

[Shri Bhajan Lal]

K.S. Rao. Ram Narain Singh, Ranavir Singh, Prof. N.C. Parashar and Shri Kali Prasad Panday referred to the other issues like Muneru and Aleru flood relief operations, floods caused by Yamuna in Haryana the State of the Darbhanga Project, protection of Kota town in Rajasthan, Jaunpur town protection scheme in U.P., the Piprasi, Pipraghat embankments, floods in the rivers of Ghagra, Tapti and Chhoti Gandak affecting the areas of the districts of Ballia, Basti, etc. Implementation of the scheme for meeting the shortage of drinking water and power in Hyderabad city, the effect of floods in Himachal Pradesh, Swan Channelisation, destruction of Gopalganj due to floods, and raising of the embankments of delta areas of the Godawari. The Government would consider these issues seriously and measures will be taken to accomplish the important tasks at the earliest so that the people might be protected from floods. So far as protection of Jaunpur city is concerned, a scheme has already been prepared and the technical advisory committee has recommended for studying its model. Further action is being taken in this regard. I would like to tell the Hon Members that whenever there is flood or drought, the Central Government makes its utmost effort to protect the life and property of the people and to provide them adequate assistance. These efforts will continue in future also. I assure this august House in this regard. With these words, I conclude.

[English]

MR. CHAIRMAN : The discussion is over. The House now stands adjourned for lunch to reassemble at 2.10 p.m.

13.10 hrs.

*The Lok Sabha adjourned for Lunch  
till Ten Minutes past Fourteen  
of the Clock*

14.14 hrs.

*The Lok Sabha re-assembled after  
Lunch at Fourteen minutes past  
Fourteen of the Clock*

[SHRI SHARAD DIGHE *in the Chair*]

STATUTORY RESOLUTION RE : DIS-  
APPROVAL OF THE ARMS (AMEND-  
MENT) ORDINANCE, 1988 AND ARMS  
(AMENDMENT) BILL—Contd.

[English]

MR. CHAIRMAN : The House will now take up further discussion on the resolution moved by Shrimati Geeta Mukherjee. Shrimati Geeta Mukherjee was to continue her speech, but she is not present here.

Resolution moved :

“That this House disapproves of the Arms (Amendment) Ordinance, 1988 (Ordinance No. 5 of 1988) promulgated by the President on the 27th May, 1988”.

So, the Minister may now move his Bill for consideration.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : I beg to move :

“That the Bill further to amend the Arms Act, 1959, be taken into consideration.”

In the context of rising trend of violence and terrorism by extremists and anti-national elements in various parts of the country and in particular the alarming increase in the use of sophisticated automatic fire arms, rockets, etc. by these elements, an urgent need has been felt to amend the Arms Act with a view to provide for some deterrent punishment for offences under the Act. The Government has, therefore, brought up an amending Bill. The provisions contained in the Bill make a distinction in the matter of punishment for offences involving ordinary arms, ammunition on the one hand and prohibited arms and ammunition on the other. The provisions also prescribe more stringent punishment for offences involving prohibited arms and ammunition,

Further, use of illegal arms and ammunition including prohibited arms and ammunition has also been made punishable. Under the existing provisions, illegal possession of firearms and ammunition attracts penalty of imprisonment for a period one to three years with fine. The new provision makes illegal possession of prohibited arms and prohibited ammunition punishable with imprisonment of seven years to life and liability to a fine. Similar provision has also been made for illegal use, manufacture, sale, etc., of prohibited arms and ammunition.

The provisions of the Bill also provide for capital punishment to persons causing death of any person by use of illegal prohibited firearms and ammunition. The primary object of the Bill is, therefore, to provide for deterrent punishment for various offences relating to prohibited arms and ammunition and to curb unauthorised manufacture, acquisition, possession of, carrying and the use of illegal fire arms and ammunition.

I, therefore, commend the Bill to the consideration of the House.

MR. CHAIRMAN : Motion moved :  
 "That the Bill further to amend the Arms Act, 1959, be taken into consideration."

