

ment of the private sector. That is a different matter.

Another point that he is raising is that where is the guarantee that the company which is making donation to a political party, will not extract favours from the ruling party. I made it very clear that the fellow who is making the donation is not making it from his pocket. After all, his interest is only 10 per cent or 15 per cent or 20 per cent, the remaining is all the money belonging to the shareholders and the financial institutions. Even supposing he wants to extract a favour, I think it cannot be without the knowledge of the people, it cannot be without the knowledge of the hon. Members. If it is brought to the notice of the hon. Members, certainly they can raise it here, they can discuss it here and it can be discussed in other forums also. So, the hon. Members are discussing so many things, although there is no political donation today and there is a ban. Still they bring in so many things. According to them there are so many scandals which are going on in the Government. Are they not being discussed here? Supposing there is any favour done to a particular company because of the donations that the Company has made to the Government, certainly I think, it cannot be any secret and it can be discussed in Parliament and we will be answerable to them.

MR. DEPUTY SPEAKER : The question is :

“That the Bill be passed.”

The Motion was adopted

SHRI ABDUL RASHID KABULI : This is a black law and I walk out on this.

14.4 hrs.

(Shri Abdul Rashid Kabuli then left the House)

MR. DEPUTY SPEAKER : Mr. Basudeb Acharia, do you want a division on this?

SHRI BASUDEB ACHARIA : No division. *

14.12 hrs.

ARMS (AMENDMENT) BILL

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): I beg to move :

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

We had the other day discussed the issue of terrorist activities which has entered a new phase with the terrorists indulging in want on acts of violence with the help of fire-arms and ammunition, resulting in the loss of a number of innocent lives. Most of the fire-arms and ammunition used have been acquired through unauthorised means.

In the context of the increase in extremist activity and more frequent use of arms in committing acts of violence directed against innocent people it has become necessary to make the punishment for violation of certain provisions of the Arms Act more stringent so that it may have a deterrent effect. The Government have, therefore, brought up an amending Bill under which the minimum punishment for violations of provisions of certain sections of the Act is proposed to be raised from six months to one year. It will cover most of the offences under the law in normal conditions. Some parts of the country, such as Punjab and Union Territory of Chandigarh have been declared as ‘disturbed areas’. To deal with offenders operating in those areas it is proposed to provide for a minimum punishment of three years for such offences and to raise the maximum period of imprisonment from three years to seven years and fine. Similarly, in areas which have been notified under Section 24-A or 24-B of the Act, the punishment for violation of the notifications issued under the section is proposed to be increased from one year to three years with a maximum punishment of 7 years imprisonment instead of five years as provided hitherto,

The primary object of the Bill is to curb unauthorised manufacture, acquisition, possession or carrying on arms etc., with a view to combat violent activities. I, therefore, commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER : Before taking up further discussion, I want to know what time should be allotted to this.

SHRI G. M. BANATWALLA (Ponnam) : Two hours.

THE MINISTER OF PARLIAMENTARY AFFAIR (SHRI H. K. L. BHAGAT) : We want finish this Bill today.

MR. DEPUTY-SPEAKER : And at 3 p. m. we will take up the Private Members' Bill. Therefore, we can put one hour and we will see afterwards.

SEVERAL HON. MEMBERS : Yes. I therefore, urge the hon. Minister that besides enacting laws in their regard, he should intervene in such cases and see that the culprits are awarded punishment after enquiry.

14.14 hrs.

[SHRI VEKKOM PURUSHOTHAMAN—*In the Chair*]

SHRI E. AYYAPU REDDY (Kurnool) : Sir, I support the Bill, but I want to mention some of the practical difficulties in implementing the Arms Act. By increasing the term of imprisonment to seven years, the case has to necessarily go before an Assistant Sessions Judge or a Session Judge. Now, the case will go out of the jurisdiction of the First Class Magistrate and the Munsif Magistrate. We have to consider the delay that will usually accompany if a case has to be tried by a Session Judge or an Assistant Sessions Judge instead of a Munsif Magistrate. You are automatically changing the jurisdiction and the forum before which ordinary offences relating to the Arms Act have to be tried,

Therefore, I would suggested that in spite of the fact that you have increased the jail sentence, we must correspondingly amend the Criminal Procedure Code so as to enable the Munsif Magistrate to try all these terrorists. That is my first suggestion.

