

**DEMAND No. 132—CAPITAL OUTLAY OF
THE MINISTRY OF PRODUCTION**

"That a sum not exceeding Rs. 13,29,23,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Capital Outlay of the Ministry of Production'."

ADVANCED AGE MARRIAGE RESTRAINT BILL

Shri D. C. Sharma (Hoshiarpur): I beg to move for leave to introduce a Bill to restrict the advanced age marriages

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to restrict the advanced age marriages."

The motion was adopted.

Shri D. C. Sharma: I introduce the Bill.

PREVENTION OF FREE, FORCED OR COMPULSORY LABOUR BILL

Shri D. C. Sharma (Hoshiarpur): I beg to move for leave to introduce a Bill to provide punishment for free, forced or compulsory labour.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide punishment for free, forced or compulsory labour."

The motion was adopted.

Shri D. C. Sharma: I introduce the Bill.

**INDIAN ARMS (AMENDMENT)
BILL**

Mr. Chairman: The House will now proceed with the further consideration of the following motion moved by Shri U. C. Patnaik on the 26th March, 1954:

"That the Bill further to amend the Indian Arms Act, 1878, be

taken into consideration."

Shri U. C. Patnaik (Ghumsur): I was saying last time that the Indian Arms Act of 1860 and the later one of 1878 were calculated to disarm the civilian population of India and make another rebellion or mutiny impossible to kill the fighting spirit in this country. These Acts were very much resented in this country and were called 'black Acts' intended to hold India perpetually in bondage. In September 1918, the question came up before the Indian Legislative Council. The late hon. Surendranath Banerjee and hon. V. J. Patel put questions in the Council relating to the Indian Arms Act, the need of amending it, and so on. In the same month, the late hon. G. S. Khaparde introduced a non-official resolution on the subject. His resolution was "That this Council recommends to the Governor-General-in-Council that the Indian Arms Act be modified so as to bring it into line with the British legislation on the subject." Mr. Khaparde, in a well-argued speech, marshalled all the facts, and put up before the House the arms laws as they stood in England, how it was not merely the right but the duty of the citizens there to bear arms, how people were entitled to have weapons for protection of their crops and how there was no restriction on their possession in their houses. He also pointed out that the Indian Arms Act was the most reactionary measure introduced by the foreign government and he wanted that it should be brought into line with the arms legislation of other countries. He was supported by Sir Surendranath Banerjee and others. The then Government, however, did not support it and came up with another amending Bill in 1919, which did not go very far and on the other hand, was a fairly retrograde measure. In 1924, rules were formulated under the Indian Arms Act. I will just read a few of the exemptions under those rules, because under section 27 of the Act, Government can grant exemp-

tions to various persons. I refer to those rules because, it may be contended that instead of the Bill in the present form it would have been very well left to Government to grant exemptions to certain categories. I will, therefore, draw the attention of the hon. House to the exemptions that were being enjoyed under those rules. The exemptions related to a very large class of persons and one of the categories mentioned was "Members of the Indian Legislature during their tenure of office and for six months thereafter". Later on, another was added "President, Deputy President, Speakers and Deputy-Speakers of provincial legislatures during their tenure of office and for six months thereafter". There were also other provisions relating to different classes of officers, public men and leaders. These were under the Arms Rules of 1924 during the British regime. Some time later, after we attained freedom in 1947, the Government of India started a file—its number is 15(108) of 1947—and called for the views of the Provincial Governments about the withdrawal or retention of the exemptions allowed in Schedule I of the Indian Arms Rules of 1924 for the possession of arms and ammunition for personal use. After opinions were called for, on the 28th April 1950, about four years ago, Government of India reviewed the position and in the light of replies received, and came to the conclusion that the existence of exemptions on the then existing scale was an anachronism. They accordingly decided to curtail the number of exemptions to the minimum extent possible. "Accordingly, the table sub-joined has been revised and has been replaced with effect from the 1st August 1950." The new list granting exemptions applied only to the President of India, the Governors and Rajpramukhs of States, Chief Commissioners of Part C States, Rulers of Indian States having salute of guns, and so on and so forth, and similar exemptions in favour of rulers of Indian States not having salute of guns, members of their families, A.D.Cs., personal body-guards. This

particular order was not published in toto in the Gazette. Only the notification portion was published, and the letter, which went specifically into the case of withdrawal of exemptions, was ordered to be circulated only to the licensing authorities, and it was not circulated even to the gentlemen who were enjoying the exemptions of the licences, with the result that even today, some of the members of the old Constituent Assembly and others who were enjoying those licences, still possess them not knowing that the notification has curtailed that power.

Sardar A. S. Saigal (Bilaspur): They may be prosecuted.

Shri U. C. Patnaik: Possibly.

Shri S. S. More (Sholapur): They will be cursing you.

Shri U. C. Patnaik: I may point out that the notification does not say that people who were enjoying this right have been deprived of it by virtue of this notification. They were not communicated the orders of Government on the subject, nor have they been told by the licensing authorities that their licences have been withdrawn, by virtue of the bare notification which simply goes on to say that Rajpramukhs, Governors and others are granted exemption. I do concede that ignorance of law is no excuse, but the way in which the amendment of this rule has been notified without explaining the necessary implications about the withdrawal of exemptions in the case of certain people has operated as a hardship and has also probably made so many of our hon. friends liable under the amended rules. It has not in any way improved matters; on the other hand it has created a very peculiar situation.

Shri S. S. More: Do not speak like a prosecutor.

Shri U. C. Patnaik: This is the new rule under section 27 framed in 1950 which restricts the right only to certain persons.

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Sir, I would not like to go into other details in the rules originally framed in 1924 and subsequently modified in 1950. They were issued in 1951 as consolidated rules. This is the position so far as the Arms Act is concerned. The old Act is continuing in force, although as early as 1918, the hon. Mr. Khaparde, the hon. Mr. Surendra Nath Banerjee and the hon. Mr. Patel all demanded a reorientation of the Act. In fact the whole of India has been demanding a relaxation of the reactionary provisions of the Arms Act. But in spite of it, it has not been changed. It continues on the Statute Book as before, with only this change that in 1950 certain classes, including Members of Central and State Legislatures who enjoyed exemption for having arms were deprived of that privilege. That is the present state of affairs.

In the meantime, Sir, I feel that a change has taken place in the approach of our Government. We have heard on the 5th of last month from the hon. the Home Minister, Government's approach relating to rifle clubs and similar organisations. We have indeed had a very encouraging reply from the Government which accepted the non-official Resolution, as amended by my hon. friend from West Bengal, President of a Rifle Club himself. While doing so the hon. the Home Minister has stated the case for Rifle Clubs so well that I could not improve upon it. He said:

"I think there can be no doubt whatsoever that the spirit underlying the resolution is a fine spirit and the object that the movers have in view is a proper object.

* * * As a matter of fact, the Government of India have been fully alive to the usefulness of rifle training. Something was said about the policy of non-violence. It has got really nothing to do with this, and I do not think that if Mahatmaji had been alive today and had been here, to assist us, he would have taken any objection to the policy

which we are pursuing. I think it is desirable that every young man should know how to handle a rifle. I also agree that these rifle clubs have served a very useful purpose.

Something was said about discipline. I think it is a well-recognised fact that these rifle clubs do inculcate a sense of discipline in our youth. We have had disturbances of various kinds in various cities, including the city of Calcutta, and let us say, Lucknow, with which I am familiar. But I am pretty confident that if a census were taken, you would have found that very few, if at all any, members of a rifle club had taken part in these disturbances. Only the mob has to do with it. But the moment you go there and have a National Cadet Corps or a rifle club, the very fact that a young man is able to handle a rifle makes him a little bit of an expert in self-restraint and self-control, so that he does not indulge in all these irregular practices which we sometimes read in newspapers."

I am sure I could not put it much better than the Home Minister has done—the discipline that rifle training gives, the training that it gives to the mind, the hand and the eye, in marksmanship, the approach to life that it gives to people and in fact the sobriety and temperance that knowledge of handling such fire-arms brings to our youngmen. I am sure there will now be a change in the approach and the old antiquated post-Mutiny British Arms Act will be scrapped and that a new liberal Arms Act will take its place commensurate with the aspirations of free India, which would satisfy the demands of our youth, to satisfy the requirements of our country in respects.

Before I come to the changes that I have proposed as a first step towards liberalisation, I would like to

draw the attention of the House to the arms laws of various countries. In fact, there are many countries in which there are no restrictions on the possession and training in arms, because it is presumed that every citizen ought to know how to bear arms, not only to defend himself and his property, but also to stand up in the defence of his country, if and when the necessity arises. But apart from those countries, even in countries whose model we have been following, for instance, the United Kingdom and allied countries, the arms laws are much more liberal than ours. Of course, during recent years some restrictions have been imposed even in the United Kingdom, Canada, America and other countries. But even those restrictions are nothing when compared with the reactionary provisions of our Post-Mutiny Arms Act which we are still continuing. The reasons for the slight restrictions that have come in after 1937 in U.K. and elsewhere are due to the fact that fifth columns became recognised weapons of warfare, that more and more dangerous automatic weapons came to be evolved, e.g., weapons which, once you pull the trigger go on firing till the entire number of rounds are exhausted. In view of these new factors, some restrictions have been introduced and the people have been asked to register certain types of fire-arms and obtain special permits for others. But even they are nothing when compared with our restrictions. I would like to draw the attention of this House to the arms laws of other countries and point out how our laws require immediate examination and if necessary drastic modifications. I would refer briefly to Volume 15 Halsbury....

Mr. Chairman: I do not want to interrupt the speech of the hon. Member. I may just remind him that he has already taken half an hour and there are many other hon. Members who are anxious to speak on this very important matter.

Shri S. S. More: He is supplying information to other hon. Members.

Shri U. C. Patnaik: With your permission, I shall finish within the half an hour or in two or three minutes more. I think I may be of help to some other hon. Members who may like to refer to the same point, and who would be able to throw much better light on this subject.

In Volume 15, under the head Gun Licences, it is said:

"the occupier of any land using or carrying a gun for the purpose only of scaring birds or of killing vermin on such lands, or, any persons using or carrying a gun for such a purpose by the order of such occupier....."

is an exception to the Act. Another provision says:

"The offence of using or carrying a gun elsewhere than in a dwelling house or of the curtilage thereof without a licence is punishable."

But this 'curtilage of dwelling houses' means garden and other appurtenances of the house. If he uses the gun in his house or curtilage thereof he does not come under the Gun Licence Act. Under the later Act of 1937, in the U.K., just before the Second World War, when they wanted to put in some restrictions, they wanted certain weapons to be registered. A smooth-bore gun having a barrel not less than 20 inches in length is not one that has got to be registered even under this later Act. What they call "prohibited weapon" is not our small .38 bore revolver, but it is a much bigger thing:

"any fire-arm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or any weapon of whatever description designed or adapted for the discharge of any noxious liquid,

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gas, or other thing;.....etc.”

These dangerous types are treated as prohibited weapons there. Similarly, possession of fire-arms with intention to injure another person is an offence, the use of fire-arms to resist arrest is an offence. Possession of fire-arms while committing certain offences would also entail extra punishment. I submit that the United Kingdom on which the Indian administrators were basing their schemes of law and other things, has not been so reactionary. Even in anticipation of the Second World War, in view of the more dangerous weapons that had come into the field, when the U.K. wanted to restrict the use of weapons, that change was not so reactionary as the law in our country. Similarly in the U.S. Code also,—I refer to Title 26, sections 2361 and 2733—the term fire-arm means:

“.....a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon.....etc.”