Mr. Dora:

SHRI H.A. DORA (Srikakulam) : Mr. Chairman Sir, I rise to oppose this Bill totally, Sir, this Bill seeks to amend Sections (2), (5), (7) and (25) and substitute Section (27) with a completely new section, Section (27) as it stands now is removed and replaced by a completely new section. Sir, amendments that are made to Sections (2), (5), (7) and (25) are small amendments and they are by way of substitution and insertion. But in the place of old Section (27) a new provision has been introduced to provide deterrent punishment to those persons who are in illegal possession of prohibited arms and prohibited ammunition. The basic principle of criminal law, *mens rea* 'culpable intent' is absolutely absent in the new

Section (27). In this context, I may be permitted to submit Section (27) Sub-Section (3) to this August House. It reads as follows :

"Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of Section 7 and such use or act results in the death of any other person, shall be punishable with death."

I may also be permitted to quote the corresponding old Section 27, which reads as follows :

"Whosoever has in his possession any arms or ammunition with intent to use the same for any unlawful purpose or to enable any other person to use the same for any unlawful purpose shall, whether such unlawful purpose has been carried into effect or not, be punishable with imprisonment for a term which may extend to seven years and with fine."

So here is a provision where a person without intending to kill the other person uses ammunition even by accident through an unprohibited gun which is in his lawful possession shall also be punishable with death. Such a draconian law has been introduced in Sub-Section 3 of Section 27 of this particular Act which I oppose. The concept of Criminal Law has been completely frustrated in the introduction of this particular provision.

That apart, I would like to submit to the Hon. Minister that a number of laws have been brought in or enacted on the floor of this House to contain terrorism and to contain infiltration of arms across the borders of our country, and this is another piece of legislation which is for the same purpose as can be seen from the statement of the Minister just placed before this august House. May I be permitted to ask a simple question to him ? Do the other Acts which have been enacted and implemented contribute anything towards the containment of this Terrorist Act in Punjab or elsewhere in the country ?

(Shri H. A. Dora)

Now another piece of legislation is brought in ostensibly for the purpose of deterrent punishment. Is deterrent punishment that is incorporated in a provision of law would bring about the intended result that is spoken to by the Hon. Minister? I do not think so. This Act will also remain as a dead letter as the other Acts remain as dead letters on the shelf of the Minister. It requires political will to tackle the terrorism which is lacking in the present Government. I do not think that this Government is going to contain terrorism in Punjab or elsewhere or any part of this country.

Extremist activities can be contained only when the basic needs of the society, particularly, the persons who are below the poverty line are to be satisfied. Unless these particular aspects i.e. the basic needs of the people are satisfied, any amount of Amendments that would be introduced in the law of this land would not solve this problem.

With this, I oppose this Bill totally.

[*Translation*]

DR. G.S. RAJHANS (Jhanjharpur) :  
Mr. Chairman, Sir, My submission on this Bill, is particularly in the context of Bihar. Although everyone is aware of it that this bill has been introduced in view of the increasing terrorist activities in Punjab and since the terrorists have started using missiles, Government has been compelled to go in for this Ordinance. Firearms and other prohibited arms have entered Punjab on such a large scale that innocent persons are being killed by them everyday. The situation in Punjab is on everyone's lips but I want to submit very humbly that whatever is happening in Bihar today or has been happening there since last 5 years is also very horrible. If nothing is done in this regard, the situation in Bihar in the next 2 or 3 years will be worse than that in Punjab.

In Central and South Bihar, unauthorised arms are being manufactured in every house. You may go to any area adjoining Patna, you will find unauthorised shell factories there. You will be astonished if you drive down the road between Patna and Sahibganj because after Monghyr, you

will see country-made bombs laid on the roads as if those were Diwali crackers. People are terrified to see such things but Government is helpless here. In Central Bihar, Bhagalpur Sankal parganas, Rohtas, Bhojpur, arms have been stockpiled in such a large quantity that it has become quite difficult for the people to live there. Country-made revolvers are being manufactured in every house and anyone can buy it for Rs. 100 or Rs. 200 each. You may come along with me. I will show you that thousands of country-made revolvers can be collected within an hour. It is difficult for a law abiding people to exist there.

