

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri G. K. Faut: Sir, I introduce the Bill.

HAJ COMMITTEE BILL*

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Sir, I beg to move for leave to introduce a Bill to establish a Committee in the Port of Bombay for assisting Muslim pilgrims to Saudi Arabia, Syria, Iraq, Iran and Jordan and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to establish a Committee in the Port of Bombay for assisting Muslim pilgrims to Saudi Arabia, Syria, Iraq, Iran and Jordan and for matters connected therewith."

The motion was adopted.

Shrimati Lakshmi Menon: Sir, I introduce the Bill.

11.05 hrs.

ARMS BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 1st September, 1950, namely:—

"That the Bill to consolidate and amend the law relating to arms and ammunition, as reported by the Joint Committee, be taken into consideration."

Shri Datar may continue his speech.

Shri U. C. Patnaik (Ganjam): Sir, last session a number of amendments were moved by us but they have lapsed. They have not yet been moved by some of us. We have given

notice today and we request you to waive the objection regarding time in respect of our amendments which we are tabling today and also the Government amendments which are being tabled today.

Mr. Speaker: Very well. I shall waive notice.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Speaker, Sir, this Bill, as amended by the Joint Committee, was taken into consideration during the last session and I had just begun when it was adjourned to this session. I will be brief so far as the main points are concerned.

I had already pointed out that the Government were anxious to sponsor a Bill in accordance with the assurances given on two or three occasions. The hon. Member, Shri Patnaik, had brought forward a Bill as early as 1954 and the Government had promised to look into the whole matter and to have it examined by the State Governments. We got the views of the State Governments and after examining them we placed before this House a Bill which was referred to the Joint Committee of both Houses of Parliament. We have now the advantage of a number of improvements made by the Joint Committee. It is in this background that the present Bill has to be taken into consideration.

This Bill was piloted by the Government at the instance of a number of hon. Members with a view to liberalise the provisions consistent with the need to maintain law and order because there was, oftentimes, abuse of the provisions of the Arms Act. That is the reason why the Government had to take a middle course of having the largest measure of liberalisation in the provisions on the one hand and also to see to it that they were not abused. Though it is termed as Arms Bill all that has been done is to provide for licensing firearms only or some others arms for which a licence is necessary. In

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respect of arms other than fire-arms, normally, we will find that no licence is necessary at all. But when there are extraordinary circumstances and it becomes necessary for the Government to regulate the use and exercise of such arms, then only, power is taken to meet the extraordinary situation created by such circumstances, which need not be detailed here. Though it is called Arms Bill, this Bill normally deals with the fire-arms, their use, transfer, purchase, etc.

Secondly, we have made it possible in certain cases for the citizens of India concerned to possess arms of certain type for crop protection or other *bona fide* use. The Joint Committee dealt with this question and certain very important amendments of a far reaching character were accepted and therefore, the Bill, as reported by the Joint Committee, constitutes a considerable improvement upon what it was originally when it was introduced.

A number of hon. Members in both the Houses as also in the Joint Committee made a point that often, there were long delays in the grant of such licences and that they were not good. It has now been made clear that there ought to be expeditious disposal of all applications for the grant of arms licences.

Then, as you will find, an appeal also has been provided. Normally, the reasons for the rejection of an application for holding arms will be given but when there are higher interests, when the interests of the country require otherwise, when in public interests it would not be proper to disclose the reasons, it is only then that the reasons are not given. But, all the same, the appellate authority will go through the whole affair and will see whether refusal of the arms was due to certain over-riding circumstances. If there are no such circumstances, arms would be granted as a matter of course.

Under the existing law, as it has been for a number of years, you will find that every year a licence was required to be taken. We have now raised the period to three years for the purpose of preventing inconvenience and hardship to the persons who desire such licences. Normally, the period would be three years except under certain circumstances. When a licence is required for a shorter period or when tourists and other persons are there who require it for a smaller period, naturally a licence would be granted for a smaller period, but the prescribed period is the normal period for which a licence should be required and a licence would be granted.

I may also point out here that so far as domestic weapons are concerned, they are entirely exempted from the definition of the word "arms" as it has been given in the present Bill, the Arms Bill. Thus we have kept the weapons used for domestic purposes out of this Bill; they are completely excluded.

Arms other than fire-arms do not generally require a licence except when there are extraordinary circumstances requiring the exercise of special powers for regulating the use of arms. I might point out here, again, briefly, that ordinarily it is only fire-arms that come within the purview of the present Bill; that is, you will find a great improvement so far as the powers to be used under this Bill are concerned.

Then I would pass very briefly over the various improvements effected in the provisions of the Bill. In clause 2, you will find that the word "prohibited" has been defined as including also bombs, grenades etc. That was suggested by a number of hon. Members and that has been accepted.

In clause 3, the scope has been widened. It has now been said to be not only for the purpose of sport but also for *bona fide* use. The wording has, therefore, been purposely enlarged.

In clause 4, you will find the exceptional circumstances to which I have made a reference. They have been noted down there and it has been stated that even under exceptional circumstances, the arms to which this particular clause has to apply have to be specified. It was pointed out during the discussion in the Joint Committee that this would have very wide repercussions and any weapon that may not have been ordinarily intended to be brought under regulation was likely to be brought under regulation. Therefore, it was considered advisable by the Joint Committee that before the powers under clause 4 were used, the weapons to which the regulation or the restrictions were to apply had to be specified in the notification itself. That has been accepted.

There are subsequent clauses where the word "conversion", which was not there, has been put in. "Conversion" is the use of a weapon for a purpose other than the one originally intended. That was a slip, an inadvertent slip, and that has been made good now and the word has been used wherever it was considered necessary.

There is also the provision for the purpose of putting identification marks on the arms. In the arms laws in various States I have found that identification marks have to be put in and they are not to be erased. That has been made clear now. A longer period has also been given, because it is quite likely that after the Act comes into force, many people will take some time to know that there is need for putting in identification marks. The period originally fixed was only six months, but that has been extended to one year at the desire of the Joint Committee members.

Then, in certain cases—you will kindly see clause 9—arms were to be given under certain circumstances. The period originally fixed has been brought down from 18 years to 16 years. In clause 9(1)(a), it has been stated:

"Notwithstanding anything in the foregoing provisions of this Act,—

(a) no person,—

(i) who has not completed the age of sixteen years...."

Originally the period was 18 years. We have now reduced it to 16 years at the desire of a number of associations and also some hon. Members.

You will also find that sub-clause (2) has been specifically added which says:

"Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such fire-arms as may be prescribed in the course of his training in the use of such fire-arms."

By addition of this sub-clause, you will find, training has been facilitated.

So far as clause 10 is concerned, sub-clause (b) has been purposely added with a view to make it possible for a *bona fide* tourist to bring to India his own arms in reasonable quantities. The explanation also makes it clear that ordinarily the period would be six months.

I would now invite the attention of the House to clause 13. It is one of the important clauses where it has been made possible for people to get arms as a matter of course. I would invite the attention of the House to sub-clause (3) where it is said:

"The licensing authority shall grant....."

The wording may be noted. Then it says:

"a licence under section 3 where the licence is required—".

Then, in sub-clause 3(a)(1), it is said: "for a smooth-bore gun for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection:". This provision was

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already there. It has now been further made clear that if the weapon that was allowed generally was not sufficient to meet the particular purpose of crop-protection in any locality, in that case, it would be open to the licensing authority to grant a licence for other weapons also. This proviso has been purposely introduced, because when the Bill was under consideration by the Joint Committee a number of hon. Members, including my hon. friend, Shri Patel, made a suggestion that it would not be useful, that it would not meet the requirements, as he pointed out, of every case for the purpose of crop protection. I would, therefore, invite his attention to the proviso which says:

"Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection,...."

I now pass on to clause 14. Clause 14 is of a usual nature, because there would be circumstances under which a licence will have to be refused. I would not make further reference to this except to point out that in sub-clause (1) (b) (i) (3), it is said: "to be for any reason unfit for a licence under this Act". The criticism was that this would lead to very wide powers to the licensing authority and that they might be abused under certain circumstances. I have looked into the matter. I have found that there are stronger words used in this connection in the Acts of some of the other States. All that has been done by the Committee is, in sub-clause (ii), the words "public safety" have been added after "public peace". After all, peace has also to be maintained but the House is aware that there are possibilities of certain acts being done which would endanger public safety also. Therefore, a number of hon. Members suggested in the Joint Com-

mittee that these words should be added and, therefore, their suggestions have been noted.

I would not again refer to clause 15 which grants a period of three years which is the duration of the licence. I might point out here that there has been no change except the putting in of the words "public safety" in the rest of chapter III.

When we come to chapter IV, we will find that oftentimes, the Government require powers to demand the production of the licence, etc. Oftentimes, this is by-passed in a number of ways and that is the reason why in clause 19(2), we have added:

"may require him to give his name and address and if such officer considers it necessary,"

and then the words "seize from that person the arms or ammunition which he is carrying" are put in. These are the two healthy precautions that have been laid down. If, for example, a man has certain arms without a licence, but if he gives the names and addresses, that might be one circumstance to be taken into consideration, because it is quite likely that he might not know that there might be certain extenuating circumstances. Therefore, in a small number of cases, the supplying of names and addresses may be sufficient.

Secondly, there should be no arbitrary seizure of arms. What has been laid down is, that the officer "may require him to give his name and address" etc. That means the officer who is going to seize the particular arms will have to be satisfied that there are certain reasons why a particular extreme action of seizing from him the arms or ammunitions is necessary. That is the reason why a preliminary stage has been laid down according to which the seizing authority should not seize as a matter of course, but will have to seize only when he finds that it is absolutely necessary to do so.

Then, in sub-clause 21, the period has been increased from 15 days to 30 days. About the offences, may I point out that the extent of sentence that has been attached to the different offences depends upon the nature and the gravity of the offences. Therefore, different sentences have been provided for the different categories of offences.

I would also invite the attention of the House to clause 25(b) which says:

"acquires, has in his possession or carries in any place specified by a notification under section 4 any arms of such class or description as has been specified in that notification,"

I have made a reference to it on an earlier occasion. Therefore, for the reasons stated, it has been repeated here. In respect of all those offences which have been referred to in the earlier section, naturally, no reference was formerly made to conversion, and, therefore, the word "conversion" had to be introduced in a number of sub-clauses in clause 25. You will find that the period varies and the highest period that has been found necessary to be prescribed is seven years under clauses 26, 27 and 28. There has been a slight amendment to clause 29. It says:

"Whoever purchases any fire arms or any other arms of such class or description as may be prescribed or any" etc.

Again, the need to prescribe the particular category of arms has been repeated here also. Clause 31 may kindly be noted. Whenever an offence is repeated, then the repetition of such an offence increases the magnitude of that offence and, therefore, the punishment has to be doubled. Under clause 31, it is said:

"Whoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence."

It is hoped that the offence at best, and at his risk, will be repeated only twice and not more. In some of the foreign Acts, I have found that they have further added that in case an offence is committed for the third time, the punishment shall be not merely double but treble of the original punishment. But here we believe that perhaps that provision may not be necessary. That is the reason why one repetition of the same offence has been provided for with an enhanced punishment or sentence.

I would then invite the attention of the House to clause 33 which deals with offences by companies. The proviso is there for the purpose of giving relief to those persons or granting exemptions to those persons from criminal liability where they themselves were not aware of the circumstances under which the companies had to carry out certain requirements of the Act. The proviso reads thus:

"Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge " etc.

Without his actual knowledge, if some offence has been committed by a director or an officer, then this particular person against whom a charge has been laid, as a member of the company or as an employee of the company, can prove his complete absence of knowledge and that he exercised all diligence to prevent commission of such an offence after it came to his notice. Therefore, these two salutary safeguards have been provided in the interests of those who were ignorant but who took all necessary precautions to prevent the commission of such an offence.

Then I pass on to chapter VI. I would here invite the attention of the House to clause 35. There also there was considerable discussion, and it was felt that all persons in joint occupation

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should not necessarily be made liable as a matter of course. That is the reason why this clause was considerably improved, and I was happy to find that those Members of the Joint Committee who had raised this question were satisfied with the improvement that was suggested by me before the Joint Committee. I would read it and explain to you how the position has been made extremely clear and how to a large extent provision has been made for the purpose of protecting those persons who had nothing to do with it during joint occupation. Clause 35 reads thus:

"Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is reason to believe that he was aware of the existence of the arms or ammunition in the premises, vehicle or other place shall, unless the contrary is proved, be liable for that offence. . ."