My next suggestion is, the sanction to prosecute the accused in the Arms Act either by the District Magistrate or by the State Government has become necessary. This obtaining of sanctions has always caused huge delay. As a criminal lawyer, as also a Minister who dealt with law, I know fully well that in sessions cases where murder accompanied by use of arms and explosives, there used to be huge delays in filing the charge sheets and whenever the police were asked as to why the delay was caused. They were always saying that we have applied for sanction and as soon as the State Government or the District Magistrate accords his sanction, we will file the charge sheet. There are a number of instances where charge sheets were filed after one or two years on account of this procedure of filing of a sanction as a condition precedent. I would, therefore, suggest that the Arms Act and the Explosives Act must be amended so that sanction can be obtained even after the charge sheet is filed before the trial takes place so that all these offences can be expeditiously disposed of. I want an assurance from the hon. Minister that offences where arms and explosives are involved must be disposed of expeditiously and within a period of six months or within a period of at least one year. They must not take more than one year for filing the charge sheet.

With these suggestions, Sir, I am supporting the Bill.

[*Translation*]

SHRI KEYUR BHUSAN (Raipur) : Mr. Chairman, Sir, the Arms (Amendment) Bill has been brought forward in time and it has been brought forward keeping in view the conditions prevailing at present in Chandigarh and Punjab.

But the increased punishment proposed in the Bill is not in consonance with the objects of the Bill. The Bill is not confined merely to the possession and manufacture of unlicensed arms. In order to achieve the objects of the Bill, stricter punishment should be provided and particular attention should be paid to ensure that such arms are not manufactured.

I want to draw your attention to the need for amending the law governing possession of arms. The arms which people have accumulated today are aimed at the disintegration of the country and to indulge in treason. It should not be treated as an ordinary offence but should be treated on a different footing. It is clear from the picture that has now emerged there that it is not only fanaticism which is behind it, but something more than that. We should be more careful and keep in mind that fanaticism has been brought as a cover and a handful of people are trying to divide the country once again in the name of religion. A pact of a struggle which we are to wage against them is that they should not be allowed to collect arms. They should not be allowed to manufacture arms clandestinely. We should pay attention to it. I want to urge that our Government should pay adequate attention to this aspect. There are three distinct sections of common people. The first section comprises those who are not at all with them. Their hands should be further strengthened. At least this has to be done. If we could only check the arms and confined ourselves to that only and did not pay attention to the feelings of common people who are opposed to them, we shall be committing the same mistake once again which resulted in the division of the country. Attempts all being made once again to fan Communalism there. I can say with confidence that the people of Punjab and Chandigarh—where we want to extend this law—are struggling against it continuously. National feelings are quite strong there. There are no separatist feelings there in the name of religion. Attempts are being made to totally disturb that situation.

The Sikhs and non-Sikhs—whether they are Hindus or Muslims or others are imbued with national feelings there. But, at the same time, the things which are taking place there in the name of religion and the attempts being made to divide the country are once again giving rise to wrong feelings in them. People are making attempts of sabotage, but through these acts of sabotage, they are not able to instigate the common people to join them in such acts. In an attempt to give it a dreadful form and with a view to disturbing the normally. This method of terrorism has been adopted. The manufacture of illegal arms is being used as a tactic by the internal and external forces which have emerged there of late. I request that the enactment which you are going to make should be made more stringent. The law under which the people accumulating and manufacturing illegal arms are charged for treason should be rigorously used against them.

My second submission is that if legal arms are being misused and you come to know of it, then in such a situation the relevant law as well as this law should be used against them. This is all I want to say.

[English]

SHRI BASUDEV ACHARIA (Bankura): Sir, Government has come forward with this piece of legislation, the Arms Amendment Bill, 1985 with the purpose to make this Act of 1959 more stringent. This Act was amended in the year, 1983.

Again this Act is being amended. What necessitates the Government to come forward with this piece of legislation?