This problem should be viewed in all its seriousness. Bihar Government should be assisted by the B.S.F. to flush out and destroy the country-made revolvers and bombs ruthlessly and get the unauthorised bomb manufacturing units dismantled.

The Hon. Minister has rightly stated that now deterrent punishment will be awarded in case of stockpiling of prohibited arms. You go ahead with it but I want to throw light on its practical aspect as to what is actually happening there. One person kills another with a country-made revolver while the latter is standing in the midst of a hundred people but no one has the courage to get the killer arrested. And even if that criminal is arrested, he is released on bail within 10 days, I had asked a magistrate also as to why are such criminals released on bail? He said that his own life would be threatened if he did otherwise and who was going to save his life under the circumstances? Suppose he was travelling to Patna by train, can it be guaranteed that he will not have to face any threat to his life and that he will be able to reach his destination safely? Even a district magistrate has been assassinated in his chamber. It is a serious problem and another serious issues arise out of it. Please, you may carefully listen to what I have to say. I am saying it with considerable responsibility that China has started dumping A-K-47 rifles and other weapons on a large scale in Nepal. Government is aware that these arms have entered the Terai region. These weapons will now be used either against us or they will be supplied to the extremists and other anti-social elements who will create lawlessness.

One of the clauses under the Indo-Nepal Agreement is that Nepal will acquire arms only after prior consultations with the Indian Government. But this aspect remains totally unheeded and Chinese arms are entering Nepal on a large scale and particularly the Terai region. You should look to it. It is right that we want to be friend China and we cannot blame China here. It will sell its arms to those who want to buy them. In this connection, a humble request should be made to Nepal and it should be asked as to where will these arms go and be used finally ?

Today, most of the weapons used in Punjab are of the Chinese make. This is a very serious problem. Before the Aquino Government took over in Phillipines, unauthorised arms and revolvers were being manufactured there in every home. One of the steps taken by the Aquino Government on coming to power was to flush out the terrorists. Hence, I would request the Hon. Minister to give a serious thought to this problem. Flushing out of unauthorised arms is beyond the capacity of Bihar Government. The criminals are in possession of such sophisticated weapons which the Police can never even think of. I have talked to the senior officers of the Police Department in this regard. They also informed me that these criminals are in possession of such sophisticated arms and electronic equipments for communication that they are able to know all about our movements but we are not able to know about their activities. I mean to say that Bihar has entered a very dangerous zone today. These anti-social activities can be checked completely only when the entire weapons' stock is ruthlessly flushed out from the entire area. If this is not done, then it will become difficult for the people to exist in Bihar. I would like to cite an example. In Bihar, those people who are in possession of these latest weapons take the people to the banks of the river Ganga and shoot them out. They are fired at point blank range and no one dare to raise his voice against them. The State of affairs there is one of anarchy. And this situation is not a new one but it has been prevailing there for the last 5 to 7 years. Once Bihar Government had ventured to unearth all

such arms but subsequently the matter was shelved. If Central Government provides assistance to Bihar Government and provides Central Forces for flushing out all the unauthorised arms, only then peace and harmony can be restored in Bihar. Now-a-days criminals go there unbridled and nobody can dare raise a finger against them.

Today, no honest person can get a contract in Bihar. The musclemen prevent them at gun-point from filling up tender forms.

**SHRI HARISH RAWAT (Almora) :** Why are you leaving out Uttar Pradesh in this matter ?

**DR. G.S. RAJHANS :** Shri Rawat is saying that the situation in Uttar Pradesh is also the same. I was submitting that no honest contractor can submit his quotations. Consequently, the mafia men get the contracts awarded by force in their favour and indulge in other illegal activities. They threaten the engineers and force them to sign their bill at gun-point. There have been one or two cases where engineers were done to death when they refused to sign the documents.