Normally, as you are aware, under the penal law, when a certain offensive article is found with a person, he is normally liable to punishment, but when there is joint occupation, in that case, according to the provision in the Arms Bill, what was done was this. When certain offensive articles are found from a vehicle or any other place or premises, all the members in general occupation were to be held liable, unless one of them proved that he was not aware of it and hence entitled to exemption on the ground of *bona fide* ignorance. It was considered that before any such presumption is drawn against him, the officer must further find out whether there is reason to believe that he was aware of the existence of the arms or ammunition. In fact, a particular restraining clause has been intercepted here between the finding of arms in the place

of general occupation of many people and the drawing of an adverse inference against him, *viz.*, exercise of discretion by the magistrate concerned in respect of whom there is reason to believe that he was aware of the existence of the arms and ammunition. So, this has been purposely introduced with the object of preventing any hardship to the persons who are not aware of it. The authorities concerned, who have to deal with this must have some reason before them to believe that he was aware of the existence of the arms and ammunition in the premises. Only then the court will proceed against him as a matter of presumption. Still, it is open to the *defence to prove the contrary*. Two safeguards are introduced. No presumption can be drawn against him unless in the opinion of the officer concerned, there was reason to believe that he was aware of the existence of the arms. If he comes to the conclusion that there was no such reason, naturally he would be protected. These great safeguards have been introduced for the purpose of preventing persons from being made liable under clause 35 as a matter of course.

So far as rule-making power is concerned, I would invite attention to clause 44(3), according to which whenever rules are made, they have to be placed before the Houses of Parliament. Formerly a certain period had to be completed within one session. But oftentimes, it was very difficult. Now, it has been stated that this period need not be completed in one session, but it might be completed in more sessions of Parliament than one. The new formula generally accepted in this connection is this:

"Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions."

That means the period of 30 days can be counted not only in respect of the remaining days of one session, but the other session also can be taken into account. Then sub-clause (3) says:

"... and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

So, the privilege of making changes in the rule or cancelling the rule altogether vests in Parliament. It is the duty of Government to place the rules for 30 days by counting the periods of the two sessions together. So, a very healthy practice is being developed in this connection and that has been followed in this respect as well.

In the last clause, nothing very serious has been done except that in clause 45(b)(iii), the following has been added:

"or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify" etc

So, you will find that a large number of very welcome departures from the original provisions or improvements have been made in the provisions of this Bill. So far as the dissenting notes are concerned, I need not say much except to point out that at least two or three hon. Members have gracefully accepted the position that there has been a considerable improvement in the provisions of the Bill. Naturally, there might be certain cases where hon. Members may not be satisfied, but the larger and the overriding interests of public

security and public interest have also to be taken into account. I submit that on the whole we have here an improved edition of the Bill, which was good enough, but in view of the innumerable suggestions made by hon. Members, we have to a very large extent succeeded in improving the provisions consistently, as I stated, with the over-riding reasons of public interest and public safety. I hope the improved Arms Bill be approved of by hon. Members.

Mr. Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to arms and ammunition, as reported by the Joint Committee, be taken into consideration."

There are no motions for further reference to a Select Committee. There are some amendments to individual clauses.

Some Hon. Members rose—

Mr. Speaker: Hon. Members who have originally participated in the discussion should wait.

Shri Naushir Bharucha (East Khands): Otherwise the business will collapse today.

Shri D. C. Sharma (Gurdaspur): Kindly note down the names.

Mr. Speaker: I need not note down the names. As and when hon. Members stand, I will call them.

Shri D. C. Sharma: What is the time allotted?

Shri Datar: 4½ hours.

बंजित ठाकुर दास नार्गब (हिसार) जनाब स्पीकर साहब, मैं उन प्रश्नोत्तर में से हूँ, जिन्होंने इस बिल को ज्वॉइंट कमेटी को भेजे जाने के मृतान्तिक बहस में अपनी कांटीब्यूशन करने के लिये वेयर से ख़ास इजाजत ली थी। इस वक़्त मैं ज्यादा बक़्त नहीं लूंगा, क्योंकि मैं जानता हूँ कि हमारे पास सिर्फ़ साढ़े चार घंटे बक़्त हैं और वह निहायत इम्पोर्टेंट बिल है।

[पंडित ठाकुर दास जार्ज]

हमारे हीम मिनिस्टर साहब ने बड़े जोर जोर से इस बात की सिकारिण की है कि वह हाउस इस बिल को मान ले। इसमें कोई शक नहीं है कि इस बिल के बारे में उन्होंने जो क्लेम किया है कि पहले बिल के मुकाबले में यह बड़ी भारी इम्प्रूवमेंट है, मैं इसको मानने के लिये तैयार हूँ। अन्य बातों में क्रिसवाके बड़ी भारी इम्प्रूवमेंट हुई है और मिनिस्टर साहब ने उनका जिक्र किया है, इसलिये मैं उनको रिपीट नहीं करना चाहता हूँ। इस बिल में जो दफ्ता १३ का प्राविजन किया है, वह उस वादे के मुताबिक ही है, जो कि मिनिस्टर साहब ने किया था। लेकिन मुझे यह कहने में ज़रा भी ताम्मुल नहीं है कि इस सिलसिले में हूँ जो उम्मीदें थी कि किस तरह का ग्राम्ब एक हिन्दुस्तान में बनाया जायेगा, वे पूरी नहीं हुई हैं और हमें सस्ता मापूरी हुई है।

पहली गवर्नमेंट ने ग्राम्ब एक बना कर सारे हिन्दुस्तान को एक तरह से डिस-ग्राम कर दिया था। उसके बारे में और क्रिटि-सिष्म को छोड़ कर महात्मा जी की क्रिटि-सिष्म तो हाउस के हर एक मेम्बर को मालूम है कि यह इन्कैस्ट एक्ट है। महात्मा जी ने रॉयल्टी के हाथ गवर्नमेंट को इस बारे में चिट्ठी लिखी थी, जिसमें यह चिक्र किया गया था कि इस एक्ट के जरिये हिन्दुस्तान को इन्कैस्ट कर दिया गया है, उसकी स्विटि को मार दिया है, हिन्दुस्तान में एक ऐसी क्रिडा पैदा कर दी है, जिसमें लोग हथियारों के इस्तेमाल को मूल जानें। आजादी मिलने के बस बरस बाद हमें यह उम्मीद थी कि अब जो बिल बनाया जायेगा, वह लिबरल होगा। मैं मानता हूँ कि यह बिल लिबरल है, लेकिन वह उतना लिबरल नहीं है, जितना कि हम उम्मीद करते थे। आगरेविल मिनिस्टर साहब ने यह दुस्त प्ररमाया है कि यह बिल लिबरल है, लेकिन मैं जर्ज

करना चाहता हूँ कि उनको पब्लिक वेल्थ की जो चिक्र है, पीस के लिये जो वीथिंग-पावरिय पैशन है, उस की बजह से इस बिल में ऐसी चीजें बा गई हैं, जो कि नहीं मानी चाहियें थी। हिन्दुस्तान सारी बुमिया से ज्यादा पीस-सविंग मुल्क है। घुनाइटेड नेशन्स ने करार दिया है कि इस मुल्क में कम से कम जरायम होते हैं। यहाँ के लोग निहायत पीस-सविंग हैं, बड़े टानरेंट हैं और एगरेशन करना नहीं जानते। बहुत बोडे से अंगरेज चालीस करोड़ हिन्दुस्तानियों पर हुकूमत करते रहे। हमारी कंट्री टर्बुलेंट कंट्री नहीं है— वह निहायत पीसफुल कंट्री है। इसलिये यहाँ पर इतना मन्स ग्राम्ब एकट बनाने की हरगिज ज़रूरत नहीं थी। दर-असल एक ऐसे मुल्क में, जो सबियों के बाद आजाद हुआ है, ग्राम्ब का रकना एक फंडामेंटल राइट होना चाहिये था। यह बात मैंने पहले भी जर्ज की थी। मैं उसकी बजुहात में इम वक्त नहीं जाना चाहता हूँ। गो कि यह कास्टीयूशन में दर्ब फंडामेंटल राइट्स में दाखिल नहीं है, लेकिन फिलवाके यह हर हिन्दुस्तान का फंडामेंटल रा ट है कि वह ग्राम्ब रख सके। मैं यह भी जर्ज करना चाहता हूँ कि मारे फंडामेंटल राइट्स कास्टीयूशन में दर्ब नहीं हैं। वोट करने का, स्टैंड करने का राइट बिल्कुल फंडामेंटल है, लेकिन वह कास्टीयूशन में दर्ब नहीं है। पीनल कोड सारे मुल्क का कानून है और एक पुराना कानून है। उसका दफ्ता २६ में हर साइल को यह हक दिया गया है कि वह अपने जित्त और दूसरे के जित्त को, अपनी प्रापर्टी और वीर की प्रापर्टी को बचा सके। अगर उसको यह हक दिया गया है, तो उस हक को इस्तेमाल करने के जरिये भी तो उसको दिये जाने चाहिये। इसलिये हर भावनी का हक है कि वह हथियार रख कर अपने को, अपने पड़ोसी को, अपने रिस्तेवार को, बल्कि हर हिन्दुस्तानी को बचा सके और अपनी और दूसरों की प्रापर्टी

को बचा सके। यह सभी मुमकिन है, अगर वह अपने पास आम्बं रख सके। इस के बिना बायोथाने-कानून के एक बड़ी बजह थी। उन्होंने जिन्ना या कि हिन्दुस्तान एक ऐसा मुल्क है, जिसमें इस तरह के बाकयात हुये हैं कि लोग मुल्कों को सहते ह, जबर-दस्तियों को सहते हैं और वे इतने आबाद नहीं हैं कि वे अपने हकों को बचा सकें। इसलिये हम उनको बिलायत से ज्यादा सैल्फ-डिफेंस का राइट देते हैं। यह बजह थी, जिसकी जिन्ना पर उन्होंने हिन्दुस्तान को इतना बड़ा राइट दफ्ता २६ के मातहत दिया। इस दफ्ता के होते हुये आज आम्बं एक्ट के जरिये लोगों को आम्बं से महकम करना और ऐसे लिमिटेडान् रखना, जिस से वे सरीही तौर पर आम्बं का फायदा न उठा सकें, जायज नहीं है। गवर्नमेंट इस बिल में ऐसे प्राविजन रखती कि यहाँ पर किसी भी शख्स को, जो कि आम्बं लेना चाहे, लाइसेंस लेने में कोई मुश्किल न होती। असूसन उन आम्बं को जो कि फायर-आम्बं की डेफिनीशन में नहीं आते, आम्बं में नहीं दाखिल करना चाहिये था। गवर्नमेंट ने इस बिल का नाम फायर-आम्बं बिल के बजाय आम्बं बिल रखा है, लेकिन इसमें सब शरायत फायर-आम्बं के मुताल्लिक है। लेकिन मैं भ्रंज करना चाहता हू कि बेहतर होता कि दफ्ता ४ को किसी तरह से कर्ष कर दिया जाता और गवर्नमेंट के पास ऐबसोल्यूट पावर न होती। दफ्ता ४ में जिन्ना है कि स्पेसिफाइड सर्कमस्टांसिज में गवर्नमेंट नोटिफिकेशन जारी करेगी, लेकिन उसमें वह दर्ज नहीं है कि वह नोटिफिकेशन किस धरते के लिये जारी रहेगी। अगर एक दफ्ता नोटिफिकेशन जारी हो जाये, तो मुझे ताज्जुब नहीं होगा कि वह कभी भी न हटाया जाये। हर मुल्क में गवर्नमेंट ऐसी ही है, जैसी कि हमारे मुल्क में है। हर एक गवर्नमेंट पीस और पब्लिक सेफ्टी चाहती है। मैं यह चाहता हू कि गवर्नमेंट एक टेम्पोरेरी रीरिवल के लिये हुकम

जारी कर सके और जब रीरिवल के बाद वह हुकम अपने प्राय रीरिवल हो जाये।

12.45 hrs.

[SRI MATI RENU CHAKRAVARTY in the Chair].