There are increasing incidents of terrorist activities in northern parts of our country and particularly in Punjab and in order to curb these activities, the Government has come forward with this piece of legislation and Government proposes to Amend the Arms Act but I doubt whether this legislation will serve the purpose of the Government. Whether

this piece of legislation will help the Government in curbing, containing or restraining terrorism in certain parts of our country. There are so many laws, so many Acts, that are existing now. Still these activities are going on and are also increasing, not only terrorist activities, but in large parts of our country there is also law and order problem. The day before yesterday, five workers of CPI in Bihar were killed. A month before, I think, in April, 20 Adivasis in Bihar were killed. Landlords and property-class are using illegal arms and ammunitions. That is why, these activities are increasing not only in the urban areas but in the rural areas also as there is tension in land relations

Terrorism is really a great problem, a menace. As you know, three or four days ago, in Delhi itself several persons were killed; about 70 persons were killed in Delhi and its neighbouring areas. We had a discussion on this subject in this House. Still, in some parts, these activities are going on. It was stated by the hon. Home Minister that three persons were arrested at a place where these illegal transistor-bombs were manufactured; that place was discovered; the whole thing was unearthed. Out of these three persons who were arrested, one was killed or one died. It is mysterious how out of these three persons who were arrested one was killed. It was only to suppress the evidence. It was also admitted by the Home Minister that the fire arms used had the mark of some foreign country. When these arms are being smuggled from other countries, from foreign countries, from Pakistan, into our country, what steps have Government taken to stop smuggling of these firearms. Not by passing legislation or by giving more powers to the police can these activities, can terrorism, be stopped. There must be a political will to curb these activities. A solution to the Punjab problem should be found. Only by solving the Punjab problem and by campaigning against terrorism, you can curb these activities. There are only very few people who do this. These

the majority of even the Sikhs. We have seen this after the recent incidents in Delhi; majority of these people, the democratic and peace-loving people, have condemned these activities. Only a few people are doing all these things and they should be isolated. Only a solution to the Punjab problem can contain, can restrain, these activities. By passing this legislation, terrorism cannot be stopped.

SHRI SOMNATH RATH (Aska):
 Mr. Chairman, Sir, as the hon. Member has just now said, lawlessness is increasing. It is only to meet the challenge of those persons who are creating law and order problem that this Act is being amended. As has been stated, it is to combat the growing menace of terrorism.

I want to invite the attention of the hon. Minister to the fact that there is a provision in the Indian Penal Code to punish abetment of offences and conspiracy. As this is a special Act, I would suggest that not only the persons who are found in possession or carrying of firearms and ammunitions to be punished but also the persons who associate themselves with these offences should be punished and amendment may be made accordingly. There are persons who may not be in possession, or carry illegal arms and ammunitions, but still they are the brain behind creating the havoc and commit offences and they escape. Those persons who are associated with this kind of offences should also be caught and dealt with.

Another point that I want to submit is that punishment may be life imprisonment. A person who commits murder, the maximum punishment given is death by hanging. Here the persons who carry arms and ammunitions for instance transistor-bombs to kill so many persons should not be punished rightly. The motive of carrying arms and ammunitions or being in possession of arms and ammunitions is to cause grievous hurt or death and minimum punishment,

The last point is this fact. In section 25 of the Act itself, there is a proviso, namely,

"Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months."

Now the punishment has been enhanced. But the proviso I have quoted continues to be there. The punishment may also be 'imprisonment till the rising of the Court', that is, for one day. So, the hon. Minister may consider whether this provision should be deleted.

These are my suggestions. I support this Bill and I want that there should be more stringent punishment to meet the situation and to put an end to extremists and terrorism.

SHRI H. M. PATEL (Sabarkantha) : Mr. Chairman, Sir I can understand why it has been considered necessary to bring this Bill, but I find it very difficult to understand how it is felt that merely by increasing the quantum of punishment it will be possible to deter people from possessing firearms or using firearms without authorisation. Merely enhancing the quantum of punishment does not act as a deterrent at all. You may go on increasing the quantum of punishment. But what have you done for enforcement, what is the machinery, what attention is being paid, to enforce these provisions against offences, to catch the culprits? Have they found out in practice these persons? How many have they caught who were in possession of illicit arms without authorisation or who were using them? And what punishment has been imposed on these people? Not for the commission of the main offence, that is to say, a weapon used for killing somebody. If a weapon was used for maiming somebody, then the person will be punished for that offence and also for other the offence under the Arms Act. But this enhancing of 3 years to 5 years is not really going to have any deterrent effect.

