

Mr. Speaker: The question is:

"That the time appointed for eliciting opinions on the Bill to provide for the better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith be extended upto the 30th July, 1959."

*The motion was adopted.*

15.05 hrs.

INDIAN FIRE-ARMS BILL—Contd.

Mr. Speaker: The House will now resume further discussion of the motion moved by Shri Uma Charan Patnaik on the 6th March, 1959 that the Bill to consolidate and amend the law relating to arms, ammunition and military stores be referred to a Select Committee.

Out of 2½ hours allotted for the discussion of the Bill, 38 minutes have already been taken up on the 6th March, 1959 and 1 hour and 52 minutes are now available.

Shri Uma Charan Patnaik may now continue his speech.

Shri U. C. Patnaik (Ganjam): Mr. Speaker, Sir, the other day while moving the motion for referring the Bill to a Select Committee I had mentioned to this House the circumstances in which after 80 years the old outmoded arms laws are proposed to be repealed and a new law substituted. There are two Bills before the House, one by Government and the other by me. The Government Bill is a very excellent Bill. It has got many good points. It has considered very many details. But there are certain factors which are missing there and which I have tried to put in.

For instance, Sir, I have tried to see that weapons are divided into three classes: those which are totally

prohibited in respect of which I have prescribed the maximum punishment, medium sized weapons usually required by the public, and weapons which are of high bores and generally not required by the public. I have categorised them into different categories, prescribed different types of punishment and also prescribed different rules. In the case of prohibited weapons I have tried to change the procedure in the Criminal Procedure Code. I have also tried to take into consideration the fact that prices of weapons are soaring high, weapons are not being brought from outside and they are not being manufactured in this country. I have therefore suggested that Government should try to see that weapons and ammunitions are manufactured in proper numbers and quantities adequate for our requirements.

I have also tried to introduce the principle of conscription. You know, Sir, in every independent country Government has got the right to conscript people for national service in emergencies. In this Bill, in a very limited way I wanted the principle of conscription to be introduced at least with regard to those who have got weapons, who have got licences or permits for weapons, so that unless they get some sort of exemption they shall be liable for national service in emergencies.

15.08 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Therefore, Sir, I have tried to introduce a few new principles which would not only bring our arms laws in conformity with those of free nations but also provide for all exigencies, provide that undesirable people do not get weapons, bombs, hand-grenades and all that to cause havoc in the country or take to fifth-column activities, and, at the same time, see that ordinary civilians have got the right to get weapons as easily

as possible unless they come under any of these undesirable categories.

The Government Bill also is very good. It has provided for various points. We are happy that Government has brought a Bill which satisfies us to a very large extent. But there are only a few points where we want that the Government Bill should be improved, and I think we may come to some understanding as to the incorporation of certain provisions. But the difficulty is that the scope of the Government Bill does not permit the points that I have raised, the special features of my Bill, to be discussed in the course of that Bill by way of amendment or otherwise. It is, therefore, Sir, that I have moved for reference of this Bill to a Select Committee. I leave it to the House to take any decision it likes. But I do hope that Government will agree to some sort of a decision which will take into consideration the provisions of both the Bills.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to arms, ammunition and military stores be referred to a Select Committee consisting of Shri Mahavir Tyagi, Sardar Amar Singh Saigal, Shri Bhakt Darahan, Shri Narendrabhai Nathwani, Shri Jagan Nath Prasad Pahadia, Shri Shradhhakar Supkar, Shri Radha Raman, Shri Raghunath Singh, Shri Ram Garib, Shri Ajit Singh Bhatinda, Shri Raghubir Sahai, Shri Deen Bandhu Parmar, Shri Diwan Chand Sharma, Shri K. P. Kutalkrishnan Nair, Shri M. Thirumala Rao, Shri L. Elayaperumal, Shri Jaganatha Rao, Shri Radha Charan Sharma, Shri K. G. Wodeyar, Shri Bedakumar Pratap Ganga Deb Bamra, Shri N. Keshava, Shri Naushir Bharucha, Shri Satis Chandra Samanta, Shri Pramathanath Banerjee, Shri M. S. Sugandhi,

Shri Hem Barua, Shri Motghin Bahaduraink Thakore, Shrimati Krishna Mehta, Shri A. M. Tariq, Sheikh Mohammad Akbar, Shri P. K. Kodiyan, Shri K. K. Warrior, Shri A. E. T. Barrow, Shri Dinesh Singh, Shri Subodh Hansda, Shri Rameshwar Sahu, Shri M. L. Dwivedi, Shri Shree Narayan Das, Rani Manjula Devi, Dr. N. C. Samantinar, Shri Baishnab Charan Mullick, Shri Krishna Chandra; and Shri U. C. Patnaik, with instructions to report by the end of May, 1930."