**AN HON. MEMBER :** We want to know the names of such persons.

**SHRI G.S. RAJHANS :** Your own people were behind it.

I am saying that this matter should be taken very seriously. I am not blaming any political party but it should be taken seriously that it is imperative to ruthlessly flushout fire arms or prohibited arms from Bihar as otherwise peace cannot be restored in that State. But it is not possible without Central assistance and in this connection, I want to stress that Nepal should be asked and pressure should be exerted on them not to make purchase of arms from China. This point may be taken note of because these very arms will be used against West Bengal, Bihar and Uttar Pradesh in near future and then it will be too late for any action in this regard.

While supporting this bill, wholeheartedly, I urge upon you to award deterrent punishment in 10 to 20 cases in the first

(Dr. G. S. Rajbans)

instance and see the results thereof as to how effective it is. It will set the people right.

[English]

SHRI V.S. KRISHNA IYER (Bangalore South): Mr. Chairman, I rise to oppose this Bill. I really did not understand why this Bill has been brought forward, why this Ordinance has been issued. I feel that it was issued only to please the public, to show to the public that the Government has been taking stern action to contain terrorism. But unfortunately, I do not think that this can be implemented, or this can be effective.

It was nearly three months I believe since this Ordinance came into force—it was issued on 27th May 1988—but have the killings stopped? On the other hand, the killings in Punjab have increased after the promulgation of this Ordinance. It looks as though it is a mere jugglery and we do not really understand what made the Government to issue this Ordinance, because they have got enough powers to fight terrorism, they have got the Anti-Terrorists Act, and so many other Acts in Punjab. I do not remember the figure, as to how many Acts are there, or how many pieces of legislation are there. But you have failed to contain terrorism so far. The Government must find out the reason why they have not been able to tackle this terrorist problem so far.

Time and again the Opposition has been asking you, that you should find a political solution to solve the problem. We know that it is a serious problem. But you have no solution.

It is unfortunate, that on the other day, Prime Minister made such a statement in the House that we have made an irresponsible recommendation. We are more patriotic, or let us say, at least equally, as the Members of the other side are. Many of us have suffered for the sake of freedom of the country, and also during the Emergency many of us have suffered imprisonment for long years, to safeguard the freedom of the country, to safeguard the freedom of speech, and the Fundamental Rights. So, in this particular case, to tackle the Punjab problem because one of the reasons given

in the Statement of Objects and Reasons is—they say that, because the terrorism has increased, in order to tackle terrorism they want to promulgate this Ordinance. And one fine night, one after another two or three Ordinances are issued only for the sake of Punjab. But unfortunately, it has not helped. Let the Hon. Minister say, after the issuing of this Ordinance whether there has been any decline in the number of incidents of terrorism, particularly in Punjab State? Certainly not. Because, we were reading only recently, last week—he gave some figures on the floor of the House on the other day - and if we see the figures, we see that terrorism has been on the increase and the killings also are on the increase. So, it has been unnecessary to issue this Ordinance. I do not think that even though the punishment has been increased from three years, in the original Act it was one to three years and now you have increased from seven years to life imprisonment, it would help. Because the terrorist has made up his mind, he is prepared to die, he is not bothered. We do not know from where they get the weapons. All the prohibited weapons are in the hands of the terrorists and nobody knows from where those terrorists get such weapons. And then, for whose sake is this Ordinance issued?

So, I strongly feel that this is unnecessary. This Bill was unnecessary. Government should find alternative methods to fight terrorism, and as one of our Hon. Members has said, they should find a political solution.

Sir, we have been requesting and suggesting to the Government that they should convene a conference of the Opposition Leaders to discuss only about the Punjab problem. Unfortunately, for the past one year or so, I would say so, the Government has not taken the opposition into confidence to tackle Punjab problem. We are all very much concerned, as concerned than the treasury bench about this problem.

I sincerely feel that even when it becomes a statute now, it may not be effective to tackle the terrorist problem. So, I feel this Bill is unnecessary and I oppose it.

[Translation]

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, I support this Bill. This Bill has been brought forward with a good objective. The Bill will replace the Ordinance which provides to keep the people in possession of dangerous and lethal weapons under check. The Bill will help in bringing those offenders under the purview of the law and to mete out punishment to them who used to get scot free easily hitherto by approaching the courts and by taking advantage of lacuna in the law.

