

रोध करता हूँ कि उनकी उचित मांगों को मानकर इस आन्दोलन को समाप्त करें, यही मानवता का तकाजा है।

12.40 hrs.

STATUTORY RESOLUTION RE: DIS-
APPROVAL OF ARMS (AMEND-
MENT) ORDINANCE—*Contd.*

And

ARMS (AMENDMENT) BILL—*Contd.*

MR. DEPUTY-SPEAKER : Now, we take up the Legislative Business; further discussion of the Statutory Resolution and the Arms (Amendment) Bill. Shri Era Mohan is to continue his speech. 2 hours were allotted for this Bill. 1 hour and 22 minutes have been exhausted. So, we have to complete it in 38 minutes and then we have to take up another Bill.

SHRI MOOL CHAND DAGA (Pali) : Please give me also a chance to speak.

MR. DEPUTY SPEAKER : You must also cooperate with us. If all members cooperate with the Chair, the time can be regulated in a better way, and more members can be accommodated.

SHRI MOOL CHAND DAGA : You give 5 to 10 minutes to each member. What happens is that one member gets half an hour or even more than that and the other does not get a chance.

MR. DEPUTY SPEAKER : There should be some self-discipline. If one member takes more time, the other member loses his chance. That consciousness should be there. Every member must think that every other member

also must speak. It is for you to have self-discipline.

SHRI A.K. ROY (Dhanbad) : We should all be given some chance to express our opinion.

MR. DEPUTY SPEAKER : If you want to speak, you give it in writing. You cannot speak on behalf of all of them. Whoever wants to speak should give his name.

Every member shall not take more than 8 to 10 minutes. Mr. Era Mohan, I am very liberal, specially to you.

SHRI A.K. ROY : How much time you will take ?

MR. DEPUTY SPEAKER : Whatever time you want me to take. Shri Era Mohan to continue.

*SHRI ERA MOHAN (Coimbatore) : Mr. Deputy Speaker, Sir, I would resume my speech by referring to what has been stated by the Hon. Minister of Home Affairs, Shri P.C. Sethi in the Statement of Objects and Reasons :

“Apart from unlicensed firearms, the involvement of licensed firearms in crime has also been on the increase. The Arms (Amendment) Bill, 1981 was therefore introduced in Parliament in 1981 to provide for greater vigilance on the issue of licences for firearms and sale and transfer of those arms with the objective of ensuring that firearms do not come into possession of anti-social elements.”

It is clear that the Home Minister has affirmed both unlicensed/fire arms and licenced firearms are contributing to the increase in the number of crimes. When this is the accepted position, I wonder at the inordinate delay in getting this Bill passed. This Bill was introduced in the Rajya Sabha on 24th August, 1981 and was passed by that House on 8th September, 1981. It has come up

*The original speech was delivered in Tamil.

[Shri Era Mohan]

for discussion here after about 2 years. When the situation is so grave, why should there this kind of delay involving this legislation? I would like to appeal to the Hon. Minister of Home Affairs that he should gear up his Department and ensure that there is no such inordinate delay in enacting Bills of this nature.

The acquisition, possession and sale of firearms without valid licence is a crime and the punishment proposed in this Bill is minimum of 6 months imprisonment with fine and maximum of 3 years imprisonment with fine. Sir, this is not deterrent punishment. It should be enhanced to minimum of six years imprisonment with fine. When there is disturbance of public peace and tranquility or imminent danger of such disturbance by anti-social and communal elements, then that is declared as disturbed area and the people in possession of firearms will have to deposit them in the Police Stations of the area. This is all right. But after the communal clashes and religious fracas subside, the firearms are returned to the licence-holders. I would like to suggest here that if the Government has conclusive proof that a licence-holder has participated in such a communal carnage, then the firearms should not be restored to him. If we do that, then he is encouraged to indulge himself in such activities after six months or so. The only way to prevent the recurrence of communal conflicts is to cancel the arms licence of such people and not to restore the firearms to them. The Hon. Minister should bear this in mind and do the needful in this matter.