ऐसा न होने पर हालत यह होती है कि कोई नोटिफिकेशन जारी कर दिया जाता है और बत्तों तक उसको हटाने की जरूरत नहीं महसूस की जाती है। मैं तो यह समझता हू कि गवर्नमेंट का ऊर्ज यह होना चाहिये था कि वह इस मुल्क में चीप मैन्युफैक्चर आफ आम्बं करती। अगर किसी मुल्क में आम्बं मौजूद नहीं है, तो अगर सारे कानूनों को भी हटा दिया जाये, तो लोग आम्बं लेने कहा से? गवर्नमेंट वे आम्बं का मैन्युफैक्चर बन्द कर दिया है। जब लोगों को आम्बं मिलेंगे ही नहीं, तो वे किस तरह से उनका इस्तेमाल सीखेंगे और अपनी और दूसरों की हिफाजत और अपनी और दूसरों की प्रायटी की हिफाजत करेंगे? गवर्नमेंट को खुद आम्बं का मैन्युफैक्चर करना चाहिये था, ताकि सब लोग सहूलियत से उनको ले सकते। प्राय चीन ने हम पर हमला किया है। मैं समझता हू कि अगर हमारे यहाँ आम्बं एक्ट न होता, तो प्राय चीनियों को हम पर हमला करने की हिम्मत न होती। प्राय यह समझ में आता है कि हमने बारह बरसों तक गलती की है, बेवकूफी की है। प्राय हमारे देश में काफ़ी आम्बं नहीं है। प्राय एम्प्लीशन की कीमत चौगुनी हो चुकी है पहले के मुकाबले। जिस देश में आम्बं एंड एम्प्लीशन नहीं है, उसने यह कहना कि आम्बं एक्ट ऐसा है, वैसा है, फ़िजूल है। गवर्नमेंट अपने जिन्मे ले कि यहाँ पर आम्बं एंड एम्प्लीशन सस्ते पैदा किये जाये और वह लोगों को इस काबिल बनाये कि वे उनको हासिल कर सकें और उनको इस्तेमाल करना सीख सकें। मुझे याद है कि १९४७-४८ में इस तरह की गवर्नमेंट चली थी कि बाहंर प्राविसेज में राइफल बनाने

[वंचित छात्र दाख जार्जव]

शुक्र की गई थीं। हर डिस्ट्रिक्ट में वे शुक्र की गई थीं, लेकिन 1956 के बाद जब काश्मीर का जंगड़ा खत्म हुआ, तो सब भागना खत्म हो जाते। भाव देना भर में कोई मुचमेंट नहीं है। लेकिन मैं समझता हूँ कि भाव देना में इस प्रकार की फिदा है जिसमें कि यह जरूरी है कि हर एक के पास डिस्ट्रिक्ट याफ दी कंट्री के लिये आर्म्स मौजूद होने चाहिये ताकि बहुत जरूरत वह उनका इस्तेमाल कर सके। आर्म्स की दो तरह से जरूरत पड़ती है। इनकी जरूरत न सिर्फ परसन और प्रापर्टी के लिये ही होती है बल्कि मुल्क को हमले से बचाने के लिये भी इनकी जरूरत पड़ती है। कोई भी मुल्क उस वकत तक सेफ नहीं हो सकता है जब तक कि वहां पर रहने वाले लोग कंट्री को सेव करने के लिये आर्म्स का इस्तेमाल करने के काबिल न हों। मुल्क की रक्षा करना हर एक का पहला फर्ज है और इसके लिये यह जरूरी है कि लोग पूरी तरह से भागंड हो ताकि वे इस काम को पूरा कर सकें। अगर आप आर्म्स नहीं देते हैं तो यह काम नहीं हो सकता है।

मुझे स्विटजरलैंड जाने का मौका मिला था। वहा पर मैं इस बात को सुन कर हैरान रह गया कि थेट वार में किसी मुल्क ने उसकी तरफ भांख उठा कर नहीं देला और न ही उसके पास कोई रेग्युलर आर्मी थी लेकिन फिर भी चौबीस घंटे के अन्दर पांच लाख बर्द और औरतें अपने हाथों में हथियार लेकर देश की रक्षा के लिये मौजूद थीं। मैं समझता हूँ कि अगर लोगों के पास हथियार होते तो जो सूरत जम्मू और काश्मीर में पैदा हुई है और नेफा में हो रही है वह पैदा न होती और चीन की यह हिम्मत न होती कि वह हमारी तरफ भांख उठा कर बेल सके। हो सकता है कि इस मामले का हल एक दो बरस में निकल आये, इसका कोई फैसला हो जाये लेकिन ताहय क्या पारंटी

है कि यह चीज रिफर नहीं होगी और ऐसी बात फिर कभी नहीं होगी। मैं समझता हूँ कि बड़ी लिबरल प्राविजंस इस एक्ट के अन्दर होगी चाहिये थीं। इसके अन्दर होना यह चाहिये था कि चीप आर्म्स या तो मैयुकेन्वर किये जायेंगे या फिर इस तरह के आर्म्स के मैयुकेन्वर को एनकरेज किया जायेगा। या तो इस तरह के आर्म्स लोगों को बनाने की इजाजत दी जायेगी और अगर ऐसा नहीं किया गया तो गवर्नमेंट खुद इनको बनानेगी और रीजनेबल प्राइस पर लोगों को देनी ताकि लोग उनको रख सकें और बहुत जरूरत उनका इस्तेमाल कर सकें। जब तक यह नहीं होता है तब तक आप कुछ भी इसमें रबैं मैं सन्तुष्ट नहीं हो सकता।

हमारे देश में पीसफुली लोग रहते हैं और आपको कोई डर नहीं होना चाहिये। मैं समझ सकता हूँ कि जो भी एडमिनिस्ट्रेटर होता है उसको देखना होता है कि पीस एंड आर्डर कायम रहे और हमको कायम रखने की उसकी पूरी जिम्मेदारी होती है और उसका विभाग भी बैसा ही होना चाहिये जैसा कि आपका है। मैं आपकी इस बात की कदर करता हूँ, मैं इसको एप्रेशियेट करता हूँ। लेकिन मैं समझता हूँ कि आपका विभाग भी साफ होना चाहिये। आपको भी यह समझना चाहिये कि हम बहुत पीसफुल हैं, बहुत टालमेंट हैं, किसी से जंगड़ा नहीं करलन चाहते हैं, जबर्दस्ती किसी की जायदाद में हिंसा नहीं लेना चाहते हैं। गांधी इत्यादि में हम देखते हैं कि चीजें पड़ी रहती हैं, बलिदानों में फसलें पड़ी रहती हैं, कोई चोरी नहीं करता है। ये सब चीजें मेरे मायक बोस्त जानते हैं। इस मामले में बर्द करना चाहता हूँ कि गवर्नमेंट को देखना चाहिये और अपनी इस जिम्मेदारी को महसूस करना चाहिये कि देश में चीप आर्म्स

बन्धुकीनगर हों और लोगों को रिड्यूस्ड ट्रेड पर बिल ।

जब मैं इस बिल की प्राविजंज की देखता हूँ तो मैं यह कहे बगैर नहीं रह सकता हूँ कि ये बहुत हाबू है । मैं देखा करता था कि पोलिटिकल मोटिव की बिना पर लोगों को इस आर्म्स एक्ट के तहत सात-सात साल की कैद की सजा दे दी जाया करती थी । अजीब प्राविजस पहले एक्ट में थी । मुझे दुःख के साथ कहना पड़ता है कि उन प्राविजस को इसमें इम्पोर्ट कर दिया गया है और इसमें भी सात-सात साल की कैद की सजा मामूली बातों के लिये प्रावाइड कर दी गई है । दफा २५ में जहाँ से आफेंसिव एंड पेनेल्टीज गुरू हांती है वहाँ दो तरह की सजायें, दूसरी मजाओ के अनावा, बताई गई हैं । एक के लिये तीन साल की सजा प्रावाइड की गई है और दूसरे के लिये सात साल की । अगर कोई अपने पास हथियार रखता है और उसको छिपाने की कोशिश करता है तो उसको तीन साल की कैद की सजा दी जा सकती है और अगर कोई अन-लाफुन परपज के लिये रखता है तो सात साल तक की कैद की सजा हो सकती है । आप यह भी जानते हैं कि ज्वायट आक्यूपेशन पर सैकड़ों मुकदमात हुये हैं । कई बाम्ब केसिस हुये हैं । अलीपुर केस बहुत मशहूर केस हुआ है । एक कुनबे के घर में यह चीज पाई गई और उसने कह दिया कि हम नहीं जानते, ज्वायट आक्यूपेशन में यह चीज आती है । यहाँ पर चार भाई भी रहते हैं, बाप भी रहता है । यही बात लाहौर केस में हुई । बाद में चल कर कानून ने करार दिया कि हेड आफ दी फीमिली जिम्मेदार है और पहली प्राविजस को बदल दिया । पहले जो बेनिफिट आफ डाउट एक्पूज को दिया जाता था उसको भी घब सक्त किया जा रहा है ।

मैं अर्ज करना चाहता हूँ कि जितनी प्राविजंज इस में रखी गई हैं वे सब की सब

पुराना जो एक्ट था, उस में से नक्स करके रख दी गई हैं । पुराने एक्ट को तो पुरानी गवर्नमेंट ने अपने वर्ष के लिये बनाया था और वह समय में था सकता था । वह चाहती थी कि देश इमैस्कुलेट हो जाए और उसको लोगों से डर था । आज हमको लोगों से डर नहीं होना चाहिये । अगर कोई आदमी हमला करता है तो करोड़ों आदमी ऐसे होंगे जो गवर्नमेंट का साथ दगे । मैं समझता हूँ कि इस गवर्नमेंट की मेटेलिटी में और ब्रोल्ड गवर्नमेंट की मेटेलिटी में रात दिन का फर्क होना चाहिए था । लेकिन वह बदलती हुई मेटेलिटी आज इन प्राविजंज में रिफ्लैक्टिड नहीं है । मैं समझता हूँ कि अगर आप आर्म्स एक्ट की प्राविजंज को सक्त रखेंगे डिस्टेंट रखेंगे तो आप नये कानून की जो युटीलिटी है, उसको ही खत्म कर दगे । इस वास्ते मैं कहना चाहता हूँ कि जहाँ आपने सात साल की सजा रखी है उसको घटा कर तीन साल कर दीजिये और जहाँ तीन साल की रखी है, उसको घटा कर एक साल कर दिजिये । अगर आपने बहुत ज्यादा रेस्ट्रिक्शंस रखी तो ज्यादा जरायम होंगे और अगर कम रेस्ट्रिक्शंस रखी तो कम जरायम होंगे । उस सूरत में ज्यादा जरायम नहीं हो सकते । एक नरफ तो आज आप कहने हैं कि आर्म्स ले जाओ, इनको रखो लेकिन साथ ही साथ यह अखत्यार भी पुलिस वालों को देते हैं कि कहीं कोई मिल जाए जो कि आर्म्स ले जा रहा हो और परपज आपने स्पेसीफाई नहीं किया है, तो वह कह सकता है कि अनलाफुन परपज के लिए ले जा रहा था और वह इस बिना पर उस से उसी वक्त उसका नाम, बाप का नाम पूछ कर धर्म को सीज कर सकता है चाहे वह आदमी बसती करे और चाहे गलती न करे, दोनों ही सूरतों में धर्म को सीज किया जा सकता है । इस तरह का सक्त अखत्यार आप पुलिस को देने जा रहे हैं । तो मैं अर्ज करना चाहता हूँ कि इस में जो-जो नाजायज रेस्ट्रिक्शंस आप बना

[संसिड डाक्टर बास भाषण]

रहे हैं, उनको धाय हटा दें। दूसरे एक्ट्स की तरह से यह एक्ट भी होना चाहिए।

धाय इस में मूलधिम पर यह जिम्मा झाला जा रहे हैं कि बर्बन भाक प्रूफ उस पर हो और वह धपनी बात को साबित करे। इस तरह की चीजें इस में रखना जायज नहीं है। मैं ने बहुत से कानून देखे हैं पीनल कोड में कमिशन भाक प्राक्सिस में वफा ४४ और ४५ आस्ता कीजवारी में ही और भी है जिन में कहा गया है कि किसी को पता हो कि जुर्म हो रहा है तो उसका फर्ज हो जाता है कि वह इतिला दे। इस में धाय लिख रहे हैं कि किसी को पता हो और वह उसको जा करके इतिला न दे तो वह खुद मुजरिम हो जाएगा मैं मानता हूँ कि ऐसे जरायम हैं जिन के भन्दर इस तरह की प्राविजंज का होना जरूरी हो सकता है लेकिन इस तरह के कानून में इस तरह की चीजें रखना ठीक नहीं है। ये जरायम ऐसे नहीं हैं कि इस तरह की प्राविजंज रखी जाएं। फर्ज कीजिये कि एक घर के भन्दर एक भाई देखता है कि उसके बड़े भाई ने बिना लाइसेंस के पिस्टल रखी हुई है तो क्या धायका मतलब यह है कि वह जाए और जा कर के अपने भाई को पकड़वा दे ? इस वास्ते मैं कहता हूँ कि इस कानून को इतना सक्त नहीं बनाया जाना चाहिए।

हमारे मिनिस्टर साहब ने कहा है कि वह इजाजत देंगे, वह हुक्म देंगे, कि हर एक धायकी को लाइसेंस मिले और इस गज से उन्होंने कहा है कि उन्होंने इस बिल में शील डाण्ट के लफ्ज रखे हैं। यह बात तो ठीक है। आपने जो यह लिखा है कि *If there is good reason he shall be granted licence*. यह ठीक है। आपने जो यह लिखा है कि *to be of unsound mind*. . . . इस पर भी मुझे ज्यादा एतराज नहीं है। लेकिन जो धाय वे यह पब्लिक सेफ्टी और पब्लिक डिफेन्सिटी को खतरा हो ही न दिया जाए यह