Keeping in view the situation that prevails in Punjab today and going by the types of lethal weapons that are being used there, keeping lethal weapons is becoming a fashion and, hence, I feel that this Bill is very essential and by bringing it forward in the House, the Government has, in fact, strengthened the hands of the law enforcing agencies. I hope, that this Bill will build a heavy pressure on the elements who supply weapons to the terrorists, keep their weapons in custody and extend help in protecting the weapons out of sympathy. I hope that this Bill will create fear in their minds.

There is no doubt that merely enacting laws or slightly increasing the term of punishment is not going to help much. This Bill has primarily been brought forward with a view to tackling terrorists activities in Punjab. I want to say that terrorist activities in Punjab do not depend entirely on the supply of weapons, there is a definite conspiracy behind it and big powers are involved in it. Therefore, I do not feel that mere passing of this Bill will reduce terrorist activities appreciably. I agree with what Shri Iyer has said that mere enacting of legislation or increasing the period of detention will not dampen their spirits. Government will have to use some other means as well for it. It is also becoming a fashion in other parts of the country to keep lethal weapons. Situation is bad not only in Bihar or Eastern Uttar Pradesh but it is deteriorating in other places also. I would like to submit to the Hon. Home Minister that if we go into the causes of these activities, we find that social problems, social tensions and economic tensions are behind them. As long as these causes are not

removed, these tendencies cannot be curbed. The type of society we are living in today, this danger will continue to haunt us. Therefore, there is a need to go into its root causes. Not only in Punjab but also in other parts of India, this tendency of suppressing and frightening people and taking undue advantage from them through terrorist activities by keeping and using lethal weapons is on the increase. Therefore, there is a need to get at the root cause of this tendency. I think, then only the objective behind this Bill will be achieved.

With these words, I support this Bill.

[English]

SHRI SATYAGOPAL MISRA (Tamluk) : I rise to support the spirit of the Bill. I think, the Bill has been brought here in the objective perspective of the Punjab situation. In the last session we were told that the terrorists in Punjab had started using missiles, rockets and other sophisticated arms. Therefore, it has become necessary to re-define "Ammunition" and "prohibited ammunition" and deterrent punishments have been provided for offences involving prohibited arms and prohibited ammunitions. Therefore, I support the spirit of this Bill.

One thing I could not understand. When we were told in the last session that the terrorists had started using rockets, missiles and other sophisticated arms, this type of legislation should have been got through in the last session itself. But the Ordinance was promulgated on 27th May, 1988 when the House had already adjourned. Therefore, the Government has adopted the habit of bypassing this House and bringing Ordinances like this. I hope, the Hon. Minister will explain as to why it was felt so necessary to bring in the Ordinance 13 days after the adjournment of last session. He should also explain that with the use of this Ordinance, how many terrorists using rockets, missiles and other sophisticated arms, have been arrested and how this Ordinance was used.

Clause 6, sub clause (2) of the Bill says; "Whoever uses any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment which may extend to imprisonment for life and shall also be liable to fine."

(Shri Satyagopal Misra)

I could not understand the logic of this last sentence. When a person is imprisoned for life, then what is the use of putting fine on him ?

**SHRI P. CHIDAMBARAM :** Life time is not life time. It is only 12 years.

**SHRI SATYAGOPAL MISRA :** Another thing is that I support in principle the capital punishment provided in this Bill. But there is an anomaly. In CrPC under sections 305 and 306 the same provisions are there. If a person is guilty of killing somebody, for that, provision of capital punishment is there. Why has it become necessary to bring in this similar type of legislation here also ?

Lastly, I want to tell the Government that Punjab problem is not merely a law and order problem. It is a political problem and it is to be solved in a political way. I urge upon the Government to find out a political solution for Punjab in consultation with leaders of the opposition parties. 22 legislations have been passed by this august House in regard to Punjab and there is already 59th Constitution (Amendment) Act. Still the Government is not able to curb terrorist activities in Punjab. Therefore, I urge upon the Government to solve this problem politically and the people of Punjab should be taken into confidence. The democratic movement of the people of Punjab should be strengthened with the help of the different Political Parties. That is the only way to curb terrorism; otherwise, this type of legislation will remain on paper only.