Weapons with barrels more than 18 or 20 inches in those countries are given exemption under the arms laws there. Similarly, in Canada it is the same case. I would refer to the Explosives Act, Chapter VII of the Statutes of Canada of 1946. Certain types of fire-arms in possession are to be registered; for instance, revolvers and pistols which are automatic or semi-automatic or auto-loading, all kinds of machine and sub-machine guns and fully automatic revolvers and so on are included in this category. Shot-guns, revolvers, etc., which are normally used for sporting purposes are exempt from registration even there. Therefore, in every country, the arms laws as they stand today, in spite of the dangers of the more perfected weapons that are being evolved are not so rigid when compared with our laws, which are the heritage of foreign rule in post-mutiny days. In India, there is no doubt that a change is necessary.

From what the hon. Home Minister told the House on the 5th March, from what the hon. Minister for Defence Organisation told the House on the 27th March relating to the supply of .22 bore rifles to various places for training purposes, I hope that a change in approach has come. I can say that .22 bore rifles are nowhere treated as weapons requiring a licence or registration, because it is a very small bore rifle for training purposes. Training and discipline are very important as the hon. Home Minister has said. We all feel that this training will give our young folk proper self-control as the hon. Home Minister has said at various places.

It is true that in this age of atomic and hydrogen bomb warfare, it is no good talking in terms of small arms, revolvers, breach-loading guns and the like. On the other hand, mass training in rifles, and breach-loading guns and other small arms will give the people a sort of self-confidence in themselves and will give the country a proper defence also in times of need. There is another thing also which we have to remember. Some of these weapons are getting outmoded. Perhaps our ordnance depots will be getting a huge amount of money if they could sell a number of these things which after three or four years will become obsolete as weapons of warfare. Therefore, I would plead that a change in our approach is necessary. I would also point out that, in this country, whatever offences we read in connection with rifles and revolvers or unregistered or unlicensed weapons, shows that those people who want to commit crimes are getting somehow or other unlicensed weapons. We have not come across many cases where licensed weapons have been used in a crime. People who want to commit crimes are getting a free supply of unlicensed weapons whereas law-abiding persons who want to defend themselves, who, in times of need, will be the country's greatest strength, do not get weapons for their legitimate use.

This brings me to the amendments that I have suggested. I do not claim that my amendments are of a perfect nature. This is the law that has been obtaining for hundreds of years; it has got to be revised and reconsidered in the light of so many things, and from various points of view. I do not claim perfection for the amendments that I have put forward.

One amendment is absolutely necessary, and that is, whatever changes you make under the rules, Government have in addition to offer modes of publication, to place them on the Table of both the Houses of Parliament to give greater publicity, because it is a very rigorous law and therefore any change in this law or the rules thereunder have to be given the widest publicity and have to be placed on the Table of both the Houses of Parliament.

The other change that I want is no doubt a first step, and I hope Government will not disagree with it. It is a revival of a privilege under the 1924 Rules. There were certain exemptions under section 27 for Members of Parliament and for other people. These are categories who ought to be given some exemption, and we have found that Government has withdrawn this exemption. Of course, my clause relating to these exemptions could come under two heads. One is to remove certain categories altogether from the purview of the Act by providing for registration, that is to avoid their going to the Head Constable or the Station House Officer and then going to the Sub-divisional Magistrate and others. Secondly, I want that those weapons with those people should be registered. It is a very small thing, because till recently these categories were enjoying that privilege under section 27. But that privilege has been withdrawn by an executive order of Government. The people who were holding arms and licences under the old rules have not yet been intimated that they have got to deposit their weapons in the Police Station. Government have not yet thought fit to

introduce some changes or to liberalise section 27 by extending it to certain persons who were already there—for instance Members of the two Houses of Parliament, of the State Legislatures, all Gazetted officers of Government, all officers of the Auxiliary forces and Cadet forces. These are some of the classes for whom I want exemption. Under section 1 itself I want that after subsection (b) there should be subsection (c) removing these persons from the purview of the Act itself. And I suggest a safeguard of having registration by a special provision.

I had to choose between two things. On the one hand was the question whether the Government which has withdrawn these privileges under section 27 should continue to have the discretion to keep or withdraw the exemption under section 27 as they like, or whether it should be a statutory provision for removing these classes altogether from the purview of the Arms Act, by making a separate provision for registering the weapons with them.

This registration of weapons has also become a common matter—particularly weapons less than 20" length of barrel or weapons above .22 are being registered in several countries, and I have no objection for registration.

Then, every Member in this House represents about seven lakhs of people. He is the elected representative of the people, and what is the harm if he is allowed a weapon which is registered in his name. People are having thousands and lakhs of unregistered weapons in different parts of the country with which offences are being committed and which you are finding it very difficult to counteract. Why not have some sort of hold over them by registering weapons and giving weapons to the popular representatives. If you have appointed a man, and think he is trustworthy enough to be a gazetted officer of Government either at the Centre or in the States, why not he have a free licence? Why should he run after a

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Magistrate or the Assistant Sub-Inspector for getting a licence? Why should he be called upon to produce his rifle or weapon whenever the Head Constable or the Assistant Sub-Inspector or the Sub-divisional Magistrate calls upon him to produce the weapon? Similarly, all officers of the Territorial Army, the Home Guards and other organisations should be given the same privilege.

I have also asked that members of the rifle associations, recognised by the Government, should be given the same privilege, and for that I need not go further than repeat what the hon. Home Minister has already stated. And apart from that, rifle associations in every country are having some amount of concession in the matter of weapons particularly required for their rifle training, and I think they should be given the same privilege in our country. And you will please remember wherever there are restrictions on not giving arms licences or registration in favour of persons who have been convicted of certain offences of violence or whose antecedents are not desirable, rifle associations are also having the same restrictions, and therefore there is no difficulty.

This is the first step I submit so that in future Government may extend this privilege, so that the whole country is trained in small arms, and people are permitted to purchase small arms from our ammunition depots which would add a few crores of rupees to our revenue. Every patriotic citizen should have the confidence that he can stand in the country's need, because this kind of weapon has to be considered not merely from the individual's point of view, from the point of view of the law-abiding citizens trying to protect his person and properties but also from the point of view of national reorganisation so that every Indian has not only the right but the training, the capacity and the weapon with which he will have some sort of con-

fidence in case there is any aerial attack, in case there is chaos. If the Home Minister wants he can have any restrictions there, but I am anxious that there should be relaxation of the provisions of this outmoded Act, so that the country has the benefit of arms, so that we feel we are in an independent India, not still in British India or in a country which is worse than that. Let us feel we are in an independent India, we are citizens of a free country. Let Government feel that it can rely upon its citizens for necessary defence in times of need and for proper security measures at all times.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Arms Act, 1878, be taken into consideration."

There are several amendments to this, one in the name of Mr. Vallatharas for the purpose of eliciting opinion thereon, and others in the name of Sardar A. S. Saigal, Shri Bhagwat Jha Azad and Shri Keshavalingar for reference to Select Committee. I call upon Mr. Vallatharas to move his Amendment.

Shri Vallatharas (Pudukkottai): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 10th July, 1954."

Mr. Chairman: As there is a very large number of speakers...

Shri Vallatharas: Whatever time you are pleased to give, I will abide by it.

Mr. Chairman: Order, order. As there is a very large number of speakers, I will request the hon. Members who are given a chance to speak to kindly finish their speeches within ten minutes so that a large number may be able to participate.

Shri D. C. Sharma (Hoshiarpur): May I know how much time has been

allotted for the discussion of this Bill?

Mr. Chairman: So far as I know, no time has been allotted. At the same time, we should finish it today. After all, the measure is very important, and we should see that we do some practical work here, whatever may be the result of the motion. We must come to some decision. So I propose to take the vote of the House today.

Shri Venkataraman (Tanjore): I rise on a point of order. On Bills it has not been the practice to fix the time-limit on speeches. We can understand that in respect of general discussions of the Budget, Demands and all that, but generally in a matter of discussion of Bills it has not been the practice of this House to fix the time-limit except by the unanimous consent of the House. Therefore, if you put the matter to the vote of the House saying that the speeches would be for only ten minutes each, we will have an opportunity of expressing ourselves on this point.

Mr. Chairman: So far as the question of practice is concerned, the hon. Member is perfectly right, and it is therefore that I did not fix the time-limit. I only took the sense of the Members of the House, and I requested the Members to finish their speeches within ten minutes. I did not fix the time-limit at all.

Shri S. S. More: It was a request from the Chair.

Mr. Chairman: Of course, and it is in concurrence with the wishes of the House. I think this has the general concurrence of the House.

Dr. N. B. Khare (Gwalior): I do not agree, and I have got the right to disagree over the matter.

Mr. Chairman: Certainly. The hon. Member may not agree.

Shri Vallatharas: In view of the importance of the matter and the serious consequences that will follow from the various clauses of the Bill, 75 P.S.D.

it will be an injustice to restrict by limiting the time to one or one and a half hours. I would seriously submit that the time must be extended by at least two hours more, in view of the fact that there are so many Members who want to speak, and all of them should be given an opportunity, and moreover, this is a question concerning the internal and external defence of this country.

Mr. Chairman: So far as the question of time is concerned, I have already submitted to the House that no time-limit has so far been fixed. We also know at the same time that the Committee has reported that usually not more than four hours should be devoted to any bill. Considering this fact, I think we would be well advised in finishing the discussion on this Bill today. We have already devoted some time to it, and today also, we are giving it full time. I think we should finish it today by 7-30 p.m.

Shri S. S. More: On a point of order.....

Mr. Chairman: There is no point of order involved here.

Shri S. S. More: Please give me one minute.

Mr. Chairman: Order, order. When I am standing, hon. Members should resume their seats.

There is no question of time-limit in the usual sense. If the House wants to prolong the debate, I have got no objection, but I thought that the House will be well advised, as I submitted earlier, to finish this by today. But if the House wants that the debate should continue, I shall certainly agree.

Shri S. S. More: If you are quoting the authority of the Committee's recommendation that four hours only should be devoted to any bill, then it will automatically modify our own rules.

Mr. Chairman: No authority has been quoted. I only said that that was the suggestion made. Otherwise,

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if the authority were there, and it was agreed to, I would myself have fixed the limit, and said that it will be finished by today. But I am leaving it to the House.

Shri U. C. Patnaik: May I make one submission? The average time-limit suggested by the Committee is four hours. The other day, we had only about ten or twelve minutes. So, I would submit that the debate on this Bill may even be allowed to go on beyond today, provided the debate is lively and hon. Members are taking sufficient interest in it. (*Interruptions*).

Shri S. S. Mera: Why this proviso? We have every right to speak.

Mr. Chairman: I am entirely in the hands of the House. But I should think that when the matter is so important, and it has been so ably moved, it does not require very much time to come to a decision. If hon. Members so desire, we can extend the time to fifteen minutes for each hon. Member, or even more, if the House so wants. But then very many Members will not be able to participate in the debate. So, it is in the interests of the Members themselves to see that some time-limit is fixed. If they do not want a limit, I am not here to limit it, because it relates to the general right of the Members to speak on Bills.