लिखा है इस में मैं समझता हूँ कि धायर कोई केस होंगे तो बहुत बोड़े होंगे। पब्लिक सेफ्टी धाय ने बचाई, पब्लिक पीस धायने बचावा फिर और क्या बजह रह गई कि उसको लाइसेंस न दिया जाए सिवाय इस के कि जैसे मेरे नायक दोस्त कहते हैं कि धायर कोई दूसरी पार्टी का होगा तो उसको लाइसेंस देते बकत एतराज किया जाया करेगा। पब्लिक सेफ्टी की गर्ज से नहीं, पब्लिक पीस एंड प्राइर की बजह से नहीं बल्कि इस बजह से कि (ए) और (बी) इस या उस पार्टी से तात्बुज रखता है इस वास्ते उसको लाइसेंस न दिया जाए। क्योंकि यह धायकी या वह धायकी डी० सी० या धानेदार की धालों में लटकता है इस वास्ते उसको लाइसेंस न दिया जाए। जब धाय एबसोल्यूट राइट हर एक को देते हैं लिबरल हो कर धाय यह चीज करते हैं, देशवासियों पर ट्रस्ट करते हैं तो फिर क्यों धाय इस तरह की चीज लिख देते हैं कि फार एनी रीजन अनफिट फार लाइसेंस, उसको न दिया जाए। मैं समझता हूँ कि इस तरह की चीज को हटा दिया जाए।

मैं यह भी चाहता हूँ कि लाइसेंस लेने में कोई दिक्कत न हो। मैं जानता हूँ कि किस तरह से लाइसेंस दिये जाते हैं। धायद उसका हमारे होम मिनिस्टर साहब को पता नहीं है। इसको देने बकत यह कहा जाता है कि म्याल सेविंग सर्टिफिकेट्स में रुपया दें दो, रेडकस में चन्दा दे दो। एक जमाना था जब कि लाइसेंस देते बकत गवर्नर से हाथ जब मिलावा जाता था तो वह एक धर्त रहती थी कि डिप्टी कमिश्नर को पचास रुपये दिये जायें और वह पचास रुपये बपुल किया करता था जैसे कि गवर्नर से हाथ मिलाने से हाथ में नहीं धावी हो। धाय भी लाइसेंस देते बकत देखने में धाता है कि बहुत ही जगह चन्दा बपुल किये जाते हैं।

यह बिलकुल ग्याभाव्य है। यह धाय के हुक्म से नहीं हुक, धाय के डीपकन से नहीं हुक,

मैक्सिम फीट यही है कि यह होता है। आप का बोझीयर ऐसा होगा चाहिए कि हर शस्त्र को आसानी से लाइसेंस मिल जाने। पहले यह चीज सब इन्स्पेक्टर के पास भेजी जाती है ताकि लाइसेंस बन से पहले वह रिपोर्ट करे। पहले सब इन्स्पेक्टर की मुट्ठी गरम की जाती है, फिर एस० डी० ओ० क पास जाती है, डिस्ट्रिक्ट मैजिस्ट्रेट के पास जाती है, फिर उस के क्लर्कों के पास जाती है। बड़ी मुश्किल से लाइसेंस मिलता है। आप ने क्या जराय रक्ख है हमारे सामने जिस से पता चले कि जो मुट्ठी को धीज करने का तरीका होता है उस में कोई रुकावट आई है या नहीं। अगर आप को पुरानी ही चीज रखनी है तो उस से कोई फायदा नहीं है। इस लिये बेहतर होता अगर आप यह रखते कि अगर दो महीने के अन्दर यह सब चीजें खत्म नहीं जाती तो लाइसेंस दे दिया जाएगा यहां पर "थ्री मॉन्थ" के अफ्फाज होवें चाहियें। आप इस के लिये कोई मियाद मुकरर कर दीजिये, दो महीने, तीन महीने, जिसके बाद लाइसेंस दे दिया जायगा। यह चीज बहुत जरूरी है, बिना इस के लाइसेंस न देने बराबर होगा क्योंकि इन्व्वायरीज तोछ: महीने छः महीने तक चलती रहेगी। इस लिये मे अर्ज करूंगा कि जहां तक यह सवाल है, आज कल के तरीको को खत्म हो जाना चाहिये।

इस के अलावा इस के अन्दर एक अफ्फाज रक्का रखी गई है कि अगर किसी को लाइसेंस नहीं दिया जायगा तो उस की बज्जुहात वी चार्जेनी कि लाइसेंस क्यों नहीं दिया गया। इत इज एबेरी गुड आहडिया, नचिय कुछ बी कैडर। धानरेबस मिनिस्टर साहब ने लाइसेंस देने वाली अघारिटी का एक तरह से हाथ बंध दिया। यह बिल्कुल सही चीज है, लेकिन आप में यह भी रक्का है कि बज्जुहात नहीं भी वी जा सकती है। इस बात की इजाजत देते हुए उस का मुह भी रोक दिया है। उस के ऊपर चर्कमेंट ने एक डाट भी लगा दी है कि अगर ऐसी बज्जुहात है जो कि पब्लिक इंटेरेस्ट

के खिलाफ है तो उनको लाइसेंसिंग अघारिटी नहीं भी लिख सकती है। आदमी को पता ही न चल सके कि उस के खिलाफ क्या बात है जिस से कि उसे लाइसेंस नहीं मिला। जिस आदमी को पता ही न चले कि उस के खिलाफ क्या है तो वह अपील क्या करेगा? जब आप इस चीज को रखते हैं तो इस को फूल भूक रखिये। हर अघारिटी को लिखन के लिये मजबूर कीजिये कि क्या बज्जुहात है ताकि जो भी शस्त्र चाहे वह अपील में जा सके और पूछ सके कि बज्जुहात ठीक है या नहीं और प्राया उस से पब्लिक इंटेरेस्ट सफर करेगा या नहीं। अगर कोई आदमी खराब है तो उसे खराब लिखा जाना चाहिये ताकि और लोगों को अक्ल आये कि फलां बज्जुहात से उसे लाइसेंस नहीं दिया गया और वह अपने को रिफार्म कर सके। लेकिन उन को अपने को रिफार्म करन का मौका देने के बजाय आप उन के रास्ते में रुकावट डालत हैं, और वह रुकावटें भी ऐसी कि जिन का किसी को पता भी न चल सके।

14 hrs.

इस की अपील किस को की जायेगी, आप इस में भी कुछ रिफार्म कर दीजिये। आप ने दरअसल जो चीज उठाई है और जिस के लिये आप रायइटवी क्रेडिट सेते है कि आप ने लाइसेंस के मामले को बहुत लिबरलाइज कर दिया है, वह लिबरलाइजेशन कम्प्लीट नहीं होगा जब तक आप ऐसा रखेंगे कि सिवा एग्जिक्यूटिव अफिअर्स के कोई अपील को सुन नहीं सकेगा। जब आप लाइसेंस देते हैं अगर उस स्टेज आप आप ऐसा नहीं कर सकते कि जुडिशियल अफिअर्स को रखें जो मे अचार्ज करता हूं कि अपील के बास्ते जो कम से कम उसे रखिये। वहां पर ऐसा भी अफसर होगा जिस का फर्ज होगा कि वह पब्लिक सेफ्टी की तरफ ध्यान रखे, मैं नहीं चाहता कि आप सारी जगहों पर जुडिशियल अफिअर्स को ही रखें, लेकिन जहां तक अपील का सवाल है, वहां पर आप सिर्फ एग्जिक्यूटिव अफिअर्स ही न

[पंडित ठाकुर दास भार्गव]

रखें, कुछ जजिमान आफिसर्स भी रखें ताकि जो प्रसंगी मतलब है वह पूरा हो सके।

घाप ने जहाँ पर एक्सेप्लान्स रखें हैं उन में बच्चों की उम्र १८ बरस से १६ बरस कर दी है। जो कार्र भी कुछ अगर इस को और अच्छा नहीं कर सके ताकि बच्चे शुरू से उस का फायदा उठा सकें। घाप ने जहाँ रिवायत दी है वहाँ स्पेसिफाइड थार्म्स के लिये ही इजाजत दी है। इन रेस्ट्रिक्शन्स को और कम कर सकें तो अच्छा है। लड़कों को और अच्छा थार्म्स में बनाने के लिये घाप इस को १४ बरस से कर देते तो और अच्छा होता।

जिन लोगों को घाप ने एक्सेप्लान किया है उन में घाप ने दो तरह के प्रादमी रखे हैं। एक तो वह जिसे सजा हुई है और एक वह जिसको १०७ या ११० में बाइ एग्जिक्ट करना पड़ा हो। मेरी नोटिस में और बहुत से चीजों की नोटिस में कई लोग ऐसे भाये हैं जिन का १०७ और ११० में बालान हुआ है और जिन्हें सजा भी हुई है। वह सारे ऐसे नहीं होते जिन के लिये कहा जा सके कि वह थार्म्स रखने के काबिल नहीं है। १०७ में सजा होती है। दोनों पार्टियाँ डरती हैं कि दूसरी पार्टी वाले हमें मारेंगे और डर रखते हुए अपनी हिफाजत के वास्ते अगर कोई थार्म्स रखता है तो उस को ११० में कर दिया जाता है। लेकिन दोनों ही डर रखते हैं। दूसरी पार्टी को जिस ने बाइ दिया है, जिस से घाप ने जमानत ली है, उसे घाप एग्जिक्ट कर देते हैं और वह अपनी हिफाजत नहीं कर सकेगा। मेरी राय में ऐसी कोई चीज नहीं होनी चाहिये। यह ठीक चीज नहीं है जिस में किसी को नुकसान होता हो। एक के पास हथियार है, दूसरे के पास नहीं है जो दूसरे के पास भी हथियार होना चाहिये जो कि उस का चेक है। यह चेक दोनों के पास होना चाहिये। इसलिये १०७ जिन के खिलाफ है उन को भी इस के अन्दर लाना चाहिये।

मैं ने वह थोड़ी सी चीजें इस बिल के बारे में ब्रॉड की है। इन के लिये मैं ने थर्मिनेट्स

भी दिये हैं। जिस वकत थर्मिनेट्स मूव होंगे उस वकत मैं उन के बारे में ब्रॉड करूँगा।

भासिर में मैं यही ब्रॉड करूँगा कि और सब चीजों को छोड़ कर मैं जिस पर सब से ज्यादा जोर देता हूँ वह यह है कि घाब इस के अन्दर बचावें रखें या न रखें, लेकिन थर्मिनेट्स कर दें कि गवर्नमेंट ऐसा इन्तजाम करेगी कि इस देश में चीथ थार्म्स बन सकें। वह उन को इतने सस्ते कर देगी कि हर एक मामूली घाबवी उन को प्राइटेन कर सकेगा और उन को लेने के बाद कुछ सिक्थोर हो सकेगा। थार्म्स का रखना अपने पर भरोसा व खुदवारी सिखाता है और बहादुरी का प्रहसास करता है इसलिये नेशनल कैरेक्टर को मजबूत बनाने में मदद देता है।

Shri U. C. Patnaik: Madam Chairman, . . .

Mr. Chairman: Before the hon. Member begins to speak, I would request hon. Members to try to finish their speeches within 20 minutes. There are a very large number of Members who want to speak and there are a large number of amendments. I will take the opinion of the House a little later as to how long they want to take in a general discussion and on the amendments.

Shri Datar: The amendments have been received only just now. We might take up the clause by clause discussion tomorrow and have general discussion today.

Mr. Chairman: Before that, we shall have to consider whether the required time is there, because, actually there are only 40 minutes left according to the time that has been allocated. What would be the time required for disposing of the amendments. If we could know that, we can go on with the general discussion.

Shri Datar: I did not quite follow this time of forty minutes.

Mr. Chairman: After 5 o'clock today, we have only forty minutes tomorrow according to the old allocation of time. If we continue the general discussion, I think we would not be able to fully dispose of all the amendments within 40 minutes. Therefore, the House has to consider what will be the time required for dealing with the amendments.

Shri Raghbir Sahai (Budaun): I would like to submit that while it is true that the Business Advisory Committee, in considering the allocation of time for this, considered five hours sufficient, it did not anticipate the number of amendments that were going to come. We understand that during the last session, some 200 amendments had been received. As Shri U. C. Patnaik drew the attention of the Speaker this morning, all these amendments would be tabled perhaps tomorrow

Shri Datar: Some have already been tabled.

Shri Raghbir Sahai: But, we should bear in mind that the number of amendments tabled last time was very large. We should expect the same number of amendments this time also. It would be very necessary to extend the time for consideration of all these amendments and also for the general discussion of this Bill. I would submit, with your permission, that two hours might be added to the time that has already been given by the Business Advisory Committee.

Mr. Chairman: I suggest then, we continue the general debate now. After a little while, we can decide. Still amendments are coming. After a little while, I will take the opinion of the House as to what time will be required for the disposal of amendments. For the time being, we continue the general discussion.

Shri U. C. Patnaik: Madam Chairman, though we are not very much satisfied with the progress made and with the steps taken by the Ministry in certain respects, I must congratulate the Ministry on three allied measures that have been recently taken

in this respect: (i) the formation of Home guards and Village guards; (ii) the formation or encouragement of Rifle Associations; and (iii) the Arms Bill. As you will remember, during the first Lok Sabha, we were crying hoarse about certain home defence measures and we were all the time urging that our foreign policy should be based on a strong Home organisation. We are grateful to the Ministry that this time they have taken up all the three steps simultaneously.