This Bill the Government has been induced to bring because of events that have taken place recently in various parts of the country—in Punjab, in Gujarat and elsewhere wherever there has been agitation and confrontation between people and police. There has been a great deal of use of arms and weapons. How did these areas come into the possession of these people? More attention should be concentrated on that to see that weapons are not smuggled into this country and that those who are in lawful possession of these arms, remain in lawful possession of those arms and they are not taken away from them by those who wish to commit offences. All this means a very effective administrative machinery, an efficient intelligent organisation and, of course, a capable police force. What special efforts have now been made by the Government ever since these troubles started for improving its administrative machinery for the enforcement of law and order? On the contrary, from all the accounts that we see, there is a steady deterioration in the machinery for enforcing law and order. If that had not been the case, the number of things that had happened in recent days may perhaps never have happened. Therefore, whole everything should be done in order that these activities of the terrorists are curtailed, everything should also be done to see that unlawful activities are curtailed as much as possible. The question is merely whether this is the most effective weapon—enhancement of punishment. The hon. Minister could not be unaware of the British history. There was a time when punishment in British for poaching was life imprisonment. It led to a lot of leniency and the Judges simply said that the offence was not committed or something of that kind. So, merely increasing the punishment does not help in preventing the kind of offences which it is the intention to prevent.

It is very difficult to say whether such a Bill should be passed or not because it takes no difference whether you enhance the punishment or not. I do not think that the object of the Bill will be served. The reason advanced is that the

punishment provided for at present does not have a deterrent effect. The present punishment, I think, is quite adequate. Whatever deterrent effect it is likely to have, it is having. Raising it from 3 to 5 years is not going to make any improvement. If the Government feel that without that they cannot function very efficiently, they are welcome to have the Bill. But I would plead that they may consider giving some thought to this fact that mere enhancement of punishment will have no effect. At the same time you should make your law enforcing machinery as efficient as possible.

[*Translation*]

SHRI ABDUL RASHID KABULI (Srinagar): Mr Chairman Sir through you, I want to tell Government that I do not find any basic change in this Bill. There is no specific clause in it through which you want to make it more deterrent so as to check the ever increasing possession of unlicensed arms, their smuggling into and distribution in the country and checking them from falling into the hands of such extremists who pose an increasing danger to the unity and integrity of the country I think, your extending the period from three years to five years will not make any difference and in my view, if this objective is to be achieved and the increasing activities of the terrorists and extremists in the country are to be checked, especially in the border areas where our people from various walks of life are being affected, the solution to it will not be found only through legislation. For that I would say, and as the hon. Prime Minister has said himself, that political will is necessary. But, your bringing forward a Bill of this type shows that you lack political will and you want to do it through legislation only, whereas it cannot be achieved through these measures. By bringing forward such a Bill, you want to redress the complaint or resentment which the opposition have at present. I think this problem does not concern the opposition alone, but it concerns all of us. You should vanquish this terrorism with a heavy hand and with full deter-

mination. We should evolve some way to check the accumulation of illegal arms by the people and the increasing smuggling of arms into the country from abroad. In my view, there is no dearth of laws. Mr. Chairman. Sir, through you, I want to know from the hon. Minister the number of persons prosecuted and what firm action was taken against them when three years imprisonment was already provided in the existing law? Let him give this information to the House. It is not going to make any difference even if you raise the term to five or ten years from the present three years. I think, solution to the problem does not lie in enacting laws, but it needs conscious efforts, political will and determination. I am of the views that Government do have such means, Government have the power and confidence and they will get full cooperation from the opposition. Therefore, I do not understand why Government are restricting themselves only to enacting legislation under such circumstances and unnecessarily facing problems and difficulties.

Mr. Chairman, Sir, through you, I would like to ask another thing of the hon. Minister that there is a decoit menace in the country. The hon. Minister is aware that in the case of most of the arms with these decoits their origin can be traced to the ordnance factories, the police and the army and this fact comes to light when these arms are seized by the police. Therefore, this is a very big scandal going on in the country. You have got no check on it. We should seal all the entry points so that nobody is able to smuggle arms into our country from abroad. We should also meet the internal danger also. We see that sometimes machine-guns, arms, peoples, 303 rifles, etc. manufactured in our own ordnance factories are seized. What measures have been taken by you in this regard? What law has been passed by you to check it? First of all some sort of action should be taken to prevent such happening in our country itself. I, therefore, would like to say that violence should be uprooted from this country.

Democracy and violence cannot go together. The situation is becoming worse and is posing a danger to the entire democratic setup. Unfortunately, if we are not able to put an end to terrorism, democracy will not be able to flourish in this country. God forbid violence achieves its dreaded end in this country, democracy will perish. If democracy is to survive, then terrorism must be put an end to the arms should be dumped, their distribution should be stopped and unlicensed arms should be captured. You should take measures to take care of all these things and you should exercise the political will to deal with their menace.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Chairman, Sir, I welcome this Amendment Bill because the need of the hour in our country is to check the proliferation of arms in the country making the condition for acquisition and possession of arms more stringent and making the punishment for violation of these conditions more deterrent. And the punishment for violation of these provisions of the present Arms Act have been made more deterrent and stringent in this Bill.