The Minister of Home Affairs and States (Dr. Katju): There is another possibility. Hon. Members may not like to discuss the Bills which are coming up after this, and therefore they may like to take more time on this Bill.

Shri D. C. Sharma: May I submit that last time, you gave only fifteen minutes to this Bill? Today, you were kind enough to give two and a half hours to this Bill. This makes a total of only two hours and forty-five minutes. So, I think, on the next day, one hour and fifteen minutes may be given to this Bill so that the total comes to four hours.

Mr. Chairman: The usual time-limit as suggested by the Committee is four hours. But supposing one of these motions, either the first motion or the second motion, is passed today, so far as the discussion on the clauses of the Bill is concerned, that will not take place today. I do not know what will be the decision of the House. I would, therefore, submit that at least this motion must be voted upon today.

Shri Nambiar (Mayuram): I would submit that at least five minutes may be allotted for the next Bill to be introduced.

Mr. Chairman: The hon. Member wants this Bill to be held up?

Shri Nambiar: After passing that motion, we can go on to the next Bill.

Mr. Chairman: How is it possible? The hon. Member has been in the House for a fairly long time?

Shri Nambiar: If the motion for circulation is adopted, then we shall have to wait for the opinions to be received.

Mr. Chairman: That means the hon. Member wants that this Bill must be finished within a much shorter time than the other hon. Members want. I cannot be a party to it.

Dr. Katju: The question is that if Shri Nambiar is going to speak, he cannot speak for less than an hour.

Shri Vallatharas: The Indian Arms Act is a lamentable relic of the British regime, which has discredited and defaced the honour and national valour of our country. It is a more heinous Act than the Press Act, or the Preventive Detention Act or any other Act on the statute-book. For over seventy-five years, this Act has been allowed to stand on the statute-book, without any popular support and without any national utility.

For the purposes of the present discussion, I will confine myself to

the policy. If it is a simple question of giving an exemption for the Members of the State Legislatures and the Parliament, I would not have troubled myself very much over this matter. Ordinarily, we belong to a very high standard of character and status, whatever might be our own limitations. We are representatives of the people, and we are sitting here as sovereign people. If we are denied the fundamental privilege of an ordinary citizen to possess arms in the right of our private or national defence, then there is no meaning in our sitting in this House and legislating for this country, and there is no meaning or purpose in passing this measure. If, for any purpose, this present Government thinks that we are not to enjoy that right, I cannot describe the imbecility and the impropriety of the status of that Government itself. So, this is a matter that comes to us automatically, and is within our hands.

The more important point I am concerned with here is this. I am not a greater expert than Shri U. C. Patnaik, for whose knowledge of defence and warfare, I have got very great respect. But one thing I can say, that the amending Bill does not touch the policy at all. He talked much about policy, but no policy is touched by this Bill. He only urges that being a Member of Parliament or a State Legislature or of any recognised association should be a qualification for exempting a person from the operation of this Act. Section 27 may operate, or it may be added on as a sub-section to section 1, or it may be included under the rules of 1924 or any other rules. But that is not what I want. A Member of Parliament or a State Legislature being exempted from the operation of the Act is not the be all and end all of the national requirements of our country at this time. All the thirty-six crores of people in our country must live as heroes, as valiant fellows, fully conscious of the past traditions. We never bowed down to any man who entered this country, and we absorbed too the alien elements which tres-

passed into this country, excepting the Englishman who fled without being absorbed into this atmosphere. I want to live like a hero, I do not want to be a coward, for my forefathers and ancestors were never cowards. They said that if there was a country which had human beings without arms, that was a barbarian country. But it is only under the British regime, that the arms were given only to some chosen classes of persons, the reason being that the British were aliens, and they wanted to rule the country by the sword. We are valiant people with a military tradition of five thousand years, prepared to meet any man from outside. So, we were always fighting against invaders, and we were always protesting against foreign rule; at the same time, we wanted to mobilise ourselves in order to purge the country of the foreign element. But now the conditions are changed from 1878 to 1954. We are now a free nation, and we have no idea of invading any other country or planting our men anywhere else. It is our Government that is in power today. Everybody is proud of the fact that we have liberated this country, and everybody is proud of the fact that we are a valiant people, who want to establish and maintain this honourable liberation for centuries and ages to come.

Under these circumstances, our stand would be that the entire Arms Act must be repealed, and a new Act conceding the fundamental rights of man must be initiated by Government themselves. If any hon. Member of this House brings it, that is welcome; but it is the primary duty of the Government to see that this legislation takes on a new attitude. I should like to state here that all of us should remember our own past traditions. At what stage in this country, have we failed to preserve our honour? The Englishmen, of course, had their own interests to serve by this Act. At one stage, they said that this law was quite essential to keep peace and order. But was this law not so essential to

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keep peace and order in Scotland or England or Wales? Why should there have been the concession of this civil right or fundamental right to the citizen of the United Kingdom? There, every man was automatically entitled to possess and carry arms. But in this country, nobody was entitled to possess arms, except under the sweet will and pleasure of the indiscreet and aggressive executive of the British imperialism. Now the situation must totally change. As my friend, Mr. Patnaik, envisages in his argument, if it be an exemption, I am really sorry. I do not want that exemption. I do not want anybody to grant that exemption. We, the sovereign body, should be exempted by the sovereign body—it is a very innocuous and incongruous position. The only thing must be that there must be no exemption; there must be a concession of the citizen's right to all in a free country. Every man must be able to carry arms as freely as possible within this country. The restrictions are there. What are the restrictions? Public safety must be preserved; public peace must be preserved. On these two fundamental factors, I really agree. Every arm in this country cannot exist without the knowledge of the Government. Every holder of a gun must get registered under the Government. These are the means by which an effective control of the existence of arms can be had. Then a limitation may be placed upon certain circumstances. Suppose a man is of unsound mind or of intemperate character or he is a drunkard or a man often given up to fits, and sometimes there are factions in which emotions play. Only in those circumstances, the grant of these guns or licences must be refused, and the police officer or any other officer deputed for the purpose must be the man to judge that. There may be appeal over his discretion. But for these small restrictions, there must be no restriction at all. That is the first point I wish to submit.

So far as the rules are concerned

I am not worried about them, because the rule-making body will work only in consonance with the spirit of the Constitution and the spirit of the Government, the policy of which is going to be laid down by this hon. House. How we were treated earlier is a matter of great importance. Ordinarily, if any of us go and apply to a District Magistrate or any officer for a licence, he will grant it because all of us are high people; we are not barbarians. We have high standards; we are big agriculturists, we are traders, we are bankers, we are title holders, we are advocates, we are businessmen and we have got our character established and our status is unquestioned. If you go and put in an application on that basis, you will have priority in getting a licence. But if you go and say: 'I am a Member of Parliament' or 'I am a Member of the State Legislature', the District Magistrate will turn his face aside and send you out at once without a licence. This is the way in which the Act is operating. That is why this matter i.e., the Bill was brought into the foreground.

We had experience of it on two occasions—in 1918 and 1922. In the year 1918, a progressive view was held. Members of the Legislatures of the States as well as Members of the Central Legislature were both recommended. But in the year 1922, there was a definite reply from the Committee that the majority of the Committee was not willing to concede this to the Members of the Legislatures of the States. I am not worried about those things now. They are matters of past interest.

Now, I take this opportunity to urge the second point. If at all this Bill is going to be accepted by the Government, then a further occasion must be had on this plea that a substantive increase in the licences and in the number of arms must be effected. Taking the Members of this House, the number is 500. The Council of States has got 250 Mem-

bers. Ordinarily, the State Legislatures would have 2,500 members. Now, is this laborious effort only for the purpose of equipping this small number of people with some arms? It is ridiculous. I do not like this plea. Who are all elected by the people? The District Board members and Presidents are elected by the people. So also the local *Panchayats*. The entire administrative structure is based on local *panchayats*. They are elected by the people. The local municipalities, the local *panchayat* courts, in fact, all the institutions in all the 7 lakh villages in the country, are elected by the vote of the people. They all must be granted licences. So this Bill must be the occasion for substantially increasing the scope, of increasing the licences of the arms throughout the length and breadth of this country. I suggest that the District Board members must be given this privilege. All the members of the *Panchayat Council*, *Panchayat* Boards, municipalities and every local board should enjoy this concession. In that way, I conceive roughly about 75,000 people will be able to get the advantage of the possession of these arms. So when I plead for a privilege to be invested upon the 36 crores of people, this is only a limited scope by which 75,000 people are able to get licences. The Government must essentially see this aspect. Why should we be kept in this cowardly position? It was admitted even by the British people during their regime, in 1878, that a large number of lives were lost at the hands of wild beasts, and the turbulent tribal people by the side of the Indian borders who transgressed into this country and inflicted several deaths. In spite of this fact, the restrictions placed on the issue of licences in the various districts were very indiscreet and arbitrary. A limit was placed and beyond that limit, the authorities were not willing to extend the number of the licences. The Government should recognise that by reason of the absence of fire-arms for self-defence in the hands of many people in various tracts of this country, several people died at the hands

of wild beasts, crops suffered extensive damage and also several deaths were inflicted by wild tribes. The issue of licences was restricted and indiscreetly in these districts. There ought to be a very liberal attitude in the matter of granting the licences. All other factors conducive to the defence forces of this country are contained in this also. I cannot understand the rationale behind the prevention of a man carrying a sword, a bow and arrow or even a javelin or a lance. If we read the history of the warfare of this country in ancient days, there was no part of this country—whether it is upland or hill or plain—where every man was not subjected to some sort of compulsory military training. I belong to a community which can command about 15 lakhs of people. All of us, men and women, children, even infants in the embryo, have got a militant spirit, and we stood and opposed the alien power. Because we opposed them—which is even today cherished in our memory—we were condemned by them as criminal tribes. They said these people should not have possession of arms. But without arms, we knew how to fight. Without arms, we knew how to win. In that way, we have won for this country great honour.

Our tradition goes to show that there was compulsory military training in this country. It is not as if when you get arms, you will go and kill people. Taking statistics on a layman's basis, the United States and England have got too many murders—committed through suicide with the help of revolvers or by people firing at each other. I was told there is an International Thieves' Association somewhere in Scotland which has got a systematic provision for its members, which has got a systematic control over ammunition and arms. But they have got their loyalty for the English nation, and keeping the English nation alive, they go about their job throughout the world on international thievery.

In this country, we same people are branded as criminal tribes, as

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undesirable people. These people are in no way different from the best of the patriots of this country. I can assure you that even in the south among these classes, we have got a very fine literature. If you look into the book of ancient warfare, you will see how Tamilnad, Kerala, Mysore and other places are depicted there. We should be able to receive the arms and there should be no restriction. There were many instruments which we have been possessing all through. If a Government has got atom bombs or if any province or State has got atom bombs or some other bomb, we do not very much worry about it. Here in our country, the police is quite sufficient. The military is quite sufficient. There is no subversive attitude to overthrow the Government in any part of the country. All these people have come together; changes have been suggested; our national consolidation is the only factor of very important concern that is engaging our attention.