About two years ago, they started reorganisation of the Home guards. They brought the Home guard Commandant from Bombay to reorganise it in the whole country. Of course, they say that in order to fight floods, fire and other things, they are reorganising the Home guards. Still, it is an organisation worth while having in the country and extending it from Bombay and from its partial existence in West Bengal to the rest of the country. Because, in the western countries, you know, the Home defence or civil defence is called the fourth arm of defence and very great emphasis is being laid thereon. It is being co-ordinated with the defence organisation, though under the Home Ministry. We are glad that after all, in spite of speeches on principles and policies, our Home Ministry has come to organise Home guards in our country also.

Then comes the Rifle association. You may remember, Madam, during the first Lok Sabha, we had passed a resolution here by unanimous consent, moved by 60 or 70 Members that Rifle Associations have to be developed and encouraged in this country. Of course, we are not very happy that it is not running on proper lines. We are sure the Defence Ministry and the Home Ministry have been taking steps to organise that movement and it is progressing satisfactorily though slowly.

Thirdly, about the Arms Bill. It is the old Arms Act of 1862, slightly modified in 1878 which has been continuing in this country all these twelve

[Shri U. C. Patnaik]

years after freedom. We moved certain Bills and other resolutions in this House to amend the old Arms Act so as to bring it in line with modern times and modern requirements. Opinions were asked for from various States on my old Bill, and we had very valuable opinions, and we are glad that the Home Ministry has formulated a Bill which is fairly good as far as it goes. But then we still feel that there is much that has to be done as regards the Bill.

We are amending an Act which was calculated to keep India in submission to the British rule. We are amending an Act which was intended to disarm the entire nation, and we are now going to bring it in conformity with a free India and the requirements of a free nation. Hence, we should change it really to fit into a free country's requirements.

The Bill has come again in the name of an Arms Bill. Ours is the only country in the world which had certain restrictions, very severe restrictions, on various types of arms like swords, knives, daggers, bows and arrows and all that. No other country in the world has got an Arms Act, at least the Government have not been able to show us any other country, any other instance where you have an Arms Act extending over knives, arrows and all that. We are told that ours is in substance a fire-arms Bill, but that it has got some special provisions for other arms. I am very sorry to say that it is not so. The hon. Minister has not been quite correct because under clause (4) of the Bill under clauses 20, 27 and 29 and under various other clauses, they can declare anything to be arms and then it becomes an arm, so that we cannot possess, acquire or go out with it. They could very easily bring all these under other sections of the Criminal Procedure Code and there was no necessity for Government to have a provision in this Bill that anything can be declared to be an arm by them in which case it becomes as heinous an

offence as possessing any other kind of weapon, even prohibited weapons.

The old Act had some safety in the sense that it said arms included bows and arrows, knives, this thing and that thing, but our present Bill leaves it to the Government at any time when it pleased, i.e., their local officers, to declare that in a particular part of the country arms shall also include knives, bows, arrows, anything which can be used as a weapon of offence or defence. They can declare anything to be a weapon of offence or defence, the possession of it becomes an offence, the acquisition of it or going out with it becomes an offence.

I can very well understand the Government saying that in certain troubled areas going out with a knife or a dagger or with an axe or with a spear or with something else is an offence. They can say that. They can say that very well under the Criminal Procedure Code or the Police Act or by some other Act, but they need not insert that in an Act like the Arms Act.

You imagine the difficulty of that area. Government notifies in the Gazette or somewhere that various items, undefined items, can be declared as arms. Then the person who has got a knife for his kitchen work or an axe for cutting wood will find himself in a difficult position. He will have to go and apply for a licence. He does not know what are the things for which he should get a licence. And you know the difficulty of getting a licence. So, I would urge upon the Government even now to accept the amendments on the subject and to bring our Act in conformity with all the other Acts of the world and see that it is confined to firearms alone.

Another point I would urge the Minister to consider is about these air guns, air rifles or air pistols. They are little toys, they do not use ammunition, they use only pellets and they are very useful for children, and young people to practise at home and

use them. In other countries except only one, there is not even registration for these things. But here in our country, of course during British rule there was a sort of uncertain regulation here and there. In certain States they were free, in certain States there was some prohibition or some licence was required for an air weapon which at the shortest range, could pierce five cardboards or so. Now we have got it as a general rule and we have got to take out a licence. We cannot all become members of rifle organisations, so we have got a difficulty there.

Then the main difficulty about arms which has been pointed out by the hon. Member who preceded me is about the unavailability of arms. He has suggested and very rightly suggested, that the Home Ministry should in co-ordination with the Defence Ministry and the Industries Ministry see that weapons and ammunition are produced in this country. There is no meaning in your telling the country that you have relaxed all the provisions of the Arms Act because about a couple of years ago you introduced some ban or limitation on the import of firearms and ammunition, with the result that today the value of a gun which was costing Rs. 80 to Rs. 100 three or four years ago is now costing Rs. 400 to Rs. 500. Ordinary .12 bore ammunition which was costing about Rs. 15 to Rs. 20 per hundred in those days is costing about Rs. 100 to Rs. 120 now and is often not available in the market also. It is today the hey-day of the blackmarketeer. We cannot call them blackmarketeers also because there is no rule about it. Those who have stocked quantities of arms or ammunition are now selling them at about 10 to 20 times the previous rates. Those of us who are owning or using arms find it very difficult to use or maintain our weapons because the same bullets which were costing something about three or four years ago are now costing 15 or 20 times the old price. It is practically impossible for the shikari to go in for a shikar, for a rifle club man to think of rifle practice, and India is deteriorating in standards of practice because

we do not get the ammunition and arms for the same. This is the most important thing in considering this Bill, and we have been urging upon the Home Ministry to exercise its influence with the Commerce and Industry Ministry and the Defence Ministry to see that these are produced in large quantities in this country and made available to the people at cheap rates, and pending our manufacture and availability of these things, to allow people to import arms and ammunition from outside. The limitation on arms and ammunition has become a really great handicap to the country. So, that is a very important aspect which should be given some attention by the Home Ministry also.

Then I come to the approach of the Home Ministry with regard to the Arms Act. On the whole they have made it easy for us, easier than before, to get arms and ammunitions, though practical difficulties make it impossible for that easiness to come into effect. I would submit that it is not a proper attitude on the whole. For instance, see the punishment clauses. The Ministry has made it very difficult altogether for everybody to have the firearm or the weapon. If a man has got a prohibited weapon like a military weapon or a machine-gun and all that, then the punishment for him is the same as for violations with regard to ordinary weapons or even minor weapons.

So, what we have been urging on the Ministry is that they should take a practical view of the Bill and see that our real purpose, which is the common purpose of everybody, is fulfilled, namely that people who violate the rules and laws relating to serious weapons should be given greater punishment, while those who commit smaller or minor mistakes should be given a lower punishment. To provide for the same punishment for everybody, for the bomb-thrower, the dacoit with all sorts of weapons, the anti-social elements with their weapons etc., and for the ordinary person is really unfortunate. Some sort of practical notice has to be taken of the

[Shri U. C. Patnaik]

difference in the nature of the weapons. But, in our country today, it is easier for the gangsters and dacoits to have weapons than for the ordinary law-abiding citizens to have weapons for self-defence. Even the Government Bill as amended by the Joint Committee appears to have some sort of a soft corner for the dacoits and the gangsters than for the common man.

The same punishment has been prescribed in both the cases. When we pointed this out in the Joint Committee and we wanted that certain offences should be meted with higher punishments, the hon. Minister was not willing, he thinks that the same punishment of three years would do for the dacoits as well as for the ordinary man, for the man committing offences and depredations with dangerous weapons and for those committing ordinary violations. It is really unfortunate that Government have not agreed to our suggestion.

Thirdly, I would submit that we should approach this subject as well as the other two subjects which I referred to in the beginning of my speech, not with a negative outlook but with a positive outlook. I strongly feel that our shikaris and our rifle club members and our precision shooters will be a sort of necessity to the country and in times like these, they would certainly be of great use. We should approach this question from the point of view of security and national necessity. That being the case, I would urge the hon. Minister to see that we not merely take a negative view of these Arms laws, but we take a positive view and utilise all of them through other organisations or by some sort of amendment to the law in this regard.

Then, there are certain other things also which have to be done. For instance, in our country, we have got ex-servicemen in large numbers. We can utilise them. We can give them free licence for certain weapons, with which they can be useful to the coun-

try. The same is true of the members of the rifle organisations or the members of the national home guards organisations. They also could be very useful to us in times of need. We should not think of these three organisations with this idea that they will be increasing or promoting some sort of war psychosis in the country. It is not a question of any war psychosis at all. Some of our people are very much perturbed that these organisations will promote war psychosis, but I feel that instead of promoting any war psychosis, these will help us very much, these will help our country by promoting defence-mindedness.

So, I would urge upon Government particularly those Members who are in control of our nation, to look at it not from the war psychosis point of view but from the national defence point of view.

Shri D. V. Rao (Nalgonda) The Bill that has emerged from the Joint Committee as a result of their deliberations is neither satisfactory nor improved, the earlier approach that was there in the original Act of 1878 has not changed. It is a fact that certain provisions in relation to licensing or some other things have been liberalised, but that does not constitute any fundamental departure from the old Act.

It is known to everybody that the previous Act was meant to disarm the nation and to inculcate a spirit of helplessness in our nation. That was the purpose with which the Britishers had enacted this measure.

As long as our Government approach these problems from the point of view of law and order, and they look at the whole issue from the mentality or outlook of law and order, they cannot liberally arm our people either for our national defence or for enabling the individuals to protect their properties, lives or crops or other things. I feel that a departure from the earlier approach is necessary on the part

of Government when enacting this measure. But we find that there is no such departure. It is the old Act which has again come into the picture with some slight modifications and changes, and, therefore, there is less to agree, as far as this Bill is concerned.

Now, coming to the Bill itself, this Bill is called the Arms Bill. But, as the hon. Minister has explained, except firearms, other arms are not dealt with in this Bill, either in respect of licensing or in respect of other things. But, if that be the purpose of the Bill, then Government should have devoted the whole of this Bill only to firearms. But that has not been done.

Besides, we find that the provisions which are meant in respect of firearms are also applicable in respect of other arms, that is the ordinary types of arms.

In our country, backward as we are, the common people use ordinary types of arms for their daily purposes. For instance, a wood-cutter uses an axe, which is an implement which helps him to earn his livelihood. A professional shikari uses a muzzle-loading gun or an ordinary type of gun; that is his source of livelihood. For a peasant, a gun is necessary to protect his crops. Therefore, when the question of using arms or weapons comes, the two things should not be mixed up, namely the question of law and order, and the carrying on of one's profession to earn one's livelihood.

In the definition clause, it has been stated that arms meant or solely designed for domestic or agricultural purposes do not come within the definition. But what are the arms which are solely meant for agricultural or domestic purposes? It may be that there are one or two of that type. But there are others which can be used for purposes other than domestic or agricultural as well. For instance, a sickle which is used for agricultural purposes can be used for other purposes as well. Therefore, it is very difficult to draw

a line between weapons which are used for different purposes. Therefore, this sort of definition does not help us, as far as liberalisation is concerned. In fact, this definition can be misused, and can be applied to any weapon or any instrument which is necessary for the people to carry on their advocations of life.

My proposal is that this Bill should be confined to firearms only. Why? Because the other arms are such that they cannot come within the purview of this Bill, nor can they be tackled with the help of this Bill. Of course, firearms are supposed to be a bit dangerous. Therefore, they have to be regulated, and they can be regulated. In other countries also, we have such legislation through which the use of firearms has been regulated. Therefore, as I said, this Bill ought to have been confined to firearms only. It was unnecessary and uncalled for to include ordinary weapons and ordinary arms also within the scope of this Bill.

Even in regard to firearms, there are two types. One is the higher type of firearms which are definitely dangerous and which need to be regulated. But there also some harmless firearms like air guns or some muzzleloading guns, which are used for daily crop protection or some such things. They are not so dangerous or harmful as the higher type of firearms like rifles and other things. Therefore, to treat all these types of arms on par is not necessary and not justified. This aspect has to be considered.

The third thing that I want to point out is regarding the provisions about licensing. There are some provisions relating to refusal of licence. The licensing authority has the right to refuse a licence in the name or for the reason of public safety or public peace. When this is the case, I do not think that anybody, about whom the licensing authority has no good opinion, can get a licence. This is quite unnecessary because when there is some danger to public peace and tranquillity,

[Shri D. V. Rao]

the licensing authority has the power, according to this Bill, to revoke or suspend licences. When such is the position, what is the necessity of refusing a licence under the pretext or for the reason of public safety and public peace? There is no such necessity. When the danger is there, they can as well revoke or suspend licences. Therefore, both these provisions taken together restrict the giving of licences and use of arms by the people in general.

