I am not quite clear; if the hon. Member had sent me a copy of the alleged circular I would have looked into it. But even now I would request him to send it to me immediately. If it is required even for those who have migrated before 19th July 1948, then it is certainly wrong. But I would request the hon. Member to send me a copy of the circular.

Shri Indrajit Gupta (Calcutta-South West): Even in the cases of families which have migrated before 19th July 1948, in a case where the head of the family establishes proof that he has so migrated and become a citizen of India, may I know why the authorities are insisting that every individual member of the family must also produce a citizenship certificate?

Shri A. K. Sen: I shall certainly communicate this immediately. But apart from this general statement, I

shall be obliged if the hon. Member sends me specific cases of this nature.

Shri Tyagi (Dehra Dun): Are these instructions issued by the Election Commission or by the local magistrate?

Then I want one clarification. In the matter of enrolment of voters etc., do the officers who do this job act under the instructions of the Election Commission or are they under the local Government?

Shri A. K. Sen: Well, the entire thing is under the Election Commission, but for facility of administration, as the hon. Member is aware, every State has a Chief Electoral Officer.

Shri Tyagi: What is the policy? I want to know whether matters of policy like enrolment of such and such persons under such and such conditions are at the disposal of the local Government or the Election Commission.

Shri A. K. Sen: One is a matter of policy. That is laid down by the Act itself and the Constitution. The other is a question of administration of the policy. It is in regard to the administration of the policy that these difficulties occur. And in regard to these the Chief Electoral Officers are directed from time to time by the Chief Election Commissioner, if there are any difficulties to carry out the policies in a particular way. As I have stated, the Chief Electoral Officer, Assam has already been asked by the Chief Election Commissioner to tour himself to see that his directions given for the purpose of facilitating the registration of those refugees who have come after 19th July 1948 are properly looked after.

Shri Tyagi: My point is different...

Mr. Speaker: The point is clear. The hon. Member is asking about proof. There is no change in the policy. The policy is laid down by the Constitution. So far as proof is

[Mr. Speaker]

concerned, those persons in charge evidently want a proof, a certificate. The hon. Minister has just now assured the hon. Members who have raised this point that if individual cases are sent to him he will look into them and that the Chief Electoral Officer has been asked to tour round on the spot to take charge of all these various matters.

Shri Tyagi: My point is quite different. I only wanted to have one clarification as to whether the local Governments are entitled to freely, independently, without taking the sanction of the Election Commission, impose any type of conditions in this matter.

Mr. Speaker: It is clear. But when a man wants to have proof whether a person came from Pakistan or was here, what can the Election Commission do?

Shri Tyagi: They should take the sanction of the Election Commission first.

Mr. Speaker: Every time? Whether Shri Tyagi is a refugee or not, etc.? It is impossible for them.

Shrimati Renuka Ray (Malda): If it is recognised that a refugee certificate is enough and somebody produces it, that should be enough evidence and there should not be anything more required.

Mr. Speaker: The hon. Minister does not disagree. He says if there are individual cases they may be brought to his notice and that he will issue general instructions also. If he finds that a similar instruction has been given—that a certificate is necessary—he will look into that matter.

Shri A. K. Sen: In fact, if this had been brought to my notice earlier that the head of the family is enrolled and yet those who belong to the family are again asked to pro-

duce certificates—and it is well known that these migration certificates cannot be produced now after the lapse of all these years—the Chief Election Commissioner has himself been to Assam and I would have asked him to make specific enquiries about it.

Shri Manean (Darjeeling): May I submit that similar difficulties are faced by the Nepalese also? Those who were in the voters' list of 1952 and 1957, they are also being excluded and they are being asked to produce the citizenship certificates in order that they may be enrolled in the voters' list. This is a very serious situation. It obtains only in Assam.

Shri A. K. Sen: The Nepalee sufferer is as much as sufferer as the Bengali sufferer and, therefore, if he has suffered—both of them—from the same inconveniences, which are not warranted by law, that will certainly be looked into.

Mr. Speaker: The hon. Member will bring these matters to the notice of the hon. Minister.

12.29 hrs.

RAILWAY BUDGET—GENERAL
 DISCUSSION—contd.

Mr. Speaker: The House will now resume the general discussion of the Railway Budget. Shrimati Krishna Mehta was in possession of the House. She may continue her speech.

श्रीमती कुष्णा मेहता (जम्मू तथा काश्मीर): अध्यक्ष महोदय, जैसा कि मैंने कल कहा था, मैं रेलवे मंत्रालय को घोर रेलवे बोर्ड को बर्खास्त देती हूँ उनके काम के लिये।

Mr. Speaker: When will the Minister reply?