So, at this stage I plead for an entire overhauling of the policy behind the Arms Act. The Government must take the initiative and see that the entire Act is annulled and a new legislation enunciated on the civilised basis that every citizen will be entitled to hold arms, only with certain restrictions as in the case of the U.K. and the United States of America and other civilised countries. I do want the Arms Act to be modelled exactly on the lines of those existing in other countries. That was why I thought whether it would be useful to circulate it for the purpose of eliciting public opinion. This Act was framed while we were under in the depths of degradation and cowardliness. It is now for the people alone to decide. The people must know what we ask for. Wherein lies the justification for us, the elected, to claim an exemption, when those who elected us, the people, are lying down-trodden and depressed by the absence of the right? Unless the people get the right, we the Members should not get exemption. We must know their opi-

nion, whether we can get it or not. That is the only impression in my mind. It is a further matter that in the light of the fact that self-defence and national defence are both concerned in this country, the public must know about it. So I thought that if this motion for eliciting public opinion could be accepted then a Select Committee might sit for a clearer and more beneficial scrutiny. If that is the view to be taken, I would suggest that as the time suggested by me—July 10, 1954—might be a bit short, it may be extended till 31st July, 1954.

Mr. Chairman: The hon. Member wants the date to be changed to 31st July, 1954 in his amendment?

Shri Vallatharas: Yes, Sir.

Mr. Chairman: Amendment moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1954.”

6 P.M.

सरदार ए० एस० सहगल : जो बिल माननीय उमा चरण जी पटनायक लाये हैं उसके बारे में मेरी यह राय है कि यह ज्यादा अच्छा होगा कि हम उसको सिलेक्ट कमेटी के पास भेज दें बनिस्वत इसके कि हम आज ही उसका फंसला कर दें। यह बड़ा महम बिल है और मैं समझता हूँ कि इस पर एक दम कोई राय जाहिर कर देना ठीक नहीं होगा। जो माननीय मंत्री महोदय इस के इनचार्ज हैं वह स्वयं इस पर विचार कर रहे हैं और मैं समझता हूँ कि अगर यह बिल सिलेक्ट कमेटी को भेज दिया जायगा तो उस पर वह भी अपनी राय दे सकेंगे और यह बतला सकते हैं कि हम उस कायदे में कहां तक संशोधन कर सकते हैं जिसके लिए हमारे माननीय मित्र इसको हाउस के सामने लाये हैं। यह सारी चीजें देखते हुए मैं इस बिल पर ज्यादा नहीं बोलना चाहता। लेकिन आज जब कि हमारा देश स्वतन्त्र हो गया है यह बात जरूरी हो

जाती है कि हम इस बात पर विचार करें कि जो पाबन्दियां हमारे ऊपर हथियारों के मामले में विदेशी सरकार के जमानत में लगायी गयी थीं उनको हम कहां तक हटा सकते हैं और कानून में कहां तक संशोधन कर सकते हैं। साथ ही उन देशों से अपनी तुलना करना जो कि हमसे ज्यादा उन्नति कर चुके हैं हमारे लिए ठीक नहीं होगा। हमको अपने देश के कायदों से उन देशों के कायदों की तुलना नहीं करनी चाहिए। हां, जैसा कि हमारे मित्र ने कहा जो हमारे सार्वजनिक कार्यकर्ता हैं जैसे संसद् के सदस्य हैं, धारा सभा के हैं उनको छट मिलनी चाहिए और उनको हथियार रखने की इजाजत होनी चाहिए, इस बात पर हमें विचार करना चाहिए। हमको यह देखना चाहिए कि जितने हमारे यहां के सदस्य हैं वह किस रास्ते पर जाते हैं, उनकी कार्रवाइयां क्या हैं। इन सब चीजों का हमको तखमीना करना पड़ेगा। मैं नहीं समझता कि बिना इन बातों का तखमीना किये हुए सब को लाइसेंस देना कहां तक ठीक होगा। इसके साथ ही साथ उन लोगों को जिनको कत्ल वगैरह के मामलों में डकैती या दूसरे मामलों में काफी सजा हो चुकी है उनको हथियार देना कहां तक ठीक होगा, इस पर भी हमको विचार करना चाहिए। इन सारी चीजों को देखते हुए जो होमगार्ड इंस्ट्रक्टर हैं या जो डिस्ट्रिक्ट या डिवीजनल कमांडेंट्स हैं उनको हथियार देने चाहिए, नेशनल केडेट कोर के जो लोग हैं उनको देने चाहिए, फौज के जो बड़े बड़े अफसर हैं तथा दूसरे उच्च अधिकारी हैं उनको भी हथियार रखने की इजाजत देनी चाहिए। लेकिन इस सब को करने के लिए हमें विचार करना चाहिए, वक्त भी चाहिए कि हम इन कायदों में कहां तक संशोधन कर सकते हैं। पहले भी यहां इन बातों पर दरियाफ्त किया गया था कि हम कितनी छट दे सकते हैं। मालूम नहीं कि क्यों वह बातें आगे नहीं बढ़ सकीं। अब तो

मैं माननीय मंत्री महोदय से यह कहूंगा कि आप इसको सिलेक्ट कमेटी में भेज कर इस पर पूरी छानबीन करके राय ले लें और इन सब चीजों पर विचार कर लें। इसमें अगर चार छः महीने की देर भी हो जायगी तो हम उसको बरदाश्त कर सकते हैं, लेकिन इन चीजों पर अच्छी तरह से विचार होना चाहिए। इन शब्दों के साथ मैं अपनी तरफीम को उपस्थित करता हूं।

Mr. Chairman: The hon. Member has not read out his amendment. Will he kindly move it?

Sardar A. S. Saigal: I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Uma Charan Patnaik, Dr. Ram Subhag Singh, Dr. Satyanarayan Sinha, Shri Amjad Ali, Shri Bhagwat Jha Azad, Shri Choithram Partabrai Gidwani, Shri Govind Hari Deshpande, Shri Balwant Nagesh Datar, Shri V. B. Gandhi, Shri Wasudeo Shridhar Kirolikar, Dr. A. Krishnaswami, Shri Satish Chandra, Shri R. V. Dhulekar, Shri Vishwambhar Dayal Tripathi, Shri Murli Manohar, Dr. Suresh Chandra, Shri Lakshman Singh Charak, Shri N. Keshavaingar, Sardar Surjit Singh Majithia, Shri Girraj Saran Singh and the Mover, with instructions to report by the last day of the first week of the next session."

और जो माननीय मंत्री महोदय इसके इनचार्ज हैं उनके साथ यह सिलेक्ट कमेटी बनायी जाय यह मेरा प्रस्ताव है।

मिस्टर चेरमैन : माननीय मूवर का नाम तो आपने पहले ही लिया हुआ है। उनका नाम तो पहले ही मौजूद है। और आप किसका नाम चाहते हैं ?

An Hon. Member: Mover of the amendment.

Mr. Chairman: You have not included the name of the hon. Home Minister. You said you were very anxious to see that the opinion of the Home

[Mr. Chairman]

Minister is taken in the Select Committee. If he is not made a member, how are you going to take his opinion?

Sardar A. S. Saigal: I have moved it, Sir.

An Hon. Member: The Deputy Minister is there.

Sardar A. S. Saigal: Both of them should be there.

Mr. Chairman: Now, there are two amendments before the House. One is—

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1954”;

and the second is—

“That the Bill be referred to a Select Committee consisting of the names read out by the hon. Member and the name of the hon. Home Minister Dr. Katju included in it, with instructions to report by the last day of the first week of the next session.”

There are other amendments, one by Shri Bhagwat Jha Azad and the other by Shri Keshavalengar. Both of them are the same, though the names are different. That is all.

Dr. N. B. Khare rose—

Mr. Chairman: Why should the hon. Member stand?

Dr. N. B. Khare: I want to speak.

Mr. Chairman: When the Chair is on its legs, the hon. Member should not stand.

Amendment moved:

“That the Bill be referred to a Select Committee consisting of Shri Uma Charan Patnaik, Dr. Ram Subhag Singh, Dr. Satyanarain Sinha, Shri Amjad Ali, Shri Bhagwat Jha Azad, Shri Choithram Partabrai Gidwani, Shri Govind Hari Deshpande, Shri Balwant Nagesh Datar, Shri V. B. Gandhi, Shri Wasudeo Shridhar Kirolikar, Dr. A. Krishnaswami, Shri Satish Chandra, Shri R. V. Dhulekar, Shri Vishwambhar Dayal Tripathi, Shri Murli Manohar, Dr.

Suresh Chandra, Shri Lakshman Singh Charak, Shri N. Keshavalengar, Sardar Surjit Singh Majithia, Shri Girraj Saran Singh, Dr. Kailash Nath Katju and the Mover, with instructions to report by the last day of the first week of the next session.”

Because the amendment is the same, I cannot allow other amendment about the Select Committee to be moved. So far as the names of the members are concerned, on a proper occasion if the hon. Members so desire, they can take away these names or add to them. Discussion may now proceed on both these amendments, which are placed before the House.

Shri Tek Chand (Ambala-Simla): Mr. Chairman, the Indian Arms Act of 1878, I submit, is outmoded and deserves to be recast and completely overhauled. I wish to offer my felicitations to Shri Patnaik who has brought this matter to the notice of the House. But the Bill of Shri Patnaik, in its scope, has a very, very narrow ambit. The entire Act deserves to be recast. It deserves to be examined because the prohibitions contained therein press unfairly against respectable citizens.

There are two other matters to which I wish to invite the attention of the hon. House and in particular of the hon. Home Minister. It is a standing shame that this Act of 1878 should be permitted to retain the definition of arms and ammunitions unamended. If you kindly see the definition of ‘arms’ parts of arms are also included in the definition. The handle of a knife is an arm, a bow and arrow is an arm; virtually everything that can be used as an article for attack or defence becomes an arm. Even a broken piece is an arm, even the triggerless and broken revolver is an arm. If a person unwittingly were to possess a junk called an arm, on account of the courtsey of the law, he is in for a sentence which can extend to three years and if he endeavours to conceal it and it is said that he is deliberately concealing it, the extent

of the sentence can go up to seven years. It is a monstrous law. It has become draconic in severity and, as it is, it ought not to stand on the statute book of any civilised country.

So far as the definition of "ammunition" is concerned, parts of ammunition are treated as ammunition, and therefore, discharged, useless cartridges, which are of no use at all, have been treated as parts of ammunition, and possession of such cartridges—even empty cartridge case is an ammunition—is an offence and the man concerned is liable to forfeiture of liberty for a period of three years and, sometimes, even for a period of seven years, as the case may be. That is why I style this law absolutely draconic in its severity. Then again, compare the British Act of 1937 that is Fire Arms Act of 1937 and juxtapose the sections of the British Act with sections 19 and 20 of the Indian Act. The punishment that is imposed on a person for possession of fire-arms without the certificate—in England, the person must have a certificate, but we use the word 'licence' instead of certificate—is up to a maximum sentence of three months or £50 by way of fine. That is one aspect that I want you to examine here.

The second aspect of the law is that the approach in the matter of giving licences in the two respective Acts is totally different. So far as the English Act is concerned, it assumes that a person is entitled to carry and bear fire-arms and the normal rule is that a person is entitled to a certificate and the exceptions are three. If such a person is of unsound mind, if he is a person of intemperate habits and lastly, if he is otherwise unfit to be entrusted with a fire-arm, then the certificate is to be withheld from him; otherwise, he is entitled to that certificate, and every respectable citizen, so long as he does not fall in any one of these three excepted groups, is entitled to have that certificate and to bear fire-arms. I am not at all happy with the Bill of my distinguished colleague, Mr. Patnaik, when he seems to place us in a distinguished class of persons who

automatically should be entitled to the use of arms. The approach, I submit, is incorrect. The ordinary rule should be that so long as a citizen is law-abiding, so long as his record is good in respect of reliability, he should be entitled to carry fire-arms and the exception should be that he is otherwise undesirable for reasons known to the Police or known to the authorities that be. Therefore, I would respectfully invite the close attention of the hon. Home Minister to the various provisions of the Fire-arms Act of 1937 of the United Kingdom. It will be a good model for us to follow, and of course, according to our exigencies and requirements we can select things that we like and eschew that are unnecessary or undesirable, but nonetheless, the British Fire-arms Act, 1937, is a good model on which to base our arms laws.