[Translation]

**SHRI RAM BHAGAT PASWAN** (Rosera) : Mr. Chairman, Sir, I rise to support the Arms (Amendment) Bill, 1988, introduced by the Hon. Minister.

The objective of the Hon. Minister in introducing this Bill is to check the terrorist activities in Punjab where thousands of innocent people are being killed. This Bill has been brought forward to tame those people who keep lethal weapons and kill the innocent people. The killings are on the increase today. This Bill is very timely.

But Respected Sir, these terrorist activities are not confined to Punjab only. They are spreading to all corners of the country gradually. So far as Bihar is concerned, the problem is very serious and horrifying. Almost all landlords, capitalist and upper class people keep arms in their houses. Gun factories are being run at several places and no action is being taken against them by the Government.

Sir, you are well aware of the type of atrocities that are being committed on the poor people in Bihar at present. What is the reason behind it? A village has 5 landlords and 50 poor people. These landlords have hundreds of guns and other lethal weapons. They gun down the poor people at the slightest provocation. These people keep arms illegally and are committing atrocities on the poor people. A handful of people are killing the poor for the sake of land and minimum wages. They do not spare even the children.

You issue the licences to landlords and capitalists every year to protect their wealth. But these very people keep the arms illegally too. Most stringent action should be taken against those who are keeping arms illegally, as has been provided in section 7 of the Bill. Those who have been given licences by the Government are also misusing their arms. They gun down the poor at times. In Belchi Incident, many people were burnt alive. Atrocities were committed on Harijans in Pathra, Dharpura Kaina, Nantha and Nagkhas. A number of Harijans were killed recently. These people kill the people selectively and wipe out the entire family. The number of high class people is limited. to 5 to 7 in a village. They gun down the Harijans with their arms. Even if these people are apprehended, I can say from my experience that no action is taken against anyone.

Mr. Chairman, Sir, I would urge the Hon. Minister that if the Government issues licenses for protecting the wealth, then similar licences should also be issued to the poor to enable them to protect their lives, because hundreds of innocent people are being gunned down. Family after family is being wiped out. Is it not a heinous crime? Therefore, I would request that if the rich

people are provided arms to protect their wealth, the poor people should also be provided arms to protect their lives. A balance should be maintained in respect of arms in a village. If five people belonging to high castes are given arms, the poor people should also be given arms in the same proportion, so that they could face the rich people and save their lives in the event of an attack. Otherwise, you see that atrocities on the poor people are increasing gradually.

It also involves implementation of the 20 point programme of the Government which in turn is linked with the livelihood of the people. These capitalists are depriving them of all these things. Therefore, you should also give arms to the poor for self protection. If not, you should give arms to none, otherwise, the capitalists will manage to protect themselves somehow.

Who indulges in such acts? Does a labourer or a poor man do it or does a landless labour indulge in these acts?

Who keeps arms at present? The poor do not have any, although they are large in number. So far as high caste people are concerned, one brother is a contractor, the other is a capitalist, the third is a landlord and the fourth one is a criminal. Weapons thus keep on circulating among themselves. They are the owners of illegal factories also. They have accumulated gun powder illegally. When the railway Minister Shri Lalit Narayan Mishra was inaugurating a railway line in 1975, he was killed and his assassin has not been caught up till now. I was present their physically and mark of injury can still be seen on my foot. A Central Minister was assassinated and assassin has not been tracked down even after 12-13 years. What is the progress in that case? No breakthrough has been made in this regard. This was the handiwork of illegal weapon keepers who also use them against the poor. What to talk of the poor who fall easy prey to their bullets, they kill even Union Ministers, District Magistrates and high ranking officers. As such, I would urge the Hon. Minister to cancel all the arm licences. No body has a right to run illegal arms factories. Although every body knows about it, yet the people feign ignorance. The Government must get these factories closed.