Then there is another thing in the Bill. The possession of arms and the use of arms have both been confused. Every citizen of India should have the right to possess a fire-arm which he can keep in his house and use when necessary. For this, there should be no licence, permission or anything of the sort required. If there are certain higher types of arms, Government may ask for information. They can be regulated by the issue of licence also. But so far as ordinary types of arms are concerned, there should be no permission required. The Government can ask for information about those arms, if any such arms are kept. But so far as possession is concerned, everyone should have the right to have such fire-arm. As regards carrying it and using it for certain other purposes, Government can insist on permission being obtained. But here even possession without licence is also a crime, not to talk of using it or carrying it. Therefore, I suggest that the right of possession, which is not there in the Bill, should be embodied in it.

As regards other ordinary types of arms like daggers, swords etc., there is no necessity for licensing. But Government visualise an extraordinary situation when they think that there should be licensing and some regulation. But it often happens that when such an extraordinary situation arises, unruly elements, who have some types of weapons with them, legally or illegally, attack ordinary persons and their household properties and they will not have anything with which to

defend themselves. The police force or whatever protective force may be there may be less in number and they have no defence for themselves. They are attacked and there will be none to help them. They are deprived of any type of ordinary weapons—swords and other things—in the name of law and order.

Therefore, it is also harmful to the citizens even in extraordinary circumstances to deprive them of weapons when anti-social elements will be having all types of weapons, sometimes even higher type weapons. These anti-social elements can loot law-abiding citizens or do anything with them. Therefore, the provision should be changed in such a way that in times of need all these people who have to defend their life and properties against anti-social elements are given the right to possess weapons which they would like to have, at least the ordinary type of weapons which should not be brought under the system of licensing and so on.

There are certain provisions relating to the arrest of some suspected persons supposed to be carrying arms. They are also very sweeping and harmful. There is a provision in the Bill which says that if a person carries any type of arm, even a sword or dagger or axe—anything of the sort—and if any public servant—even a railway employee—suspects that it can be used for illegal purposes, the latter has powers to arrest him. We cannot expect that each and every government employee or public servant knows fully well the provisions of the law that we are going to enact. It is in very rare cases that he can take a correct decision or can judge things properly. Therefore, it is impossible for him to decide whether a certain weapon is carried for illegal purposes. Hence to empower him to arrest such a person means that there will be no justice for ordinary persons who possess such arms for themselves.

So I suggest that such sweeping provisions should be removed. There are certain categories of officials—the ordinary police and the railway police—who are there. They can take charge of this sort of such function. To extend it to others also is quite unjustified and it cannot be implemented in favour of the people. There is every possibility—and it is also a fact—of such a power being misused.

There is a provision that if a person possesses some arm and some other person knows that he is going to use it for illegal purposes, the other person will also be guilty and prosecuted. What is this? There are big buildings in towns; there are joint families. There are so many companies and so on. How is it that the authorities come to know that a particular person knows that some other person is going to use his arm illegally? Now, this person is made to prove that he does not know. It is not necessary that the police should prove the case but the accused in the case should prove that he does not know. This is a very bad thing and goes against justice and the interest of the people. Again, when there is some punishment given or when a licence is refused, the appeal cannot be made to the judiciary. If the District Magistrates or some other executive authority is made to go into these cases, certainly they will go into these cases with the law and order mentality and as long as this mentality is there no justice will be done to any citizen. So, the judiciary should hear the appeals and give its judgment in these cases.

This Bill exempts, under clause 45, certain persons from obtaining a licence. What is the need for that? It may be for the sake of doing their public duties. But why not the licensing authority give licences liberally and in almost all the cases? Just like the other citizens, the public servants can also get a licence. They should not be exempted.

In the end, I will bring to the notice of the House that some of these fire-

arms are being misused, say, when the elections are held in the villages or when there are land disputes. The rich and influential elements, possessing these fire arms terrorise the people. (An Hon. Member: Not the communists?) Communists would not have any licence for the arms; it is generally known. Therefore, you need not be afraid of that aspect of the thing. The whole difficulty comes from the other end. These landlords and the other influential elements are terrorising others and in a way they are bringing these arms into politics. Repeated representations go in vain and the authorities do not take proper action to prevent these things. The arms are meant for a different purpose. Why should they come in elections? So, it should be made strictly binding on the part of the licensees that they should not use them except for the specific purposes for which they are permitted to be used. In these respects, the Bill is not satisfactory. That is why, in spite of the long process of deliberation in the Joint Committee, good number of members of the Joint Committee differed from the Bill and had appended minutes of dissent. The Minister had not taken care to listen to these objections by the Members and therefore, this Bill does not fundamentally depart from the former one. There is still time and the Minister should go through the amendments and accept a good number of them so that the Bill may be useful to the people.

Shri Mulchand Dube (Farrukhabad): Madam, the British did a marvel that after War of Independence in 1857, they disarmed the people. There was the old Arms Act and that was a novel method of disarming the entire people of a country. That Arms Act in one way or another has taken us for about one hundred years and we have got so used to it that we do not even now want to change it so that arms may be available to every individual who wishes to have them. Somehow or the other, restrictions are there. This Bill is an improvement on the present Act and

[Shri Mulchand Dube]

the rules thereunder but still it does not go far enough. In obtaining a licence, the difficulties that arise are manifold. If a person applies for a licence, in my part of the country, the District Magistrate sends it to the Sub-divisional Magistrate who sends it to the tehsildar and then to the Kanungo and so on it goes to the Patwari. That is one line. The second line is that it goes to the Superintendent of Police and then to his Deputy, Circle Inspector and then Sub-Inspector and so on. It takes months before the final report is placed before the District Magistrate. When, after all these troubles, the final report goes before the District Magistrate, he may say that the case is not genuine and so it is rejected or something of that kind happens. In many deserving cases, the licence is refused. I do not see any change in this in the present Bill. Under clause 13, it is entirely in the discretion of the District Magistrate to make some kind of an enquiry. How is that discretion to be exercised? There ought to be some change in this so that a person may be able to get a firearm without much difficulty. For that reason, I would suggest that the Minister should add a proviso to clause 13(2) that if a person applying for a licence files an affidavit that he does not suffer from any of the disqualifications provided in clause 9, he should, as a matter of course, get a licence which should be given forthwith. I moved that amendment during the last session; I have given notice of that amendment now. I hope the hon. Minister will take that into consideration. The difficulties that an individual experiences in getting a licence will mostly be obviated by this kind of amendment. There must be a certain amount of discretion with the District Magistrate but even that has to be exercised reasonably. He is obviously in a position to know every citizen of the district. So, if the man files an affidavit as mentioned by me, there should be no difficulty in granting him a licence.

There is one other point that I wish to emphasise. If a fire-arm is found in a house without a licence, the Bill provides that a very adult member living in that house will be deemed to be guilty of that offence. That, I think, is an obvious injustice and would cause hardship in many cases. For instance, a boy or some junior member of a family may somehow or other obtain a small pistol of .38 bore or .32 bore and keep inside bhoosa or some other secret place in the house so that others may not see it. Other members of the family may not even know about it. According to the present law if something contraband, banned arms or anything prohibited is found in a house the presumption is that only the person who is in possession of it would be punished. If it is a big thing like a big gun, a spear or something like that, which cannot be concealed in any small place so that others cannot see it, it can be seen by others. If it is a small pistol or a small gun which the boy keeps in a secret part of the House, others may not know at all. Therefore, to punish the entire family for such an act, I hope, would be rather unjust. I would, therefore, suggest to the hon. Minister to take that into consideration and see that only the guilty are punished and not the innocent. The presumption should have some limits even in this matter, that is all what I have to say.

Shri P. K. Deo (Kalahandi):
Madam Chairman, from the Statement of Objects and Reasons as shown in the Arms Bill as introduced, I find that the purpose is two-fold: firstly, to liberalise the licensing provision and, secondly, to reduce the inconvenience to the public to the minimum while, at the same time, keeping in view the overall demands of public security and maintenance of public order.

As far as the Bill is concerned, as it has emerged from the Joint Committee, though there has been slight improvement, I personally feel that

It does not fulfil those two purposes for which the Bill has been introduced. It is far from satisfactory, and I personally feel that it is a carbon copy of the antiquated Indian Arms Act, 1878. The Indian Arms Act of 1878 is a manifestation of the imperialist policy inspired by a spirit of fear and distrust of the then British Government. So the whole purpose at that time was based on that, and lest there may be a repetition of 1857 they wanted to make the Arms Act as rigorous as possible.

14.53 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

At the same time, we have seen that inspite of the rigours of the Act there have been many cases of violent activities of the anti-social elements who have not only used these fire-arms but also hand-bombs, bren guns etc. for committing serious offences and inflicting various injuries on the innocent people.

I feel, Sir, that the whole policy of arms administration should be viewed from a different perspective. After all, India has become independent and that lurking sense of suspicion or lack of faith of the administration among the people should not be there. Free India should forsake that legacy of the British Government and the Government should trust the Indian people. Trust is, after all, bilateral. Trust begets trust, they say. Therefore, unless the Government trust the people how can they expect the people to trust the Government? This question has to be examined from that point of view.

Now, coming to the definition of arms, the definition clause says that all sharp-edged articles are included. Even a penknife could be defined as an arm. You know very well, Sir, that the Sikhs have been carrying kirpans which is a very sharp weapon. I do not think they have been harmful to the society. As a matter of fact, the Secretary of the

Home Department, Government of Punjab, while giving evidence before the Joint Committee, clearly stated that carrying of kirpans by the Sikhs has not adversely affected the law and order situation in that State. The Gurkhas have been carrying khukries. In their case also it has not been a menace to the society. Therefore, it is not possession of any sharpe-edged weapon that will affect the law and order situation. On the other hand, we have seen that acid bulbs and soda water bottles have been often used for violent activities in riots of the kind that we had in Bengal etc. Soda water bottles and acid bulbs are capable of doing more harm than kirpans or khukries. I would not be out of place to mention here the disgraceful incident that took place on the 13th of this month in my State, at Cuttack. While the Union Home Minister was there the Utkal Sammelan, which is of a representative character of all Oriyas, submitted a memorandum for the integration of certain outlying Oriya tracts. After the Home Minister gave an assurance, some of the Communist-sponsored crowd demonstrated in front of the Home Minister's car. They started pelting stones and brickbats and damaged the glass pane of the car. They put all of us to utter shame. It was most fortunate that timely action was taken and tear-gas was used before the actual breakdown of law and order. By citing this incident, I beg to impress upon this House that even brickbats and stones are capable of doing more harm than kirpans and knives which have been included under the definition of arms in this Bill. This Bill provides for the licensing of small toys and small air guns and pistols. They do not use any cartridges, they use only pellets and no explosive substance is there. It is operated by compression of air and by the action of springs. I do not think that these air-guns and pistols should at all have licences. In the United States, I find that even fire-arms which are of 0.22 bores and smaller bores are not required to be under any licence. Therefore, there is absolutely no reason to make this

[Shri P. K. Das]

Act in free India so rigorous and provide that licences are required for all sharp things and even small knives.

In this armament race that is taking place between the various countries in the production of atom bombs and hydrogen bombs, I do not think we can compete in that race. Our main strength is India's manpower. If we want to defend India we shall have to equip every individual in this country with some kind of arms. If one could afford it one should possess it, if not, one should be trained to operate a rifle for self-defence. This should form the second line of India's defence. I fully agree with the sentiment expressed by my hon. friend, Shri Patnaik, that there should be a net-work of these rifle clubs, rifle associations and that there should be target practice in the villages, occasional shooting competitions and people should be made defence minded. I further urge that Government should consider the question of having compulsory military training.

15 hrs.

Sir, the defence of India has to be considered from the present aspect and the attitude of our unfriendly neighbours. It is high time that we start conscription in the States in right earnest. The various items of military training given in the schools are far from adequate. The NCC cadets who pass out should be given a licence to possess a firearm. The licences as envisaged in this Bill are of three categories: firstly, for self-defence; secondly, for sports, and thirdly, for protection of crops. So far as self-defence is concerned, I think self-defence is a fundamental right. Though self-defence has not been defined as a fundamental right in our Constitution, it has been fully guaranteed in the Indian Penal Code. If somebody attacks one, one has got every right to defend oneself, and I think there should be no restriction in the case of self-defence and licences for self-defence should be freely given when they are applied

for, especially in those areas which are invested by dacoits as in the border districts of the States of Uttar Pradesh, Rajasthan and Madhya Pradesh—where these three States are contiguous—and in the frontier areas like Naga Hills, etc. All those people in these areas would be requiring fire-arms for self-defence and they should be freely given.