Sir, the firearms like rifles and guns are hereditary property in affluent families in our country. They are passed on from generation to generation. The Government also gives hereditary licence to such people in the affluent families irrespective of the fact whether the licence-holder knows how to use the gun or not. It is common knowledge

that they do not know how to clean the guns. We read reports of accidental shooting in such affluent families while a servant cleans the guns or loads the rifles with the bullets. He does not know how to hold the gun and he does not know how to trigger it. Not only he but also his master is ignorant about these things; yet the master has the licence because he has hereditarily come into the possession of the gun. To hold a gun licence is a matter of prestige among the higher-ups in our society. Sir, I would like to suggest that the Government should conduct a test in the case of such applicants for the licence and ensure that he knows to use the rifle or the gun.

I am happy that the age of applicants for gun licence has been raised from 16 years to 21 years. I welcome this because the age of 16 is an impetuous age given to fits of anger and depression. We cannot allow the boy to have a gun in his hand at this age. I am happy that it has been raised to 21 years.

Sir, we hear reports of the manufacture of unauthorised arms are being manufactured illicitly. The Government have found out the use of country arms which have been used in communal conflagrations. In many places of our country, there is sudden eruption of communal conflicts, religious rows and fisticuffs on account of glaring economic imbalance. There unauthorised firearms are used and the innocents are shot dead. The Hon. Minister should ponder over this problem and take adequate legislative support to put an end to this anti-national activity.

Sir, you must have also read about the looting of armouries belonging to the Government of India in northern States. These armouries may belong to the Police, Military, B.S.F. or C.R.P. Naturally the Stolen firearms will be used by the anti-social elements. I would like the Hon. Minister to devise ways and means for protecting these

armouries which ensure nation's securities.

Sir, another alarming feature which I want to bring to your attention is that the religious protoganists, who are expected to instill the sense of morality in the minds of our people, are roaming about different parts of northern States of our country with modern and sophisticated firearms like Sten gun, Bren gun, LMC fitted with telescopic equipment. Such modern weapons are not available even to our Military and Police. I do not know how they get them. I also wish to know whether they have valid licence or not. In some place such people move with machine-guns also. In the name of religion, they are being tolerated. Yet it cannot be denied that they pose danger to public security in our country. You will not find this in Southern States and particularly in Tamil Nadu the dedicated efforts of Thanthai Periyar, the inimitable social reformer, there has been social resurgence and the shackles of religion have been torn as under. Only in northern States, you will find the seers of religion moving about with most modern firearms hanging around their shoulders. I demand that the Government should take strict preventive steps in this matter and protect the society from the self-styled religious protoganists.

Sir, you will find from the statistics being furnished by the Government that there is occurrence of communal conflict or religious riot at monotonous intervals in well identified places. The Government have full information about these susceptible areas vulnerable to violence. I do not have time to quote chapter and verse from the statistics supplied by the Government. There should be a definite provision in this Bill that in such areas the arms licence should not be issued to anyone, irrespective of the social strata to which the applicant belongs.

In conclusion, I would refer to the

fact that this Bill will prove a damper to sportsmen and sportswomen. The provision that none can have more than three firearms will prove to be a hurdle for their excellence in sports. Previously the guns were used for hunting. Now hunting is prohibited in many places. The guns are now a potential weapon for international sports competitions. Rifle shooting is a recognised sport of the International Olympics Association. The sports-men require different kinds of guns for different target practices. They cannot do with three guns only. Hence I suggest that the sportsmen and sportswomen should be exempted from this restriction of possessing only three guns. The nation cannot afford to neglect the interests of sportsmen and sportswomen who participate in international games of rifle shooting etc.

Mr. DEPUTY SPEAKER : Mr. Mohan, others are trying to obstruct you. They are discussing about it. Please conclude.

SHRI ERA MOHAN : The sportsmen and sportswomen should be exempted from this rigid rule of three arms only. I welcome this Bill which ensures national security and I commend the legislative effort of our Hon. Minister. With these words I conclude my speech.

SHRI JAIDEEP SINGH (Godhra) : Mr. Deputy-Speaker, Sir, since a lot has already been said about the Arms Amendment Bill that has been introduced, I would not like to be repetitive and take the time of the House. But, I would like to mention a few very salient points which, I think, are worth considering by the Government.