There is one more request that I should like to make. In the matter of carrying arms, have a law which goes in tune with the law and order in the land, with inculcation of courage, self-reliance and self-confidence. A good deal of dacoities and a good deal of robberies can thereby be avoided. If in every village with a population of 1,000 or 2,000, the headman was required to keep arms by law, that is to say, that it should be the policy of the Government that in every village with a population of 2,000 or more, the headman of the village or somebody, who is respectable and dependable, should be ordered to keep arms and ammunition, and it is a well known fact that in those villages, at least in the Punjab and PEPSU, where it is known that there are two or three guns or two or three licence holders of guns, there are less dacoities, and if there be any, the dacoits are invariably discomfited.

Dr. Katju: What about murders by fire-arms by people who possess fire-arms?

Shri Tek Chand: Those murders will continue so long as fire-arms continue to be available underground. If you give a licence to 'A' and it transpires that the gun has been misused, you

[Shri Tek Chand.]

have got a much greater check as the name of the person is registered, and the calibre of the gun is known. If there is a misuse of the gun—I am prepared to say without fear of contradiction—it is invariably in a large majority of cases where murders are committed by fire-arms, which are not licensed fire-arms, but stolen fire-arms, and which people locally manufacture. I can assure the hon. Home Minister that if he could make an enquiry officially through the Police, and collect the statistics of cases where fire-arms have been used for murder, let us say, in a particular State—call it Punjab or PEPSU—then he will find that a vast majority of the fire-arms are those that have been locally manufactured or that have been stolen, and not licensed fire-arms whose registered numbers are known to the Government.

Shri S. S. More: But the Minister wants to encourage that industry!

Shri Tek Chand: Therefore, it will be desirable if in every village we could have two or three guns. It will help the law and order position. I would go even a step further and say that it should be an imposition or a legal duty for the headman or *patwari* or any respectable young man that he must keep fire-arms and ammunition and be in readiness in the event of an attack. That will be the best line of defence so far as the local disturbances are concerned. Anyway, it will be a good thing. It may be that the fears entertained by the hon. Home Minister are well-founded or have some basis. In that event, I would respectfully suggest to him that he should select an area—may be a *tehsil*, a district or two or three districts—and see that in a number of villages arms are provided so that it will have a small private armoury. Let him see by contrast as to whether there are more dacoities in those villages or more dacoities by persons of those villages. In this matter, I suggest that the arms law deserves to be relaxed, deserves to be humanised and deserves to be rationalised. The Arms Act, as it is, is a very sad commentary on the spirit of the

people and on the spirit of those who are called upon to administer the law. All that I wish to say is that you should humanise your sections 19 and 20, because somebody—maybe a servant, a guest, a host—out of curiosity may happen to have a gun or part of a gun and he may be confronted with three years' forfeiture of liberty.

Shri Achuthan (Crangannur): It is rare.

Shri Tek Chand: I do not subscribe to the view that it is rare, but assuming that it is rare, even one man, who is in possession of part of an arm, deserves that he should be treated in a humane manner and the dosage that is usually given by magistrates is simply cruel.

श्री बी० जी० बेनगॉडे (गुना) : समापति महोदय, मैं श्री पटनायक के प्रस्ताव का हार्दिक समर्थन करता हूँ और मेरे समर्थन करने का मुख्य कारण यह है कि सन् १८५७ के पश्चात् इस भारतवर्ष की भूमि पर जो अंग्रेज शासक थे, उन्होंने यह निश्चय किया कि भारत की क्षात्रवृत्ति नष्ट कर दी जाय और इस हेतु उन्होंने लोगों से शस्त्र छीन लिये और शस्त्रों के रखने पर प्रतिबन्ध लगा दिया क्योंकि उन्हें यह भय और डर हो गया था कि अगर हिन्दुस्तानियों के हाथ में शस्त्र रहने दिये जायेंगे तो १८५७ की सशस्त्र क्रान्ति के प्रयत्न के पश्चात् भारत फिर अपनी स्वतंत्रता प्राप्त करने के लिये प्रयत्न करेगा। लेकिन अब तो परिस्थिति बिल्कुल बदल चुकी है और मुझे यह देख कर बड़ा आश्चर्य होता है कि आज करीब सौ वर्ष पश्चात् भारत के शासक अंग्रेजों द्वारा शस्त्रों पर लगाये निर्बन्ध को कायम रखे हुए हैं। कांग्रेस के पुराने प्रस्ताव जब मैं पढ़ता हूँ और जब मैं देशभक्तों के कथन पढ़ता हूँ तो पाता हूँ कि इस देश के लोगों की स्वतन्त्रता प्राप्त करने की प्रबल इच्छा थी और हमारे नेताओं का यह देश की जनता के लिये नारा था कि स्वराज्य

हमारा जन्म सिद्ध अधिकार है और हम इसे लेकर रहेंगे, यह प्रसिद्ध नारा स्वर्गीय लोकमान्य तिलक ने देश को दिया। इसके प्रतिरिक्त श्रीमती एनी बेसेंट ने कलकत्ते के कांग्रेस अधिवेशन के अवसर पर यह घोषणा की थी कि जब तक भारतवर्ष में शस्त्र धारण करने का अधिकार हर एक व्यक्ति को नहीं मिलता है तब तक इस देश के लोग दुनिया के और स्वतन्त्र देशों के बराबर स्वतन्त्रता का अनुभव नहीं कर सकते। आज सौ वर्ष बीत जाने के पश्चात् हम देखते हैं कि शस्त्र निर्बन्ध कानून उसी प्रकार से चल रहा है। मुझे पता नहीं है कि आज के हमारे भारतीय शासकों के दिल में किस प्रकार का भय भयवा चिन्ता है जिसके कारण वह यह प्रतिबन्ध शस्त्रों पर कायम रखे हुए हैं। हमारे गृह मंत्री डाक्टर काटजू ने जब श्री टेक चन्द बोल रहे थे जिस भावना का परिचय दिया और हमारे सरदार सहगल जो कि शस्त्र की पूजा करने वाले हैं उनके हृदय में भी एक चिन्ता बैठी हुई है कि हमारे इस संसद् में जो सदस्य बैठे हुए हैं उनको भी हर एक को शस्त्र देना उनकी निगाह में उचित न होगा और मैं इसी कारण चाहता हूँ कि साइसेंस देना बन्द करना आवश्यक है जब कि हालत यह है कि आप के हृदय में उन चुने हुए प्रतिनिधियों के बारे में भी एक संशय और शक है जिनको कि लाखों मतदाता चुन कर यहां पर भेजते हैं और इसका तो यह मतलब हो जाता है कि आप कल आर्म्स के लाइसेंस देते वक्त यह देखेंगे कि अमुक सदस्य मेरी पोलिटिकल पार्टी का नहीं है, यह विरोधी दल का है यह देख कर आप लाइसेंस देंगे तो फिर वह एक बिल्कुल फ्रांस हो जाता है। मैं मानता हूँ कि पटनायक साहब का जो विधेयक है वह बहुत दूर तक नहीं जाता है।

आज यह बड़े आश्चर्य की बात है कि हम लोगों का जो दुनिया को—सर्वे सुखिनः

सन्तु सर्वे सन्तु निराभयाः सर्वे भद्राणि पश्यन्तु मा कश्चित दुःख भाग भवेन्—शान्ति का सन्देश देने वाले हैं वे भारतवासी इस विश्वास के पात्र नहीं हैं आज जब कि भारत स्वाधीन हो चुका है। इंग्लैण्ड का हर एक आदमी पिस्तौल रख सकता है, बन्दूक रख सकता है, लेकिन इतने वर्षों की अहिंसा के अनुभव के पश्चात् भी आप उन पर यह विश्वास नहीं करते और चाहे वह संसद् का सदस्य क्यों न हो शस्त्र नहीं रख सकता। इस विश्वास और सन्देह की भावना को लेकर आप इस देश पर राज्य कर रहे हैं। मैं तो यह बात मानता हूँ कि इस देश में शस्त्र धारण करने का अधिकार "शुड बी ए रूल एण्ड नाट एन एक्सेप्शन", अलबत्ता शस्त्र न धारण करने का अधिकार "शुड बी एन एक्सेप्शन" होना चाहिये। हर एक को शस्त्र धारण करने की स्वतन्त्रता हो और अधिकार हो, यह उसका जन्मसिद्ध अधिकार है। हां कुछ खास अपवादालम्क परिस्थितियों में जब कि आप समझते हैं कि कोई इनसैनिटी से सफ़र कर रहा है या इनटेम्परेट है, ऐसे लोगों को आप शस्त्र धारण करने के अधिकार से अवश्य वंचित कर सकते हैं। लेकिन आपने क्या किया है, आप तो सब लोगों को ही वंचित रखना चाहते हैं और अपवादस्वरूप किसी किसी को जिसको आप देना चाहते हैं उसको आपने शस्त्र रखने का अधिकार दे दिया है। अंग्रेजों के शासन काल में कम से कम जनता जिन को चुन कर भेजती है उनको शस्त्र धारण करने का अधिकार तो था, वह भी अधिकार वर्तमान शासन ने ले लिया है और सरकार के इस प्रतिबन्ध का निषेध श्री पटनायक करना चाहते हैं। श्री पटनायक इस बात को मानने को तैयार होंगे कि यह शस्त्र पर जो प्रतिबन्ध है, इस प्रतिबन्ध को लूज होना चाहिये और शस्त्र प्रतिबन्ध के बारे में आपको धीरे धीरे नीचे आना चाहिये। मैं समझता हूँ कि इसमें

[श्री जी० जी० देशपांडे]