Sir, we have to combat the growing menace of terrorism which is a challenge to the nation. The speed with which it is growing is alarming. Terrorism is threatening our democracy, the functioning of our democracy even it threatens the very existence of the country as a whole its integrity its solidarity. Therefore, all-out sincere efforts are to be made to check this growing menace of terrorism. Terrorism cannot be controlled only by amending this Act. As suggested by some hon. Members in their speeches earlier, I agree with them that we have many pieces of legislation, many deterrent provisions are also there, but still the crime is increasing. The answer to different questions about the offences committed in Punjab and the percentage of prosecutions and convictions is disappointing, even in respect of extremist

cases, the criminal cases involving the extremists. Therefore, we have to strengthen and streamline the law and order machinery so that these cases could be detected and in respect of those who are possessing and using fire arms in violation of the provisions of the Act, first they should be detected and then prosecuted ; otherwise, it will not serve the purpose. (Interruptions).

I have one suggestion that terrorism is not confined to India—the boundary of our country, India alone. It is raising its ugly head almost all over the world. In fact, of late, it has turned out or matured to be a global phenomenon and some times even foreign terrorists are being hired to serve certain vested interests. For example, Israeli terrorists are hired. And these terrorists are also encouraged by some great foreign powers and organisations. To combat this, I suggest to the hon. Minister that an international understanding, an international accord, should be reached and therefore, to effectively check this growth of terrorism I suggest to the hon. Minister to give consideration to this aspect that this matter should be taken up in some world forum. India is leader of the non-aligned movement and in the non-aligned forum or in some forum this can be taken up. Please note that terrorism is generally becoming a global phenomenon and terrorists are encouraged and harboured by some great power. Therefore, its solution also cannot be fully found in our country. This should be taken up seriously and an understanding be reached at the international level.

With these words I support the Bill requesting the hon. Minister to streamline and strengthen the law and order machinery. Of course, to effectively combat the growing menace of terrorism, more stringent and deterrent and fool-proof measures are called for. I believe that the Antiterrorists Bill which will be taken up this evening will take care of all these aspects.

[*Translation*]

SHRI VIJAY KUMAR YADAV (Nalanda): Mr Chairman, Sir, time is very limited. Whatever steps are taken against terrorists they are just. I would like to say only one thing. In various parts of the country, which have not been declared disturbed areas, illegal activities particularly political murders are taking place on a large scale. Sten-guns and bren guns are being used for this purpose. In Bihar particularly during the last three to four years, hundreds of political murders have been committed. The criminals enjoy political backing. They have murdered many big leaders with such arms.

Recently, in the Ghosi Police station of Gaya district five communist leaders were murdered by stengun in front of their party office. The murders enjoy political backing. Today, we have placed of this matter before the hon. Prime Minister and have given a written note to lieu also. All these things heppen with the use of illegal arms, political backing and the co-operation of a ruling party M. P. This state of affairs is really very unfortunate. In this way these atmosphere is created. It will definitely have its adverse effect on the law and order situation in the country.

[*English*]

SHRI G. M. BANATWALLA (Ponnani): Mr. Chairman, Sir, I rise to support the Bill. The Bill has been long over due. Of course, there can be no quarter for terrorism. I may also submit that chaos today is coming in, not merely creeping slowly, rather chaos is advancing fast into our society. It has therefore, to be dealt with sternly and strictly though regard should also be paid to what the sociologists say.

Sir in UK, Singapore, USSR, Japan and in many other countries, possession of illegal firearms is looked upon as a serious offence and long term imprisonments are awarded as punishment. I must say, therefore, that the Bill is welcome. However, my grouse is that there has been a considerable delay in coming forward with this Bill. As a

result of this considerable delay, I must say, an impression is coming up that the Government is fast losing initiative to deal effectively with a rapidly deteriorating situation.

Here, I must say also that the most important point in the implementation of any law of such a nature is vigilant intelligence and a good machinery for maintenance of law and order. In Delhi, Chandigarh and in so many other places, there were so many blasts very recently and is seemed that our Intelligence machinery was caught napping. Therefore, something has to be done in order to have a passionate and professional intelligence which is always vigilant. Sir, I must say that there is a booming trade in illegal firearms and the whole thing is too serious to be treated by the normal police apparatus alone. Therefore, there is need for a concentrated effort to be initiated and coordinated by the Centre and involving all the States.