The Bill that has been brought in, I am sure, has a very laudable intention. I do not doubt that. But the point is that the Bill as it has been presented now, I do not think, is going to serve the purposes for which it is meant because, as some of the Members earlier on said, the incidence of crime and ter-

[Shri Jaideep Singh]

rorism and things of that sort are more so because of unlicensed arms in this country. According to me, there is a very large cache of unlicensed arms revolving all round. I do not see very sincere efforts being made on the part of the Government to recover these arms and punish the miscreants. On the contrary, by bringing forward this Bill, for example, it is sought to regulate and curb those people who keep arms officially and with the knowledge of the Government. There is a contention that only three weapons would be allowed per person. I do not know how you have arrived at that figure. I have been given to understand that this is on the basis of a report or the suggestions of the Expert Committee. If they were experts, I am sure, they would not have arrived at the figure of three because there are all kinds of people who own arms. There are owners of one gun which is very widespread all over the country by the people who have been given the licence to protect their crops. These people need only one gun or, at the most, two guns. But, there are other kinds of people who keep arms for the sake of sports. They are, perhaps, indulging in shooting game or in target shooting competition which are well known in the world. Now for this kind of people, you want to regulate that they need have only two or three arms, is unrealistic because, just as a Tennis Player or any other Player who has to use some implements, he has to keep many spares with him always. In the target shooting, for example, if he is doing skeet or clay-pigeon shooting, he has to shoot more than three hundred or four hundred shots in a day. The gun becomes hot in competition. It is likely that he may have to put aside the gun which has become hot. He cannot use that gun. So, he at least has to have a minimum of two guns if he is doing target shooting. How can all this fit in? If this number is to be regulated to three and if the Government does not want to make the nece-

ssary changes in the Bill that they have brought in, then, definitely, they will have to have some provision for having a body or a Committee of Officials appointed to gauge where in special cases, more guns may be given to the people. But, then it will become discriminatory because in some places they will give it and in some other place they will not give. It will not be uniform.

We should aim of a uniform policy. That is why I have a suggestion that a minimum of six guns should be given to those who are in the category of sportsmen or to those people who use the guns for such purposes. Even in shooting competition, there are various kinds of competition for which various guns are required. The same gun is not used for everything. So, this is a suggestion and, I hope, the Minister will take it into account.

At some juncture the Minister intervened to say that there was no ceiling on keeping the weapons at the moment. I do not know how far that is true because, I am quite aware of the fact that in Gujarat, for example, people are not allowed to keep more than three or four guns anyway even to-day. (*Interruptions*) In that case you should have verified what the situation is in all the places because, there are places where there are more guns allowed and they are places where less guns are allowed. Unless you gather all the information from all the States, how can a uniform policy be formed by the Government of India?

Mr. DEPUTY-SPEAKER : I hope you will be concluding in one or two minutes.

SHRI JAIDEEP SINGH : I shall. If you will give me two or three more minutes, I shall conclude.

Mr. DEPUTY-SPEAKER : You will take two to three more minutes.

SHRI JAIDEEP SINGH : If it is the contention that even the licensed arms holders are committing different kinds of crimes, then, I do not know how just giving them three weapons is going to solve this problem. Even if he has one weapon, he is going to commit the crime, only one is needed at a time.

The question of having the number of three is something which, I have not been able to follow. I think it is unrealistic. Anyway, my point is this. When a licence is given, that is the time when the authorities must scrutinise very stringently to find out from the person who has applied for the licence as to what purpose he wants it. My contention is that a lot of crime is committed with the unlicensed weapons. People are given guns which are normally not given to the civilians. For example, in the olden days, .303 standard weapon was allowed to the military. It was never given to a civilian on licence. What we have done now is freely licence is issued for 30 carbides. This is an automatic weapon. This is only meant for military use. I do not know how it has come to be so widely used. Even those who want it for crop protection, this 30 carbide gun does not serve that purpose. For this you do not even need an automatic weapon which is used for crops protection. So, I think there has been some lacunae. The regulations of giving a licence for the crop protection should be scrutinised. The 30 carbide guns should not be given. On the contrary, I would like to suggest that if you want to be very stringent, you should withdraw all the licences for the thirty-carbide. That should be taken away. That is the sphere where the problems take place. Arms are stolen from the Ordinance Factories. Or they are stolen from the army dumps else. A lot of unlicensed weapons and ammunitions are circulating in this country. The last point that I would like to make is this. I feel that a proper consideration has not been given to the fact that when you talk of arms, you talk of all arms.