Coming to sports, I personally feel that so far as licences for sports are concerned, there must be some restriction, and the bores which should be used for specified games should be properly defined and specified. In this connection, I find that there has been a misuse of the licences in this regard. Though this country has got a wonderful wild life, and is full of wild games, they are being depleted. For the preservation of wild life, of course, some specified steps are to be taken. You know fully well how poaching is taking place in a large scale in the areas bordering forests. Even in those local markets venison is cheaper than mutton. There has been wanton slaughter of wild life and that has been responsible for the extinction of some of our very rare species. It is a matter of great concern that some of our rare game like the lion, one-horned rhinoceros, wild buffalo and cheetah are in the process of extinction. They should be preserved and the licences for guns for the purpose of sport should be very carefully given.

So far as the misuse of sport licence is concerned, I would like to say one thing in this connection. Sometime back, during last June, I shot a man-eater, a tiger, which was responsible for killing about 160 people. But I found that it was a very old tiger and had many old injuries due to the L.G. and buck shots in the body. The buck shots are not capable of killing the tiger; they are simply capable of injuring a tiger. There were many other old injuries with gangerene on the body of the tiger and so it was not capable of catching wild life, which is the usual prey of a tiger. In-

stead, it used to go to the villages and kill people. Therefore, some restrictions are to be made in the matter of giving licence for sport. Heavy bore rifles are also used for shooting a tiger.

So far as crop protection is concerned, I would like to say that the licences should only be given at the time of cultivating and harvesting the crops. After the harvest the licences should be withdrawn and those who hold licences for crop protection should be asked to deposit their arms in the various panchayat offices or in the various police stations. They should be required to take the firearms only at the time of cultivation. That will go a long way in stopping poaching.

Regarding the lengthy process,—with all the paraphernalia attached to it,—that is being experienced in getting a licence and the issue of a licence, I shall be failing in my duty if I do not make a reference about it. Now, the procedure is, when an application is made, it is forwarded to the local police for investigation. I feel that in most of these cases, those reports are based on political considerations. There have been cases of people belonging to various opposition parties experiencing difficulties. The licences are not freely given to them and various objections are raised. I feel that instead of the local police being asked to enquire into the matter, the local panchayats should be asked to have a say in the matter, and on the recommendation of the panchayats these licences should be freely given, and the licences should be issued by the SDO. Now, the District Magistrate of the district concerned is the licensing authority. By the centralisation of power on the district head, there has been unusual play of red-tape. I feel that now is the time to decentralise this power. After all, the District Magistrate in free India has got much more work to do than the issue of licences. He is already asked to supervise our development works and do so many other things. It would be relieving him of this burden of issuing licences if this

power is delegated to the various sub-divisional magistrates.

With these remarks, I feel that the Arms Bill needs various improvements which should be effected, and I close.

Shri Raghunir Sahai: Mr. Deputy-Speaker, I was a Member of the Joint Committee.

Mr. Deputy-Speaker: He ought to have told us earlier!

Shri Raghunir Sahai: I had submitted a Minute of Dissent also. But, all the same, I feel that this is a very liberal measure for which I congratulate the Government. I think after its emergence from the Joint Committee the provisions have still become better.

I may give two or three instances by way of illustration. In clause 3, the words, "for purposes of sport" have been deleted; thereby the scope of the Bill has been extended. Now, it will cover all *bona fide* use of arms including sport as well. Similarly, in clause 4, in cases of emergency it has been provided that the notification will specify the categories of arms for which licences would be required. Otherwise, in the absence of that provision, the whole thing was very vague.

Similarly, in clause 13, it has been provided that if the licensing authority feels satisfied that for crop protection, the granting of a smooth bore gun was necessary, it may be granted. Otherwise, only a muzzle-loading gun could be had. Lastly, in clause 35, a very salutary provision has now been made. In the case of joint control or occupation action would be taken only against those in respect of whom there was a reason to believe that they were aware of the existence of arms or ammunition in the premises unless the contrary is proved. In the absence of such a provision, the entire onus of proof was on those who had been accused of the offence of joint possession. Now, the burden

[Shri Raghbir Sahai]

of proof has been shifted to the prosecution. Thus, I feel, is a very salutary provision.

From all these illustrations which I submit are not exhaustive, we will have to come to the conclusion that the spirit of those who have sponsored the Bill is very laudable and it has to be welcomed.

I feel that there are some who are yet dissatisfied with the Bill as would appear from the many Minutes of Dissent that have been appended to the Bill, and from some of the speeches that were made this morning, like that of our revered friend, Pandit Bhargava I would come to that aspect a little later

I want to examine the provisions of this Bill from the point of view of the objectives mentioned in the Statement of Objects and Reasons, where it is said:

"The present Bill seeks in the main to liberalise the licensing provisions and to reduce the inconvenience to the minimum, while at the same time keeping in view the overall demands of public security and the maintenance of public order"

I do not think anybody would disagree with any of these laudable objectives, but we have to see how far the objectives have been carried out in the provisions of the Bill. The reduction of inconvenience to the public to the minimum is the crux of the whole thing. At the present day we feel that a law-abiding person or a peace-loving person is to put to more harassment and a lot of trouble in securing a licence, while one who is not so disposed can very easily get a licence. I would like to draw the attention of the hon. Minister to this aspect. He should see that by enacting this measure, the difficulties of law-abiding persons in securing licence are reduced to the minimum. Some hon. Members have drawn attention to the present day practice

in U.P., when an application for a licence is given, it goes to the District Magistrate. He sends it to the tehsildar; then it goes to the police and to the SDO for reports. I do not object to the application being sent to the various dignitaries for such information as they deem necessary, but as is very clear, it takes a lot of time.

Shri Braj Raj Singh (Ferozabad):
And money also

Shri Raghbir Sahai: I will come to that. I want that this sort of harassment should be avoided and also unnecessary wastage of time.

It is very necessary that important particulars should be mentioned in the application and they should be answered by the applicant. But as remarked by Shri Moolchandji and as mentioned in my minute of dissent, along with the application, an affidavit may be filed, and that should be sufficient for licensing authorities to come to a conclusion either this way or that way. If those particulars are answered in that affidavit and thereby the licensing authority feels satisfied, the licence should be granted forthwith. In case a wrong particular has been stated in the application and an affidavit has been given to that effect, the remedy is quite clear. By subsequent enquiry, if the licensing authority comes to the conclusion that the statement is false, he can be hauled up under section 182 or 193, I.P.C. as the case may be and the arms given to him can be confiscated. By this the grant of licence would be made speedy. The hon. Minister has himself admitted that the licence should be expeditiously given. Provision should be made in the rules and regulations whereby this expeditiousness is guaranteed.

I do not object to the application going to the tehsildar, the SDO or the police. But as has been remarked and as pointed out in my dissenting minute, an applicant for licence is required to pay for so many funds. The funds may be for laudable objects,

but he is required to pay money under a sort of coercion and compulsion. He may not be in a position to pay the amount which the tehsildar, the SDO or the police demand, but still he has to pay. I have got such cases before me. When all the demands have been satisfied, still the District Magistrate in his own whim rejects the application, nobody knows for what reason. This practice ought to be changed. Why cannot the application be sent to the *gaon sabha*? They are the persons directly concerned with law and order. They know the antecedents of the man. So, the *gaon sabha* should be consulted. I will agree to the condition that if by two-thirds majority the *gaon sabha* recommends the grant of a licence, that recommendation should have weight with the licensing authority.

How to ensure expeditiousness?

Today the licensing authority is supposed to be the District Magistrate and the appellate authority is the Divisional Commissioner. In a division, there are six or seven districts and everybody who feels a sort of grievance that his application has been rejected, has to go to a far off district and file his appeal before the Divisional Commissioner. In order to expedite the grant or otherwise of this application, the SDO, the man in charge of the division, should be considered fit to be licensing authority. If he rejects the application, the applicant should file the appeal before the District Magistrate. Thereby, he will save himself from the trouble of incurring the expenses of going to another district and a lot of worry. So, in the rules, a provision should be made that the licensing authority should be the SDO and the appellate authority should be the District Magistrate.

I do not agree with those who like that the appellate authority should be a judicial authority. After all, law and order is a matter to be dealt with by the executive. We have to improve the executive and see that the executive carries out the instructions of Government to the very letter. This

matter should not be entrusted to the judiciary.

Shri Braj Raj Singh: What is the harm in that?

Shri Raghbir Sahai: My time is short. The hon Minister said that in deciding these applications, lot of time is taken. I should like that a time-limit is fixed. Before the Joint Committee one of the Home Secretaries—I will not mention his name—went so far as to say that the application should be finally decided within one month. I may not agree with that view. Let it be decided within three months. A time-limit should be set at any rate and it should not be left to the discretion of the licensing authority.

Public security and maintenance of public order is a very important consideration which should be kept in mind before considering the provisions of this Bill. It is an open secret that unauthorised arms are spread all over the country and are being misused. Look at the number of serious crimes in the countryside. Look at the number of crimes that are being committed in railway trains. Now, are we going to shut our eyes to all that? Then the hon Members say that licences should be granted freely. I differ from them.

Mr Deputy-Speaker: Why should he take it to the panchayat then?

Shri Raghbir Sahai: For their recommendation.

Mr Deputy-Speaker: If all the members of the panchayat apply for licence, there would always be two-thirds majority.

Shri Raghbir Sahai: I would not like to join issue with you, Mr Deputy-Speaker, but that is my view. The recommendation of the panchayat is not the final word. It rests with the licensing authority either to accept the recommendation or to reject it. Therefore, I feel that under the prevailing conditions of law and

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order it would not be proper to make the distribution of licences free.

There was one comment by my hon. friend, Pandit Bhargava that very severe sentences have been imposed under some of the provisions of this Bill. Here I would like to invite your attention to the fact that it is only under clause 27, which relates to the possession of arms for unlawful purposes, a sentence of seven years has been provided. In the UK Act, from which we have derived a lot of inspiration, for this very offence they have provided a sentence of fourteen years. So, under these circumstances, a sentence of seven years is not too much.

Coming to the last point, I would submit that I quite agree with those friends of mine who plead that in the dacoit infested areas and the border areas which are open to incursions by Pakistan and other countries, licences should be freely and liberally distributed among those who are reliable and law-abiding.

Lastly, I understand that up to this time ex-servicemen have been given the privilege of holding fire-arms without paying any tax. I learn that only since the last two or three years a levy of Rs 5 has been made obligatory on them for holding a revolver or pistol. I plead that they should be exempted from this also.

Shri Naushir Bharucha: While I must admit that this Bill, as it has emerged from the Select Committee has undoubtedly shown improvement, unfortunately, it does not meet with the expectations which certain hon. Members entertained when this Bill was referred to the Joint Committee. Unfortunately, it appears that the Select Committee has not appreciated the intention behind the Bill. The object of the Bill, as it was announced, was to liberalise the issue of fire-arms, and the arguments in favour of such a policy are very obvious. It has also been pointed out in this House

that in a state of affairs where defence in isolated villages is almost impossible, when police protection cannot be given, it is very necessary to encourage formation of what is known as "village defence parties". In some villages in Bombay it is being done, and done successfully. It is, therefore, necessary that there should be a liberal issue of fire-arms in all such cases.

It has been pointed out by some of the previous speakers here that there is a possibility of misuse of fire-arms. That possibility always exists. As I said on a previous occasion, a certain amount of risk has got to be taken. I am not one of those who believe that with the liberalisation of licences there is going to be a very heavy increase in the incidence of crime, nor do I believe that there will be an abuse of fire-arms to such an extent as not to justify the policy which we are advocating. In some respects, some abuses are bound to occur. But today the position is that those who are bent on having unauthorised arms manage to secure these arms, whereas the genuine people who require a gun for their self-defence find it difficult to obtain them. And I am not prepared to concede that the changes made by the Select Committee are of such a nature as to simplify the procedure of procuring fire arms by genuinely interested parties. So, I submit that it is very necessary that the policy that we adopt in this respect should be very liberal.

Times are fast coming when a nation, which has become independent, has to devise its own ways of defending the various parts of its frontiers. For instance, today it may be necessary to organise a particular type of defence in NEFA area—let us assume for the time being. In the NEFA territory the terrain is such that most of the costly modern weapons such as anti-aircraft guns and tanks are absolutely useless and only small guns, fire-arms and ammunitions can be used. So, it is very necessary that our people must be habituated to the

use of small fire-arms, and that can be done only if small fire-arms are supplied to people in order to make them habituated to their use. That will be our third line of defence. So, from that point of view also, I would say that a liberal policy would be more than justified. If the country's population in times of emergency is to act as a third line of defence, apart from providing individual self-defence and defence against wild animals, it is necessary that flip should be given to the manufacturers of fire-arms, which can be done only if there is an extensive use of fire-arms.

Unfortunately, several undesirable features have been left in the Bill by the Select Committee, some of which have already been pointed out. Arms have been defined to include swords and daggers. As has been pointed out very ably by my hon. friend, Shri Patnaik, hardly any country exists where sharp-edged weapons are regarded as equivalent to fire-arms and so, far from liberalisation, it seems that the definition of "arms" contracts the privilege of people who carry arms like swords or daggers. Also, it is very surprising that though the fact was pointed out that the definition of "fire-arms", as it stands, would include air pistols and air guns, which are comparatively harmless, still it has not been properly amended.