Sir, our tragedy today is that law and order machinery is plagued by indiscipline arising from various considerations. Here the role of the police has to be taken into consideration. An important question to-day who is going to police the Police?

In this matter also, with respect to fire arms, several instances can be quoted in which police personnel were involved. In Indore, for example, a gang was nabbed, a gang dealing in illegal arms. It was found that some police personnel were also involved. These police personnel included the Jawans of BSF and DRF Lines, and those of the Armoured Police Training Centre. Such was the shocking report that we had.

In North Delhi also, an illegal arms and ammunitions manufacturing factory was unearthed. The factory was in operation for nearly five years. It continued to receive its raw materials. One can, therefore, imagine the connivance of the hands of Police and the intelligence. I must, therefore, insist on the strengthening of the law and

order machinery, and also the intelligence.

I will just make 1 or 2 suggestions, in brief and rapidly. The weapons or fire arms may be of two kinds: there may be country-made revolvers. They may injure, but they may not kill. There is no need to have a drastic punishment for such things. But then, there are also sophisticated weapons. There are sten guns and automatic rifles. Here, the law should be still more stringent than what is there in the present Bill. Let it be ten years of imprisonment in such cases, because such sophisticated weapons are for the purpose committing crimes, and we have to deal with them very strictly. Tens of thousands automatic guns such as the Russian AK-47 Kalashnikov rifle or the American M-1 machine pistol are said to be in the unauthorized possession of people in different parts of the country.

I hope and wish that in the future legislation, the distinction between the various types of weapons is also taken into consideration, so that we may have a proper response to the situation.

Let me conclude by pointing out one important phenomenon. Recently, there is a rise in the number of gifts of smaller fire arms from abroad. The Communists and Marxists specially, may not pounce upon me when I say that Calcutta is the best entry-point for these weapons. This is just a statement of fact, viz. that Calcutta is the best entry-point for these weapons, because of the easy-going attitude of the local Police and the Customs officials. Let the Minister of Home Affairs consider this rise in the number of gifts of smaller weapons from abroad, which ultimately find their way to this unauthorised and illegal market. The Customs duty should also be enhanced on the gifts of fire arms from abroad. You must have a look at the Customs duty, and enhance it on such imports of gifts of fire arms from abroad.

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY

AFFAIRS (SHRI GULAM NABI AZAD): I suggest, if the House agrees, that when the Home Minister will reply, fifteen minutes or whatever time we take out of the Private Members' Business timings, we will add to them, without any encroachment.

SOME HON. MEMBERS: Yes.

15.00 hrs.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Mr. Chairman, I am thankful to the hon. members who, during the course of the debate, have given very valuable suggestions. They have also asked: Is this the only measure by which we will be able to curb the extremists and terrorist activities? Is there a will to enforce a legislation and is this going to improve the situation? That was the point which was made. Is it going to stop smuggling? Is it really going to stop the kind of activity which is indulged in by some of the terrorists and others? We are coming with a different legislation on terrorism. As regards the terrorist activities and how to prevent them, there is a new Bill which is going to come before the House. This has a very limited purpose and the limited purpose is that those who are in possession of or those who are carrying the illegal arms with them, unlicensed illegal arms with them, if they are found, then cases have to be filed in a court of law and the kind of punishment which was given so far—since the court had the power to give minimum of six months and maximum of three years but the fact is that always a lenient view has been taken. In some category of cases, we have now excluded the discretion of the court to give lesser punishment. When it is increased from three years, specially in the disturbed areas, this power of using the discretion of not giving the kind of punishment which should be considered as deterrent has been taken away. But, there are some classes of cases where a very ordinary offence has been committed. In those cases, certainly if they would take a lenient view, they are supposed to give in writing as to why they consider that even less than the

minimum punishment is warranted under the circumstances. They have to give in writing. So, they have to record the reasons for giving lesser punishment. That is why I said, these are very ordinary things. About those who have been caught and whose cases have been filed in a court of law, as to how the punishment needs to be enhanced because of increasing terrorist activity in certain areas, that is a very limited purpose of this legislation.