There are arms which are of antique value which are not used. There are arms which are obsolete. The cartridges of these arms and that particular bore of the gun are not manufactured any more. All the world wideover these guns are not produced; the cartridge is not produced. So, it is likely that people may have a gun which is not in use. So, my suggestion is this. If somebody asks for a licence, even these guns are added on to the licence. So, even if the man is keeping these guns which are not in use, you take them away. Why not have a system of special permit for retaining the antique arms or the arms which are obsolete so that these arms do not come under the normal licence. It is said that whenever you want to keep an antique arm, you must spike it. That is criminal because when an antique piece, if spike the value of the antique goes away. Therefore, some system must be found which differentiates between antique arms and obsolete arms against the normal arms which are used and the ammunition of which is being produced.

These are the main points the Government should consider and some steps must be taken if you at all want to bring about a control on the law and order situation. You should punish very stringently, very strongly those who own unlicensed arms in the country. Even when it is detected nothing is done. I wonder whether steps have been taken in this direction. But many a times evidently the people are holding arms which they cannot have a licence, and yet the authorities do nothing. When Bhinderanwale was here, his bodyguards were holding even sten-guns in their hands. Even visually, if the authorities see the sten-gun in anybody's hands, they would know it cannot be licensed. So, I ask, was any effort made even at that moment and even today to take these arms away? That is what is required and I hope the Government will give consideration to that.

SHRI P. K. KODIYAN (Adoor) : Mr. Deputy-Speaker, Sir, I also agree that there is need for tightening the machinery for issue of licenses for fire arms. As has been stated in the Statement of objects and Reasons of the Bill, there has been an increase in the use of fire arms in committing crimes and there is a controversy whether the licensed fire arms are being increasingly used for the commitment of crimes or unlicensed arms are being used for the purpose.

Mr. DEPUTY-SPEAKER : Mr. Kodiyan, you can continue after lunch.

13.08 hrs.

The Lok Sabha then adjourned for lunch till Ten Minutes past Fourteen of the Clock.

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

[MR. DEPUTY SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE :
DISAPPROVAL OF ARMS (AMEND-
MENT) ORDINANCE—*Contd.*
and
ARMS (AMENDMENT) BILL—*Contd.*

MR. DEPUTY SPEAKER : Shri P.K. Kodiyan.

SHRI P.K. KODIYAN (Adoor) : Mr. Deputy Speaker, I was referring to the controversy regarding the use of licensed firearms in the commitment of crimes. Whether the firearms used are licensed or un-licensed is immaterial, so far as the victims are concerned. We donot go into that controversy. Since there has been a general increase in the incidence of crimes in the country in recent years, since there has been a deterioration in the law and order situation in certain parts of the country in recent years, I have no doubt that the

use of licensed arms also would have gone up in the commitment of crimes.

The 1959 Act was very lenient in regard to the licensing of firearms; and this lenient Act was implemented in a more lenient manner with the result that today, according to Government's own claim, more licensed arms have gone into the hands of anti-social elements. Therefore, my first point is that this leniency should be given up. The government should tighten the licensing machinery and every application for licensed firearms should be carefully scrutinised. The Bill provides that the licensing authority should call for a report from the officer of the concerned police station. It should also be provided that if the officer does not give the report within the prescribed time, the licensing authority can take a decision on the application. I should say that the police officer concerned should not sit on the report but it must be obligatory on his part to submit the report to the licensing authority within the prescribed time. If he fails to do so, action should be taken against him. Some such provision should be made in this Bill.

There is also a controversy in regard to the restriction of the number of firearms to three. Some Hon. Members have opposed that and they want that the number of firearms to be licensed should be increased. In my opinion, even the restriction to three is on a liberal side. The firearms should be restricted to one for one person. Suppose, every one in the family applies for a licence and they are issued three firearms each, how many firearms will be there in the family? Of course, in exceptional cases, where the persons have to protect their crops from animals, more firearms should be given. But these are exceptions only. Therefore, the restriction on firearms should be reduced further.

In our country, today the unlicensed firearms and their illegal manufacture