हिंसा और अहिंसा का विवाद यहां उत्पन्न नहीं होना चाहिए और मैं तो समझता हूँ कि इस देश की सरकार यह मान रही है कि अहिंसा का जो एक बड़ा तत्व चिन्तन है उसे इस देश की सरकार ने भी मान लिया है कि इस देश की सुरक्षा के लिये संगठित हिंसा पर इस देश की सरकार का विश्वास है और मैं अपनी सरकार को इस प्रकार से एक यथार्थवादी और वास्तववादी दृष्टिकोण से इस समस्या को देखने के लिए मैं उनको धन्यवाद देता हूँ। मैं देखता हूँ कि गरीब बेचारे मजदूर कलकत्ते के अन्दर जब रोटी मांगते हैं तो हमारे डाक्टर काटजू के सिपाही उन पर गोलियाँ चलाते हैं, अपनी समझ से वह उचित बात करते हैं क्योंकि वह कहते हैं कि लोगों की स्वतन्त्रता रहनी चाहिये, और उसको कायम रखने के लिये पुलिस बन्दूक चलाती है। ठीक बात है, गरीब बेचारे शिक्षक खाने को रोटी मांगते हैं और कोई लोग द्रामों का फेयर कम कराना चाहते हैं, और उन लोगों के खिलाफ भी हमारी सरकार गोलियाँ चलाती है। मैं इसका विरोध नहीं कर रहा हूँ। मेरे कांग्रेस के मित्र मेरे इस कथन पर कुछ अस्वस्थ से प्रतीत हो रहे हैं। काटजू साहब की दलील दलील के लिये मानी जा सकती है कि जब कोई लोग भले ही किसी अच्छे काम के लिये क्यों न हो, लोगों की शान्ति भंग कर रहे हैं, तो उस हालत में हमारी पुलिस उन पर गोली चला सकती है। मैं समझता हूँ कि इसमें हिंसा और अहिंसा का वाद विवाद नहीं आना चाहिये और आज हम दुनिया में जो कुछ देख रहे हैं, एटम बम और हाइड्रोजन बम देखने के पश्चात् हम इस नतीजे पर पहुँच गये हैं कि यह जीवन स्वयं एक महान् संघर्ष है और इस संघर्षमय जीवन में जो सबल होता है जिसके शस्त्र ज्यादा प्रभावशाली होते हैं और परिणामशाली होते हैं उसकी विजय होती है। हमने देखा कि धनुष के पश्चात्

तलवार आई, तलवार के पश्चात् बन्दूक आई और बन्दूक के बाद तोप का आविष्कार हुआ और तोप के पश्चात् आप देखते हैं कि आज के युग में एटम बम, हाइड्रोजन बम, नाइट्रोजन बम हमारे सामने आ रहे हैं और इससे यही सिद्ध होता है कि विजय उसी की होती है जिसके शस्त्र अपने बैरी से ज्यादा प्रबल होते हैं और दुनिया में यह देखने के पश्चात् हमारी सरकार का शस्त्र पर फिर विश्वास बैठ रहा है। इसके अलावा मैं जो इस शस्त्र प्रतिबन्ध को ढीला कराना चाहता हूँ और ठीक कराना चाहता हूँ उसका मुख्य कारण यह है कि इस शस्त्र प्रतिबन्ध का ही यह परिणाम होता है कि जो शान्तिप्रिय नागरिक हैं और कानून को मानने वाले हैं उनके संग अन्याय होता है और इसके विरुद्ध वे लोग जो कानून को मान कर चलना नहीं चाहते हैं, जो दुर्गुणी हैं जो आक्रमण करना चाहते हैं, जो डाकू, छुटेरे अथवा हत्यारे हैं उन लोगों को फायदा पहुँचता है और जो शान्तिप्रिय और सद्गुणी नागरिक हैं उनके लिये हम देखते हैं कि यह सब बातें चल रही हैं कि मुझे कोई कह रहा था मुझे पता नहीं वह कहता था कि यह संसद् के पांच सौ मेम्बरों को शस्त्र रखने का अधिकार देने से बड़े खतरनाक नतीजे सामने आ सकते हैं, क्योंकि यहां पर कुछ ऐसे दल हो सकते हैं जो उत्पातों में विश्वास करते हैं, क्या आप ऐसे लोगों के हाथ में शस्त्र देना चाहते हैं, लेकिन मैं पूछना चाहता हूँ कि क्या जो उत्पात करने वाले लोग हैं उनके पास शस्त्र आलरेडी मौजूद नहीं हैं। क्या आप ऐसे लोगों से शस्त्र ले सके हैं? मैं देखता हूँ कि उत्पात करने वालों को शस्त्र बिना लाइसेंस मिल रहे हैं और जो लोग उनसे बचना चाहते हैं उनको आप शस्त्र दे नहीं रहे हैं। हमारे डाक्टर काटजू जो गृह मंत्री हैं मध्यप्रदेश से आते हैं, मैं भी मध्यप्रदेश से आता हूँ और आज वहां बड़ी

अव्यवस्था फेली हुई है और हम देख रहे हैं कि लोगों के जीवन की रक्षा का कार्य हमारी सरकार पूरा नहीं कर पा रही है। मैंने देखा कि मेरे निर्वाचन क्षेत्र ग्वालियर की जो कोलारस तहसील है वहां पुलिस थाने पर डाकू लोग पुलिस को मार कर स्टेनगन ले गये, डाकू लोग हथियारबन्द थे, उनके पास कोई हथियार रखने का लाइसेंस नहीं था। जहां तक डाकूओं का सम्बन्ध है उनके पास स्टेनगन और सब प्रकार की बन्दूकें और हथियार हैं लेकिन उनसे बचाव करने के लिए लोगों को हथियार देने में खतरा अनुभव किया जाता है। डाकूओं के पास तो प्राधुनिक शस्त्रास्त्र हैं, और उनसे बचाव करने के लिए हमारी सरकार सामने नहीं आती है। गुना जिले के लापचोरा गांव का एक आदमी यहां आया था जिसके हाथ पर ७० जस्म थे। मैं उसको डाक्टर काटजू के पास ले गया था। उसके यहां ८०,००० रुपये से ऊपर की चोरी हुई थी। मैं स्वयं लापचोरा गांव में गया और मैंने वहां जाकर देखा कि वहां पर किसी के पास हथियार नहीं है। यह अवस्था हो रही है कि देहातों में लोग नहीं रह सकते और इसका परिणाम यह हो रहा है कि वह गांवों को छोड़कर शहरों में आ रहे हैं। उस जिले में बहुत आतंक हो रहा है। आज जो विधेयक आया है उसके द्वारा हम यह मांग करते हैं कि इस देश के अन्दर अपने संरक्षण के लिए जो चरित्रवान लोग हैं उनके हाथ में शस्त्र हो। आपके इस निर्बंध का परिणाम यही हुआ है कि जो लुटेरे हैं उनको तो शस्त्र लेने के लिए किसी लाइसेंस की आवश्यकता नहीं है पर जो अच्छे लोग हैं वह हथियार नहीं रख पाते हैं।

इसके अतिरिक्त एक बात और है। आज अन्तर्राष्ट्रीय परिस्थितियों के कारण हमारे देश में संकट की स्थिति उत्पन्न हो गयी है। इसलिए भी आपको शस्त्र निर्बंध को उदार

करना चाहिए। मैं जानता हूं कि एटम बम और हाइड्रोजन बम के सामने हम बन्दूक और पिस्तौल से लड़ाई नहीं कर सकते। यह समझने के लिए कोई बहुत बुद्धिमत्ता की आवश्यकता नहीं है। लेकिन जैसा कि मैंने पीछे भी कहा देश के अन्दर लड़ाई होने पर एटम बम और हाइड्रोजन बम के होते हुए भी इन शस्त्रों का मूल्य कम होने वाला नहीं है। बन्दूक और पिस्तौल तो क्या, खुलड़ी तक का आखिर तक उपयोग हो सकता है। इन सब चीजों का अपना अपना स्थान है। तो इस दृष्टि से इन शस्त्रों का मूल्य कम होने वाला नहीं है। इसी कारण मैं खास कर कहता हूं कि जो हमारे सीमावर्ती प्रान्त हैं जैसे कि पंजाब और बंगाल वहां के लोगों को बन्दूकें और बाकी शस्त्र देने चाहिए और उनकी शिक्षा देनी चाहिए। इन दृष्टियों से मैं अपने गृह मंत्री जी से प्रार्थना करूंगा कि वह स्वयं खड़े होकर यह बतायें कि यह विधेयक पूरा नहीं है और हम इस विधेयक को ज्यादा लिबरल बना कर इस देश में लायेंगे और शस्त्र निर्बंध को समाप्त करेंगे और अपवादों को छोड़ कर शेष लोगों को शस्त्र धारण करने का अधिकार केवल रजिस्ट्रेशन द्वारा सरकार मान्य करेगी। यही आशा करके मैं इस बिल के तत्व को मान्यता देता हूं।

Shri Raghuramaiah (Tenali): I am in great sympathy with the main principles of the Bill and I fully endorse the spirit which has actuated the Mover and also Shri Tek Chand who spoke a little before.

I consider this Indian Arms Act as the most degrading piece of legislation on our statute book. It is the living monument of our erstwhile servitude and I think it is time that we realise that we are a free people. The Indian Arms Act is based on great mistrust, on great suspicion. Its history goes back to the Indian Mutiny. I believe it was in 1860 or so that the first enactment was put on the statute

[Shri Raghuramaiah]

book. The purpose of it was not to help us to behave well towards each other. The purpose of it was clearly and deliberately to disarm the entire people of this country and make them safe for the British rule. That was the sole objective. It is not as though we are such uncontrolled barbarians as will kill each other the moment arms are given into our hands. There are thousands and thousands of small but dangerous implements which are still capable of being possessed by us and yet we do not kill each other every day. We are a civilised people. We have a sense of responsibility. Whatever be the reasons which actuated the British Government to make this monstrous measure, I would appeal to the Home Minister to see that at least a Committee is appointed to go into the whole question and consider how far amendments are necessary to the Indian Arms Act. As I said, it is a frequent reminder that we were once slaves and that we cannot be trusted to hold arms.

We forget another thing. Not only are we free, we are living in the Hydrogen Bomb age. The ordinary arms we are talking of are nothing but like pen-knives in the age of swords. The latest, the Hydrogen Bomb, can destroy a whole island, a whole country. If in the age of swords, a pen-knife could not be considered dangerous,—in a military sense, I mean—the possession of a small pistol or a gun of a certain calibre today cannot be considered so vitally dangerous to the safety and security of this country. Even today, I am told in Coorg any person can hold a gun without licence. You do not hear every day of dacoities and murders in Coorg. People have been trained to hold arms and restrain themselves. As a matter of fact, it is the deprival of the general mass of people of these arms that has been responsible for the recent murders, lootings, etc. I know in some of the States, on the Hyderabad border, with one gun illicitly obtained, a man can walk

into a village, threaten the people and hold them to ransom. If there are respectable people in the village holding arms, the very idea that there are some arms available in the village will be the most effective answer to the gangsterdom we oftentimes hear about in those parts of the country.

As I said, we are every day more and more impressed with the necessity and urgency of developing that sense of self-defence among our people. The American aid to Pakistan has created a problem. You have got to reconsider your notions of military strength. You have to prepare the country for self-defence. It is not a question of Pakistan only. Formerly the Government of India—I am speaking of the pre-Independence days—could send a cable to England and get the British Navy and the British Army. Today, we are a free people and we can only depend upon ourselves ultimately. So, a sense of self-defence must be developed and that can only be developed if we get rid of this feeling of being afraid of arms. Think of the Indian history and of the wonderful men and women who were so chivalrous, who were so gallant and who were so martial in their spirit; think now of a whole crowd being afraid at a small pistol. If there is a pistol in a box in a railway compartment, the whole crowd moves out. We are afraid at the very sight of arms, let alone using them. There must be a reformation in the whole psychology of the people. I do not say that we should go back to the age of wilderness when there should be no control at all about the arms. There should, in the interests of society and in the interests of social progress, be a certain restraint on individual licence. But the question is, should licence be the general rule or should licence be the exception? Should freedom be the order of the day, or should restraint be the order of the day? I suggest with all humility that the time has come when we should consider it the birth-right of every citizen to have arms in his

possession. What arms he should have, what quantity he should have, subject to what regulations he should have them, is a different matter and a matter which we have to very deeply and seriously consider. Certainly, a man should be asked to register whatever arms he has. Certainly, a limit should be put as to the ammunition he should have, and various other restraints of that nature which are in the general interests of the country, which are in the general interests of the society at large should be welcomed. Such sort of control should be there, but, as I said, the rule should be that every one has the right to hold arms and arms of the type we are contemplating are really something like pen-knives, harmless things in the context of the world today. Therefore, I would earnestly appeal to the Minister to reconsider the whole aspect, and if he finds it possible to appoint a committee to go into the question, viz., in what respects in the context of our freedom, in the context of the present world affairs, in the context of our own situation, we should amend the Act.