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, before the debate proceeds, may I point out—the hon. Member has also made a reference to that—that the Government Bill which has been already introduced in this House, I am hoping, will be taken up and referred to a Joint Select Committee soon. May I request the hon. Member to accept my assurance that the Select Committee will be requested to consider the provisions of this Bill? This is a Bill which deals with all the matters and it was the desire of this House to have a new consolidated Bill, because the old Act was a very old one, and out of deference for the opinion of this House, the Government went into the whole question, consulted the State Governments, and brought forward a Bill which I am very happy to find that the hon. Member, the mover of this Bill, believes is fairly liberal. Therefore, instead of discussing this matter at this stage, I might suggest to the hon. Member not to press it. When our Bill is submitted to the Select Committee, the provisions of this Bill will also be taken into account so that we shall have a Bill before this House which is as fair, as perfect and, in the words of my hon. friend, as liberal as possible.

Shri Raghubir Sahai (Budaun): Will the hon. Minister be pleased to tell us when the Government Bill is likely to come up for consideration?

**Shri Datar:** We have introduced it already, and as soon as possible after the Demands for Grants are over, we shall be requesting the House to take it up during this session.

**Shri U. C. Pataski:** My submission is this I am grateful to the hon. Minister that he has been kind enough to agree that both the Bills will be referred to the same Select Committee. I am perfectly agreeable to that, but then there is only a small matter which I would like to point out. The Arms Act is being amended after 80 years. It was intended to disarm the entire nation and certain changes are being made after 80 years. We are grateful to Government for bringing their Bill and for their willingness to accept both the Bills. But I submit that before the Government Bill also comes up, it will be very valuable and useful to Government as well as to this House if the opinion of a few hon. Members who are interested in this subject and who have been making a study of this for the last six or seven years since the last discussion in Parliament in 1954, and the expression of their views are obtained here. It will be advantageous to Government as well as to this House.

**Shri Datar:** When the Government Bill comes here, they will have the advantage, because, there will be a debate before the Bill is accepted and in the course of that debate, questions might be raised so far as the provisions of this Bill also are concerned.

**Shri M. L. Dwivedi (Hamirpur):** In case this Bill had not to be discussed, the Minister would have said at the outset that the Bill should not be discussed. But when the House is seized of the Bill, I think it is necessary that it should be continued, and the opinion of the Members given on the floor of the House, and then the Government will be free to take up the matter as they like.

**Mr. Deputy-Speaker:** This was the earliest opportunity when the Home Minister could be asked to say what he has to say and give his reactions. He could not do it earlier; unless the motion was before the House, how can I have permitted him to say before-hand? This is the opportunity.

So, the position is this. There is one demand that it should be discussed further so that the Members may have an opportunity to express their own ideas and feelings about it. But, as the hon. Minister has said, we can take all this into account and keep these things in mind. When the Government Bill is taken up, we can give more time to that Bill at that moment so that those Members who want to express their opinion on this Bill might also have full opportunity. We can keep that in mind. The time allowed will be for both the Bills and the time would be much more than would ordinarily be given to one Bill. When it is brought up by the Government, that can be taken into account. But unless there is some regular motion here—well, is Shri Samanta submitting a motion?

**Shri S. C. Samanta (Tamiluk):** I beg to move that the further debate on the Bill be adjourned sine die, as the hon. Minister has given us an assurance that the Government Bill will be fully discussed and that the present Bill also will be taken into consideration along with the Government Bill. So, I think the House will kindly accept this motion.

**Mr. Deputy-Speaker:** I can put the motion straightaway.

**Shri M. L. Dwivedi:** Before it is put, I wish that the House be given an opportunity to give its views so that the Minister might consider them and then bring a Bill.

**Mr. Deputy-Speaker:** The Bill has already been introduced. There is no question of the House waiting for it. The Bill has been introduced already.

The question is:

"That the debate on the Bill be adjourned sine die."

The motion was adopted

15.15 hrs.