I would like to point out that there are many laws but their implementation is lacking. Now you have brought forward this amendment. We hope that this Bill will be implemented and it will help in providing protection to the poor as well as the respectable people. I thank you for giving me time to speak and I hope that this timely amendment brought forward by the Government, will prove fruitful.

*(English)*

SHRI INDRAJIT GUPTA (Basirhat): Sir, I must begin by once again expressing our sense of repugnance at the continual recourse of this Government to its power of ordinance making.

Sir, the last Budget Session concluded on the 13th of May. The last day was the 13th of May and this Ordinance amending the Arms Act was promulgated on the 27th of May, that means, exactly two weeks after the Budget Session concluded. The Budget Session, as you know, Sir, is the longest of all Sessions and it was going on from the month of February till the 13th of May. I hope the Minister ... *(Interruptions)*.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): I have got my ear-phone.

SHRI INDRAJIT GUPTA (Basirhat): You must be a super man to pay attention to what I am saying.....

SHRI CHIDAMBARAM: Ordinary man with ear-phone.

SHRI INDRAJIT GUPTA . . and also to what Mr. Santosh Mohan Dev is saying.

SHRI SOMNATH CHATTERJEE (Bolpur): Really he is a spiderman!

SHRI INDRAJIT GUPTA: Sir, this practice of rushing forward with Ordinances is the most undesirable practice of this Government, undemocratic practice. I find from the record that this Government has

(Sri Indrajit Gupta)

issued 32 Ordinances. Thirty-two Ordinances have been promulgated during the life of this Government and what is more harmful is the fact that either they do this just on the eve of a Parliamentary Session, a few days before the Session is due to meet, or they do it immediately after the Session concludes, as though during the whole Session they never had the time or the opportunity or the consciousness to bring forward these subject matters in the form of Bills if they were really so urgent. So, I protest strongly against this habit of resorting frequently to Ordinances which show that they are not really serious about consulting Parliament on these matters and they only want to present them with accomplished facts. *fait accompli*.

Now, Sir, in this particular Bill, I think some confusion has been worse confounded. What this Bill does is to add the category of missiles to the other weapons like rockets, bombs, grenades and so on.

15.00 hrs.

The word "missiles" has been added because they say, they have found that in Punjab. The terrorists have taken to using some type. I do not know whether they are missiles or grenades or grenade launchers or whatever they may be. Also different names have appeared in the Press reports. So, that has been included.

Secondly, two or three different categories of punishments, penalties have been prescribed for people using "prohibited arms" or "prohibited ammunition". The distinction between those who use such arms with the intention of killing somebody...

MR. CHAIRMAN : Shri Indrajit Gupta, you may continue next time.

15.01 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF THE PROCLAMATION IN RELATION TO THE STATE OF NAGALAND

[English]

MR. CHAIRMAN : Now, statutory resolution,

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : Mr. Chairman, Sir, I beg to move :—

SHRI SOMNATH CHATTERJEE (Bolpur) : Have you taken the permission ? Where is the permission ?

MR. CHAIRMAN : It can be done.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Without your permission, it cannot be.

SHRI SOMNATH CHATTERJEE : Atleast, pay proper respect to the Chair. Seemingly, you must have paid respect to the Chair.

SHRI SONTOSH MOHAN DEV : I have. (Interruptions.)

I beg to move .

"That this House approves the proclamation issued by the President on the 7th August, 1988 under article 356 of the Constitution in relation to the State of Nagaland."

The Governor of Nagaland has reported that 13 MLAs belonging to Congress (I) Party led by Shri K.L. Chishi had conveyed their decision to break from the Congress (I) Party and formed a new party called Congress Regional Nagaland. They also approached the Speaker of the State Legislative Assembly and sought recognition to this split.

[SHRI SOMNATH RATH *in the Chair*]

15.02 hrs.

The Governor has further reported that on July 31, 1988 Shri Vamuzo the leader of the Opposition informed the Governor that the legislators belonging to the Naga National Democratic Party, the Congress Regional Nagaland Party, the Naga People's Party and four independent Members of the Legislative Assembly decided to work together under the name and style Joint Regional Legislature Party and demanded dismissal of the Government headed by