This Bill is a very modest one. I agree with Mr. Tek Chand it is not a question of Members of Parliament or Members of the State Legislatures having arms; it is not a question of Members of the Panchayat Boards having them. It should be the respectability of the person, the reliability of the person to exercise restraint in the use of arms. Therefore, the general criterion should be reliability, a sense of responsibility. Who has got that? We have got to find that out. The Select Committee can go into this, can certainly enlarge this clause and can suggest various other restraining measures which would be necessary. In the event of the Home Minister not finding his way to give us an assurance that this would be looked into by the Government of India, I would for myself feel obliged to support this motion for Select Committee.

श्री केशवबंगार (बंगलौर उत्तर) :
सभापति महोदय, मुझे हिन्दी भाषाम नहीं,

में अभी हिन्दी का विद्यार्थी हूँ, इसलिये मेरे इस पहले भाषण में जो मसलियाँ होंगी, उनके लिये मैं आप से क्षमा प्रार्थी हूँ।

मैं वर्तमान प्रस्ताव के प्रेरक महोदय को हार्दिक बधाई देता हूँ : यह प्रस्ताव तो हमारी सरकार को ही पेश करना चाहिये था। उसकी तरफ से इस प्रस्ताव के न आने से मुझे शक होता है कि हमारे स्वतन्त्र भारत में यह सरकार देशी है या नहीं है। इस ऐक्ट का जन्म तो एक अद्भुत वातावरण में हुआ था। मैं आप लोगों को आज से १०० वर्ष पीछे ले जाना चाहता हूँ। आप घबराइये नहीं, हम वहाँ से वापस भी आ जायेंगे, उन दिनों में हमारा देश विदेशियों के आधीन था। हमारे देशवासियों ने उन विदेशियों के विरुद्ध आन्दोलन भ्रूया था। विदेशियों ने इस आन्दोलन को दबाने के लिये इस ऐक्ट को बनाया था। मुझे पता है कि उन विदेशियों के हमारे देश से भागने के बाद रातों रात ही हमारे देश का पुनरुद्धार नहीं हो सका। फिर भी आज हमारी पालिसी 'गो स्लो' की पालिसी है। हर एक विभाग के परिवर्तन में यह 'गो स्लो' पालिसी अच्छी नहीं लगती।

हमारे स्वतन्त्र होने के बाद इस ऐक्ट को अपने स्टेट्यूट बुक में, जैसा कि वह आज है, उसी तरह, स्थान देना बहुत कम की बात है। अब तो यह नहीं होना चाहिये कि इस ऐक्ट को इसी तरह रहने दिया जाय। इसका सुधार होना चाहिये। सिर्फ आप की 'गो स्लो' पालिसी की वजह से यह ठीक नहीं हो पाया है। मेरा अभिप्राय यह है कि या तो इस ऐक्ट को सुधार दिया जाय या फिर इसको स्टेट्यूट बुक से बिस्कुल मिटा दिया जाय। जो ऐमेन्डमेन्ट्स हमारे मित्रों ने पेश किये हैं उनमें कोई हानि नहीं है।

क्या आप अपने प्रजा के प्रतिनिधियों का विश्वास नहीं करेंगे? Even the

[श्री केशवैयंगर]

British Government trusted its unreal representatives. क्या आप के विचार में वे लोग गैर जिम्मेदार हैं ? क्या आप यह भूल गये हैं कि महात्मा ने हमें धूल से मनुष्य बनाया है, क्या उन्होंने हमें निडर होना नहीं सिखाया ? क्या कांग्रेस के सिवा अन्य पार्टी वालों को बन्दूक देने में आपको डर लगता है ? क्या वे भी हमारी तरह देशभक्त नहीं हैं ? क्या आप कम्युनिस्ट मेम्बरों से डरते हैं जो कि अहिंसात्मक रहने की घोषणा कर के अपने हथियार छिपा कर रखते हैं ? हमारे देश में उनका जीवन बहुत थोड़े काल का है। The days of the Communists are numbered in our country. अगर आप एक नम्बियार को बन्दूक देते हैं और वे एक केशवैयंगर को गोली मार देते हैं तो इससे क्या बिगड़ता है ? क्या इस प्रस्ताव के एम्पेंड-मेंट्स छिपी हुई बन्दूकों को और हथियारों को बाहर नहीं निकालेगे ? फिलहाल हमारे मुल्क की क्या हालत है ? मेरे खयाल से अब हमारे देश के हर एक सिटिजन को एक सोल्जर बनाया जाय, हर एक आदमी, स्त्री, पुरुष, बूढ़ा, जवान, बन्दूक चलाना जाने। There is nothing wrong in having a giant strength, only it should not be used the way a giant uses it. इससे भी अधिक जन प्रतिनिधियों के लिये जरूरी है कि उनके पास बन्दूक हो और वे उसको अच्छी तरह से चलाना भी जान सकें। ग्राम तौर से इस हिन्दुस्तानी जोलिम उठाने में बहुत पीछे पड़े हैं। अपने जीवन के सम्बन्ध में भी हम अभी लकीर के फकीर बने पड़े हैं। मुझे शर्म लगती है कहने में जो कि मैं आपके सामने पेश कर रहा हूँ। यह लोक सभा भारत में सब से ऊंची सभा है। हम लोग इस ऊंची सभा के सदस्य हैं। वर्तमान सरकार तो क्या कोई

भी सरकार हो, पर वह इस लोक सभा के आधीन है। मगर वास्तव में हमारा स्थान क्या है ? सरकारी अफसरों और नौकरों के लिये भी एक राइफल क्लब मौजूद है, उनके उपयोग के लिये सरकार ने ६ बन्दूकें उधार दी हैं। इसी तरह आपके पार्लियामेंट के सदस्यों के लिये भी राइफल क्लब मौजूद है। लेकिन जैरो सरकार आफिसरों के राइफल क्लब के लिये बन्दूक उधार देती है, वैसे आप के क्लब को उधार नहीं दे सकती। आप के क्लब के लिये जब हमारी सरकार की सहायता की हालत यह है, तो आप समझ सकते हैं कि हमारे देश के अन्य गैर सरकारी सदस्यों को क्या सहायता मिल सकेगी।

इस तरह से यह प्रस्ताव बहुत जरूरी है, इसलिये इस प्रस्ताव के सेलेक्ट कमेटी में भेजने के लिये मैं आप से प्रार्थना करता हूँ। बड़ी मुश्किल से मैंने इतना हिन्दी में कहा है। मैं इतना ही चाहता हूँ कि आप इसको सेलेक्ट कमेटी के पास जरूर भेज दें।

आप ने मुझे बोलने का जो अवसर दिया, उसके लिये बहुत धन्यवाद।

Shri Sadhan Gupta (Calcutta—South-East): I rise to support the Bill, but not without considerable disappointment. I very heartily share the views generally expressed by hon. Members to the effect that the Bill is very inadequate, and that it should have been much more comprehensive. The hon. Member who has sponsored the Bill has stated that he has aimed this Bill at the reactionary provisions of the Indian Arms Act. But he has apparently failed in his object, because, after all, you cannot aim a Bill at the reactionary provisions of the Arms Act, which exists without blasting it out of the statute-book. The Indian Arms Act, in its whole conception, and in its whole spirit, is an out and out reactionary Act. You cannot turn it into a progressive Act, by simply tinkering

With a few of its provisions. That Arms Act was conceived in a vile spirit by our enslavers, the British imperialists. It was meant to crush not only our resistance, but even our very spirit. It was intended to turn the people in this country into an effeminate race, and therefore, the people were denied the right even to possess arms.

It is this kind of an Act, that we are up against. Many hon. Members on all sides of this House have regretted that this Act has been allowed to continue on the statute-book, even when independence has been won. But I had no such surprise. I only expected it, because the position is not very different today. The British had need of the Act, because they distrusted the people. They could not trust that the people would have arms, and yet their misrule would continue. It is the same case today with our present Government also. They cannot trust the people, and there is no wonder in it. How can they trust the people, when they themselves are out to subvert the people? You cannot rule with Section 144 of the Cr. P. C., the Preventive Detention Act, etc. and yet trust the people with arms. You cannot perpetually let loose repression on the working class, the peasantry, and the middle-class and every poor section of the population, you cannot carry on repression in the interests of a handful of exploiters in the country, and yet keep confidence in an armed people. Even more than that, it is not merely repression which is concerned here, but the Government's regard to democracy is such that they do not hesitate to break the very laws of the country, either the constitutional conventions or the laws themselves.

What has happened in Travancore-Cochin? A Government which had lost the confidence of the Assembly did not resign, though as everyone knows, when the Legislature withdraws its confidence from a Cabinet, that Cabinet is bound to resign. But the Cabinet in Travancore-Cochin did

not resign, even after a vote of no-confidence was passed. That was a breach of the conventions. They took the attitude that if the Legislature did not give them the vote of confidence, then the Legislature was at fault, and not Government. That is not the attitude which you can possess and at the same time confide in the people.

There is an even worse instance in Calcutta. When the people were exercising a right, a fundamental right conferred on them by the Constitution, and they were saying, that if the British tramways did not reduce their fares, they would not go by trams, merely for this propaganda, the people were recklessly thrown into prisons, shot down, lathi-charged, and detained under the Preventive Detention Act. You cannot follow this kind of a policy, and at the same time, give the people the right to hold arms. So, it is not at all a wonder that while the exemption has been taken away, so far as the Members of the Legislature are concerned, the exemption has been given to the former rulers, their sons, and the members of their families, their servants, and so on. It is they that are the friends of our Government; the people are looked upon as their enemies. That is the fundamental and real crux of the matter. That is a thing on which Shri U. C. Patnaik did not talk at all. He only tried to fortify himself with precedents drawn up from British rule, which extend the exemption only to the legislators.

I agree with Shri Vallatharas when he says that the exemptions should not be confined to the legislators alone, but they should extend to the elected members of every elected body, for, in everyone of them, the people have expressed their confidence. I am of the same opinion. I also see that something is better than nothing. The reason why I support the Bill is that, after all, we have here a chance of liberalising to some extent—to however unsatisfactory an extent it may be—the Indian Arms Act. If we cannot have a general exemption, let us at least have the exemption for the legislators. This is not enough, this is

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not at all sufficient, but it is better than what obtains today.

7 P.M.

That is my reason for supporting this Bill. After all, we know that by sending it to a Select Committee and by giving the Home Minister an opportunity to express his opinion, we will not improve matters. We will not carry exemptions very much further. Nor will we improve matters by enabling public opinion to be expressed, because there is no sense in public opinion being expressed. We know that the public opinion that is going to be expressed on this point is what has been expressed on the floor of this House, that the Arms Act must be practically scrapped for all purposes and the right to hold arms must be recognised. That is the opinion we can expect, because we have faith in our country; we have faith in the democratic outlook of the people of the country and there is no reason for supposing that the public opinion that will be expressed on this Bill will be any different. But, Sir, it would mean delay; it would mean delay in liberalising the provisions of the Bill to the extent that we might liberalise through the instrumentality of the present Bill.