One of my hon. friends has put forward a suggestion whether this is going to cause any delay because of the maximum punishment which has been prescribed as seven years; whether the Sessions Judges or the Additional Sessions Judges will be required to try these cases and the jurisdiction of the lower court will be taken away. In fact, after some years if we feel that some enhancement of the jurisdiction of the lower court is necessary—at least, for the time being, we do not consider it is necessary—but let us hope that there will be very few cases of this type; a large number of cases need not be involved; if that is warranted under the circumstances, at that stage, we can consider if it is required to be brought down from higher Court to Lower Court increasing their power.

Another point was about the sanction which was required to be given both by the Deputy Commissioner and the Government in certain matters; whether we can think of introducing some kind of a provision by which after the case has been filed in a court of law, within one year, if the sanction is granted, that should be considered. This is one of the suggestions which one of the hon. members gave here. I don't think this is the stage for that since specially in the areas which are prone to this kind of terrorist activities, the Government itself is very much interested in seeing that these people are brought to book and trials are being finished, as early as possible. We will try to see that the sanctions are given at the earliest.

I have explained the position that we are going to bring forth the anti-terrorist measure as a separate piece of legislation. That was one of the points which my friend Mr. Keyur Bhusan wanted to be clarified. The rest of the points are merely, what steps are being taken to strengthen the police machinery, what steps are being taken to stop smuggling from different areas, and so on.

My friend Mr. Banatwala also pleaded for a case in which gifts of small arms have been sent by people and it requires enhancement of the customs duty. This point I have noted, and I will pass on this information to my colleague the Finance Minister. It can add to his revenues also. But so far as the real gift is concerned, the firearms, even a gift of small arms is also subject to certain conditions. They have to have a licence for the same. The Customs authorities are supposed to have the whole thing entered into the pass-book, they have to satisfy themselves of a proper licence being issued, and then only they can pass on the same to the person to whom it has been gifted.

15.06 hrs.

[MR. DEPUTY SPEAKER *in the Chair.*]

I think it will be unfair to say that the police machinery has failed. There are certain points on which information cannot be divulged in the House. I do not propose to hold the view that either in Punjab or in Delhi the intelligence machinery has failed. Everybody has done his job very well. But in spite of that there were certain things which did take place and everybody considers that there has been a total failure on the part of the intelligence machinery. Unfortunately when I plead somebody else's case I cannot mention as to what the intelligence machinery's role was. Merely because I am not mentioning anything, it does not really mean that the machinery failed.

SHRI G. M. BANATWALA : Are you really, totally satisfied ?

SHRI S. B. CHAVAN : I am. But I can say that there is some scope for improvement in the field of administration. But within the situation they have been functioning well.

SHRI S. JAIPAL REDDY : You are very accommodating.

SHRI S. B. CHAVAN : Within the parameters in which they are functioning I do not think that there can be any scope for saying that they have totally failed.

These were the points which were made. I do not propose to refer to the other points which the hon. Members have referred because this does not preclude taking action for tightening the machinery to make it more efficient, in enforcing the provision of the Act in such a way that it acts as a kind of a deterrent, but it is only a limited piece of legislation. The intention is to have some kind of a deterrent effect on those who possess or pass on illegally arms to terrorists or those anti-social elements who try to indulge in unsocial activities. That is all I would say. With these words I would commend this Bill for the consideration of the House.

SHRI D. B. PATIL (Koloba) : The hon. Minister while initiating the Bill has confined himself to Punjab and the Union Territory of Chandigarh and terrorists there. But the fact remains that a few days back, communal riots took place on a large scale in other places and also in Gujarat on the question of reservation when the agitation was going on. It would be overlooking those areas if Punjab and Delhi only are covered by the provisions of this Act. The provisions of this Act should also be applicable all over the country.

SHRI S. B. CHAVAN : I think if the hon. Member were to go through the contents of the Bill he will be satis-

fied that all the cases of this nature are being covered to include areas which are considered as disturbed and which have been notified as such. It is not merely Punjab and Chandigarh, there are other areas also which have been declared as disturbed areas. So, the provisions of this Bill are not confined to these areas but definitely they will be applicable to those parts also.

MR. DEPUTY-SPEAKER : The question is :

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

The Motion was adopted.

MR. DEPUTY-SPEAKER : Now, we take up clauses.

The question is :

“That clauses 2 stand part of the Bill.”

The Motion was adopted.

Clause 2, was added to the Bill
Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI S. B. CHAVAN : I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The Motion was adopted.