**Code of Civil Procedure, Amendment Bill**

श्री म० ला० द्विवेदी (हमीरपुर) .  
उपाध्यक्ष महोदय, मैं अपने इस विधेयक को एक बार फिर सदन के सम्मुख विचार के लिए प्रस्तुत कर रहा हूँ। जैसा कि मैंने पहले इस विधेयक के बारे में बताया था, हमारे कोड ऑफ सिविल प्रोसीड्योर में एक धारा 20बी है, जिस के अनुसार एक ऐसा अधिकार हमारे देश के भूतपूर्व शासकों का दिया गया है, जिस से इस देश के नागरिकों को बड़ा भारी नुकसान हो रहा है। मैंने सदन के सामने कई उदाहरण रखे थे, जिन से यह साफ़ जाहिर था कि किस प्रकार ये लोगों के साथ पक्षपातपूर्ण व्यवहार किया जा रहा है। आज मैं सदन के सामने कुछ ऐसी मिसालें रखना चाहता हूँ जिन से यह पता चल जायेगा कि वास्तव में इस विधेयक पर फिर से ध्यान देना और करने की जरूरत है। ऐसे धनेकों किस्से हैं, जिन में राजा महाराजा व्यापार में धनवानेन देन में लगते हैं और नागरिकों के जो अधिकार हैं, वे उन को बरत नहीं पाते हैं। हमारे संविधान में यह बर्त है कि भारत-वर्ष में प्रत्येक नागरिक के अधिकार समान हैं और न्याय की दृष्टि से भी उन को समानता दी गई है। परन्तु एक ऐसी धारा है जिस से यह समानता छीन ही नहीं ली गई है बल्कि इस से लोगों के बिना एक बड़ी भारी हानिकारक बात इस देश में चल रही है। इस के पूर्व कि मैं और बोलें बातगाह, मैं ही बार उदाहरण देना चाहता हूँ। पिछली मर्तबा मैंने जब इस सदन में इस विधेयक को रखा था तो हमारे विधि मंत्री श्री सेन ने कहा था कि आप बताइये कि कहाँ

कहा मुकदमों चलाने का इजान नहीं दी गई है और कोई ना ऐसा बात नहीं होगी कि जहाँ पर इजाजत न दी गई हो। मुझे सेवपूर्वक कहना पड़ता है कि गृह मन्त्रालय को आज भी यह अधिकार प्राप्त है कि वह किसी को चाहे तो इजाजत दे सकता है और किसी को चाहे तो इजाजत नहीं दे सकता है। इस सम्बन्ध में विधि मन्त्रालय की राय मांगी गई थी गृह मन्त्रालय की तरफ से या दूसरी तरह से और पूछा गया था कि इस सम्बन्ध में क्या किया जाना चाहिये। विधि मन्त्रालय ने यह कहा था कि सभी केसिन में जहाँ तक सम्भव ही, इजाजत दी ही जानी चाहिये और इस इजाजत को रोकना नहीं जाना चाहिये। विधि मन्त्रालय हमारी सरकार का एक विशेषज्ञ विभाग है। उस की राय है कि मुकदमा चलाने की अनुमति दी जानी चाहिये। लेकिन ऐसे उदाहरणों की यहाँ गिनती नहीं की जा सकती है जिन में इजाजत नहीं दी गई क्योंकि ऐसे बहुत ही मामले हैं। कितने ही मामलों में गृह मन्त्रालय की तरफ से इस तरह के मुकदमों चलाने की आज्ञा नहीं दी गई है और सालों के साल गुजर चुके हैं। जितना रुपया लोगों को राजा महाराजाओं से मिलना था, उस का ब्याज भी आज तक लालों में हो जाता, यदि उस रुपये को किसी अन्य काम में लगाने का अवसर प्राप्त हो गया होता। लेकिन लोगों को रुपया मिलता नहीं है। यह व्यापारिक मामलों का रुपया है। सरकार ने राजा महाराजाओं को जो अधिकार दे रखे हैं, उन के साथ मुझे कोई विरोध नहीं है। जब तक वे हमारे देश के शासक थे, तब तक तो उन को पूरे अधिकार प्राप्त थे और अब भी हम ने उन को एक तो जो उन के शासक होने की हैसियत में अधिकार थे वे उन को दे रखे हैं और साथ ही सम्पूर्ण साधारण नागरिकों को जो अधिकार प्राप्त हैं, उन से कहीं अधिक दूसरे अधिकार भी उन को दे रखे हैं। नागरिक की हैसियत से वे व्यापार करते हैं, लेन देन करते हैं और जीतिमत्त करते हैं या अन्य काम करते हैं और