Now, Sir, that is why I support this Bill, but I would urge upon the Government to take note of the feelings that have been expressed on all sides of the House. To take note of this feeling and yet make this concession to democracy, let them bring forward a Bill with the utmost expedition to scrap the present Arms Act and to allow freedom to bear arms to everyone subject only to essential safeguards.

Sir, the Home Minister remarked in the course of the speech of Mr. Tek Chand that murders would be committed. I know that is the stock excuse advanced by everyone who wishes to keep this reactionary provision in the Statute-book. Murders have been committed through fire-arms and, as has been very ably pointed

out by many speakers—I do not hesitate to point it out again even at the risk of repetition—when was murder ever committed by a licenced gun? When was murder ever committed by the possessor of a licenced arm? If anyone wants to commit murder, he can steal a gun, he can secure a gun through devious means; unlicenced guns, guns that cannot be licenced may be secured and murders may be committed. As a matter of fact, it is committed precisely by this means.

Shri S. N. Das (Darbhanga Central): Sir, it is 7 o'clock.

Shri Sadhan Gupta: Sir, law and order is often held out as an excuse. Even that is no excuse, as has been pointed out, because after all, a bandit has no difficulty in finding arms for his purpose. On the contrary, the very fact that his victims are unarmed, that his victims are not likely to meet him with armed opposition is more encouragement to banditry. How many gangsters and dacoits would have been discouraged if they knew that out of every window in the village, out of every nook and corner of every village, bullets would shower at him if he tried to carry on his predatory activities there? Now, Sir, that is the protection we are deprived of. So the law and order argument really recoils on its exponents, because it is our unarmed state that is responsible for the present law and order situation in the country, for the activities of dacoits.

Sir, with these few words, I beg to support the Bill. Although, I must repeat, the Bill is very unsatisfactory, yet something must be done, something must be done quickly, and therefore, I support the Bill and oppose motions for circulation and reference to Select Committee.

Dr. Katju: I imagine that the speeches which have been made have appealed to every section of the House. I myself am not surprised at these speeches. As has been observed, the

Arms Act is associated in our minds with foreign rule and we think that it was enacted by those rulers not for the purpose of promoting the welfare and happiness or the security of India from the Indian point of view, but for the purpose of strengthening that foreign rule. It is from that point of view that I am not surprised that the Arms Act is a hateful thing to us, and I am quite willing to subscribe to the doctrine that the whole of this Arms Act, as my hon. friend, Mr. Tek Chand said, requires reconsideration, revision and review. You may enact the same thing if you consider it desirable, but then the stigma which attaches to the Arms Act of 1872 will disappear. What is required really is that keeping in close view our national requirements, the requirements of the situation, on the one side the desirability that every citizen should have an opportunity for defending himself, and on the other, the desirability that peace should not be endangered—keeping everything in view, this Parliament should enact that law so that people may feel that it is something our own which we have enacted. If there are restrictions, then after the fullest consideration we have imposed those restrictions upon ourselves. I venture to suggest by way of example—I am not raising any dispute at this moment—that in the Punjab sometimes you find that a man who has got a rifle shoots! My hon. friend said that 'that may be a stolen rifle or that may be a rifle which may have been manufactured by a sort of illicit process, like illicit liquor'. He is a learned advocate with experience. I have got some experience myself, of course in another way. In the Punjab, we find—Mr. Chairman, you know it—on the border, there is the defence policy, and the defence department, the military people, have distributed some rifles, and I come across case after case where people quarrel and somebody snatches a rifle given to him by whom? By the border police. He is one of the policemen; he just goes and shoots. Finished! We call him trigger-happy. He kills. I am not

saying that he would not have killed if the rifle had not been there. Probably he would have used a *kirpan* or a sword or a dagger. There are so many instruments for committing violence. But this thing is near at hand and therefore he turns to it.

Now, when I was hearing the speeches, particularly the speech of my hon. friend who spoke in Hindi, I thought that it was really a sort of psychological problem also. We are obsessed with it. We are not prepared at the moment to consider the various provisions of the Act, as it stands,—you may call them—on their merits. They are hateful—many of them. One of my hon. friends said the punishment is awful—seven years; three years. What has a British Judge who had newly come up to the High Court Bench said? He said—this is a case of drunkenness, disorderliness or possession of unlicensed arms. The Act prescribes seven years, five years. It is one of the grievous cases which can be thought of. I think it is a Sessions case. We should consider how severe it was.

I do not want to take the time of the House. Mr. Patnaik is a very dear friend of mine, but he would not misunderstand me if I were to say that the Bill, as it stands, really does not go very far. Take, for instance, this—it sounds very nice—'Give arms to every Member of Parliament, every Member of the Legislature and so on and so forth.' Now, we have been working all this while for a classless society, for a caste-less society. My hon. friend is adding a class of himself. 'I am a Member of Parliament and, therefore, I am entitled to keep arms'. That does not appeal to me. What I want is that in the Bill which may be framed, we should look at it from the Indian citizen's point of view. Every Indian citizen should have an equal right, no matter who he is, whether he is a Member of Parliament, sitting or defeated, or whether he is a Member of the Legislature—whichever he may be—he is entitled to possess arms. You may impose limits that he should have a li-

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cence, that his name should be registered and he must pay a nominal fee etc. But, I do not want any distinction to be drawn on the basis of superiority in wealth, rank or status because he is a Member of a *Gram Panchayat* or he is Member of Parliament or a member of the District Board and that sort of thing. That is one big thing he has got.

The other big thing he has got is how to change the Arms Act rules. There is no sufficient publicity. Now, the publicity that is given is that they are published in the Gazette of India. My hon. friend's opinion of publicity is different. He said that it should be placed on the Table of the House, as if by placing anything on the Table of the House it gets enormous publicity. It all depends upon what the matter is. Then, he says that when the arms had been seized in a certain emergency, then something should be done with that. I venture to say with great respect that we sympathise with the object; we share the views but the way in which he has tried to carry them out is rather perfunctory. My own feeling is that this is a matter of some importance. It should be done thoroughly. The responsibility for law and order—that hated expression—primarily rests upon the State Governments and the proper procedure should be that this Bill should go nominally before the public at large, which means going to the State Governments and eliciting public opinion. I will write to them and say, do not please confine yourself to the provisions of the Bill we are circulating for your opinion, but do please consider the whole matter, the whole of this topic from A to Z. Take into consideration the existing psychological change, the requirements of the day and send your proposals. I am personally most anxious to develop the feeling in the minds of the commonest man that this is his country, its defence is his prerogative, its defence from external aggression—call it whatever you like—whatever the bomb may be—is his

concern, the preservation of the internal security is his concern. I want to create a feeling; the public should feel that the administration of justice is their concern and they are responsible for it. It is the people's *raj* and people should see to it that everyone secures justice. It is from that point of view that I wish to ask the State Governments not to confine themselves to the skeleton of this measure but to look at it from the broadest aspects and then tell me what, in their opinion, should be done. Somebody mentioned the Communists. I look upon the Communists as great patriots and they would accept the same description of me. Sometimes we doubt but that doubt disappears.

Shri Nambiar: The little doubt is there.

Dr. Katju: I am not afraid of the Communists. We are all Indians. The preservation of security and the maintenance of law and order is for all of us. I am not feeling that if I give revolvers to the hon. Members over there or here they would kill me at any time they like. There is no difficulty about that. I therefore say that of the two amendments that have been placed before the House, the first is a better one, namely, circulation of the Bill for eliciting public opinion because it is a matter of great importance. We will take the other Acts, namely the English and the American Acts, into consideration and then remove the psychological barriers that we have got now. I am sure when the hon. Members hear the factual statement of the requirements of the situation and what the different State Governments have got to say, they will say that this thing should be done or that thing should be done. The arms should be granted freely subject to the granting of licences, a nominal fee should be charged, there should be registration with proper addresses so that whenever there is a difficulty they might be called back and so

on and so forth. It is from that point of view that I respectfully suggest to the House to accept the amendment for circulation of the Bill.

I would like to give a little more time. May I know what is the time suggested?

Mr. Chairman: It is 31st July, 1954.

Dr. Katju: I would have rather liked it to be a little longer, because the State Governments may have to take some time. If the view of the House is that it should be so. I have no objection. But, if the hon. Mover is willing to make it 31st August, I think, it would be desirable.

Shri Raghuramsiah: On a point of clarification. May I know whether it would be open to the State Governments, whose opinion is elicited, to give their views on the other sections of the Act also and not merely on the particular section which is sought to be amended?

Dr. Katju: I may make it quite clear. I want to make it clear to the State Governments that they would send up their suggestions on the Arms Act as a whole, the whole topic. The whole thing will be examined right from A to Z.

Mr. Chairman: On the entire subject and not on this Bill alone.

Shri U. C. Patnaik: Mr. Chairman, Sir, I am very grateful to the hon. Home Minister for the great sympathy he has expressed for the proposal to change the provisions of the Arms Act. I was myself submitting from the very beginning that I do not claim my suggestions to be final: I have simply proposed some changes with a view to set the machinery in motion and to see that the urgency of the problem is taken notice of. I have asked, as a first step to restore the old privileges. I am grateful to the House, to all my hon. friends who have spoken and particularly to the hon. Home Minister for the view that they have all taken. But, I would also add that the hon. Home Minister has forgotten to take

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notice of the urgency of taking some steps in the matter, in view of the dynamic situation today and the various happenings all round us. Some change in the Arms Act would have enthused the people and enlisted their co-operation and support for the fuller measure. I should have thought, with all respect to the hon. Home Minister, that a sort of Select Committee with himself as the Chairman or some Committee should be formed by himself in order to change the provisions of the Bill and to give urgent effect to certain changes in the whole of the Arms law. It would have been much better and would have enthused the people throughout the country. Even as it is, I leave it to the House to decide as to what to do. I agree to the proposal of the Home Minister of adding a note that suggestions are invited on the entire Arms Act so that we can make the Act fall in line with those of other countries or even make it more liberal still. It will be very much better.

Mr. Chairman: I shall now put the amendment to the vote of the House. The amendment runs thus:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1954";

to which another amendment has been proposed by the hon. Home Minister that instead of 31st July, the date may be 31st August. I hope the hon. Member accepts that amendment.

Shri Vallatharas: I accept it.

Mr. Chairman: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1954."

The motion was adopted.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): It is already 7-20 p.m.

Mr. Chairman: But it was notified that the House will sit upto 7-30 p.m.

I find, however, that there is no quorum.

Shri Nambiar: Please ring the bell and we shall have the quorum.

Pandit K. C. Sharma (Meerut Distt. —South): By the time people will come, it will be useless to take up the next item today.

Dr. Katju: The sense of the House seems to be that it should adjourn.

Mr. Chairman: In spite of the anxiety of my friend, **Shri Nambiar,**

I cannot dispense with quorum.

Shri Nambiar: Some Ministers are coming now.

Mr. Chairman: But unfortunately there is no quorum yet. In view of the fact that we have waited for such a long time and yet the quorum is not there, I am sorry I have to adjourn the House till 2 P.M. on Monday, the 12th April 1954.

The House then adjourned till Two of the Clock on Monday, the 12th April, 1954.