What is more surprising is that extraordinary powers have been given in clause 4 of the Bill, as it has emerged from the Select Committee, under which it has been left open to the authorities to prescribe that certain categories of weapons shall be prohibited from being carried by people in case of emergency. I quite concede the point of view of the authorities, who being responsible for the maintenance of law and order, would like that in such cases this privilege granted by the Arms Act should not be abused. But I ask: are there not sufficient provisions already in our existing laws? In Bombay State—I remember well—during the days of the communal riots even pen-knives were prohibited. I cannot

imagine a more drastic restriction on the liberty of the subjects than the restriction on carrying even ordinary pen-knives. If that power already exists, I do not see why this additional power under the Arms Act should be provided. I submit that this is unnecessary and this may be used by authorities merely on panic and without sufficient consideration; there is no sufficient safeguard against the abuse of this power by the authorities.

I also welcome the reduction in age limit and further desirable changes that have been made. But these are changes in the matter of procedure. No doubt, these are improvements, but these are changes in the matter of procedure. The substantive provision of the Bill remains exactly as it was. Even the scheme of the Bill, as it stands, is that first there is a blanket ban on use or carrying of arms of all types. Then gradually that ban is relaxed in certain cases. Certain relaxation has been permitted. But if you turn to clause 14, you will find that a very vast power has been given for rejecting an application, viz., if the authority feels that for any reason the applicant is unfit for a licence under this Act he may reject the application. That virtually takes away everything that has been granted under the Act

Who is going to be the ultimate judge of a satisfactory, proper or adequate reason for rejection by the licensing authority? No court will at all interfere in the exercise of administrative discretion of a licensing authority. Therefore the sum total of the Bill comes to this that while on paper it may sound that the policy of issuing fire-arms has been very considerably liberalised, in practice it may work out to this that a few more licences than the existing ones may be issued subject to a very close scrutiny by the Police and other authorities. Barring that, in the general condition there will be no change whatsoever.

As I said, I was looking upon this Act for liberalising the issue of arms for the reason that our people must

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become defence-minded not merely in the matter of individual defence but even in the matter of the country's defence. Today our people are un-habituated to arms. I think I mentioned an illustration before this House of one case in Bombay where a Justice of the Peace got a licence for a revolver and when he was asked by a friend as to where his revolver was he said that he had deposited it in the safe deposit vault of the Central Bank because it was too dangerous a weapon to be kept at home. That is our mentality and that mentality requires to be completely changed.

Today we are faced with aggression by China. Let us hope that this aggression does not take any serious turn. But does anybody think that if this aggression assumes very huge proportions, the Army will be adequate to cope with it without the active co-operation of people trained in the use of fire-arms? No, it is not. Let us understand that our Army is too small compared to the continental armies. Let us understand that our auxiliary force is extremely small. Therefore a third line of defence has got to be created and that third line is the people defending their own villages and homes against external aggression. This was the point of view which I had in mind when I said that there should be considerable liberalisation of the issue of fire-arms. But I am sorry to say that the Bill does not go far enough to meet the point of view.

Mr. Deputy-Speaker: I might tell the House that we had originally fixed five hours for this Bill. 24 minutes had been taken last time and we had 4 hours and 36 minutes today. We began at 1.05 p.m. That means that we can go up to 5-41 but we adjourn at 5 p.m. So, 41 minutes would be left for tomorrow.

Shri Braj Raj Singh: It is very important measure and therefore you may be pleased to extend the time by

at least three hours, making it eight hours.

An hon. Member: By two hours.

Mr. Deputy-Speaker: We have received about a hundred amendments and we are still receiving more of them. Therefore greater attention shall have to be paid to the amendments than to the general discussion. So, all the time that has to be extended must go to those amendments and not to the general discussion which we had last time also and we are having today also. I propose that we might conclude the general discussion today and carry on with the amendments and the clause-by-clause consideration tomorrow. The extension that the hon. Members have in view would be given, certainly. We will see that enough time is given to it. That will be all right, I suppose.

Shri Datar: Am I going to reply today or tomorrow?

Mr. Deputy-Speaker: I shall request him to reply today.

Shri Braj Raj Singh: He may be asked to reply tomorrow.

Mr. Deputy-Speaker: We have just now decided that we will conclude the general discussion immediately. After that should it be objected to?

Shri Sinhasan Singh (Gorakhpur): His reply is not included in it.

Mr. Deputy-Speaker: I suppose hon. Members shall be able to conclude their remarks within ten minutes.

Shri Warrior (Trichur): When the Chair suggests general discussion, we mean discussion by hon. Members and not the hon. Minister. The hon. Minister is excluded from it.

Mr. Deputy-Speaker: Inside the House the presiding officer should be given more credence.

जी ए० सा० बाबुबाब (बीकानेर-रजिस्त-भन्नुसूचित जातिवा) - उपाध्यक्ष महोदय, मैं इस आर्म्स बिल का समर्थन करता हूँ । आज तक जो आर्म्स के लाइसेंस देने की पब्लिश रही है उस में बहुत से इस देश के नागरिक लाइसेंस लेने की हाथिक इच्छा रखते हुए भी उस से बंचित रह जाते हैं । अभी तक जो लाइसेंस मिलते थे वह बड़े बड़े जागीरदारों, पैसैवालों और हवेलियों के रहने वालों को ही मिलते थे । मैं यह कोई भ्रालोचना करने के लिये नहीं कह रहा हूँ क्योंकि उनके पास पैसा होता था और उन को जान माल का खतरा रहता था शायद इसी बिना पर उनको लाइसेंस मिलता रहा होगा । जहा तक आम जनता को लाइसेंस देने का सवाल है मेरा निवेदन है कि मैं राजस्थान के उस प्रान्त से आया हूँ जिसकी कि सीमा पाकिस्तान से लगनी है और यह बात किसी से छिपी हुई नहीं है कि और आये दिनों भ्रालोचना में खबरें छपती रहती हैं कि राजस्थान जिसकी कि सीमा पाकिस्तान से लगनी हुई है तो पाकिस्तान के लुटेरे सीमा पार कर के भारत म्यित प्रदेश में आ जाते हैं और लुटेरे हथियारबंद होते हैं जब कि हमारे निवासी बिना हथियार होने हैं और वे लुटेरे उनके मवेशी आदि चुरा कर जबर्दस्ती छान कर ले जाते हैं । इसलिए केवल उनको अपनी रक्षा करने में भ्रममर्थ बनाने के लिए ही नहीं बल्कि आज देश की जैमी स्थिति है उन में देश की आजादी को सुरक्षित रखने के लिए भी यह आवश्यक हो जाता है कि हम अपने देश वासियों को हथियारो के लाइसेंस देकर उनको अपनी रक्षा और देश की रक्षा करने के काबिल बनायें । यह ठीक है कि हम गांधी जी के भन्नुवासी हैं और पूज्य बापू के बताये हुए मार्ग पर चलने वाले हैं और हम अहिंसा में बिषवास रखते हैं, इतना सब कुछ होते हुए भी मैं यह मानता हूँ कि हर देश के नागरिक को लाइसेंस देने में हमें किसी बात की हिचकिचाहट नहीं होनी चाहिए और सरकार को इस मामले में किसी प्रकार का कोई सबेह नहीं होना चाहिये ।

मैं तो यह भी कहूँगा कि हमारे जो स्कूली छात्र हैं उनको भी अभी राइफलो द्वारा किसी हद तक मिलिटरी ट्रेनिंग देनी चाहिए और यदि ऐसा किया गया तो हम रे देश के नवयुवक और देश वासी अपने देश की हिफाजत के लिए किसी भी मकट काल के समय में काम आ सकते हैं ।

मैं आपका थोड़ा सा ध्यान टोपीदार बद्रो की ओर दिलाना चाहता हूँ जोकि बारूद से चलती है और जिसको कि राजस्थान में टोपीदार बद्रूक कहते हैं । उस बद्रूक का प्रयत्न तलवार का पहले कोई लाइसेंस नहीं था लेकिन अब उसका भी लाइसेंस लेना अनिवार्य कर दिया गया है । ग्रामीण लोग इन के लिए लाइसेंस प्राप्त करने के लिए २०, २० और ३० मील चल कर आते हैं और उनको कायदे में चार आने और एक रुपय अर्थात् मवा रुपया देने पर लाइसेंस मिलना चाहिए लेकिन उनको बड़ी दिक्कत का सामना करना पड़ता है और बीस बीस चक्कर लगाने पड़ते हैं और कई तारीखें पड जाती हैं और उनको बार बार बुला कर परेशान किया जाता है । मैं चाहता हूँ कि इस के लिए उनको परेशान न किया जाय और उनको दारु में चलने वाली बद्रूको का लाइसेंस मिलने में कोई दिक्कत नहीं होनी चाहिए ।

यहा पर कुछ मायियों ने सुझाव दिया है कि लाइसेंस आम पचायतो द्वारा दिये जाने चाहिए और यह किमी हद तक ठीक भी हो सकता है क्योंकि हम सत्ता का विकेन्द्रिकरण करने जा रहे हैं और अधिक से अधिक हम डेमोक्रेसी को पनपाना चाहते हैं । लेकिन वर्तमान पचायतो की जो हालत है उसे मैं सनोषजनक नहीं समझता और उस में पार्टी बाजी चलती है और बहा पर गरीब आदमियों को न्याय मिलने वाला नहीं है । और इस लिए मैं इस बात का समर्थन नहीं करता कि पचायतो द्वारा लाइसेंस दिये जाय । मैं समझता हूँ कि यह जिम्मेदारी का काम है और यह डिस्ट्रिक्ट मजिस्ट्रेट के ही पू होना चाहिए । मुझे दुःख के

[श्री प० ला० बाकराल]

साथ यह कहना पड़ता है कि आज भी जो लाइसेंस दिये जाते हैं वे पोलीशन और स्टेट्स को देख कर दिये जाते हैं। मैं चूँकि एक मिलेट्रीमैन रहा हूँ इसलिए मुझे हथियारों से मोह है और मेरी इच्छा हुई कि मैं भी हथियार का लाइसेंस प्राप्त करूँ चूँकि मैं शोड्यूल्ड कास्ट का था और वहाँ पर यह जाति पाँति का प्रतिबन्ध चलता था और यह देखा जाता था कि उसकी क्या पोलीशन प्रथवा स्टेट्स है और जब मैंने पार्लियामेंट का मेम्बर होते हुए लाइसेंस की प्रर्जी दी तो मैं ही जानता हूँ कि मुझे लाइसेंस कितनी मुश्किल से मिला है। अब प्राप समझ सकते हैं कि जब पार्लियामेंट के मेम्बर को हथियारों का लाइसेंस मिलने में इतनी दिक्कत आती हो, बारह बोर की गन मामूली जानवरों शेर वगैरह का शिकार करने के ही काम में आ सकती है।

तो जब पार्लियामेंट के मेम्बरों को भी उस के लिए लाइसेंस प्राप्त करने में दिक्कत पड़ती हो तो गरीब आदमियों की क्या हालत होती होगी। बहुत से आदमी मेरे पास आते हैं और कहते हैं कि उन्हें डाकुओं का डर है इसलिए उनको आर्म्स का लाइसेंस दिया जाय लेकिन हम बिना पर कि उनके पास इतनी जायदाद नहीं है, इतनी जमीन, नहीं है और उनकी इतनी व्वालिफिकेशंस नहीं हैं इसलिए उनकी ऐप्लीकेशंस रिजेक्ट कर दी जाती हैं। मैं समझता हूँ कि स्वतंत्र भारत के नागरिक के लिये यह इंसल्ट है। आज कोई भी नीचा और ऊँचा नहीं है हम सब समान हैं और इसलिये मैं चाहता हूँ कि लाइसेंस देने में ज्यादा उदारता से काम लिया जाय और सबको समान भाव से लाइसेंस दिया जाय और लाइसेंस देने वकल एक अन्वयादा कैटेगरी न बनाई जाय।

स्कूली छात्रों को डमी बंदूक द्वारा मिनेटरी ट्रेनिंग देने की और प्रवचन ध्यान दिया जाय। हो सकता है कि इसका एप्लिकेशन मिनिस्ट्री के सम्बन्ध हो लेकिन मैं चाहता हूँ कि हमारे बूढ़े मंत्री महोदय इस और ध्यान दें तो ज्यादा सम्बन्ध होगा। मैं चाहता हूँ कि आर्म्स लाइसेंस

द देने में जो जाति पाँति का भेद भाव बर्ता जाता है वह आज के युग में अनुचित है और कोई व्यक्ति केवल जाति से ही फायर प्रवचन और नहीं हो जाता और मैं चाहूँगा कि हर व्यक्ति को मौका दिया जाय कि वह भागे बड़े और वह अपनी रक्षा और अपने देश की आवश्यकता पड़ने पर रक्षा कर सके। बिना किसी जाति पाँति भेद के हर एक शकस जो कि ट्रेनिंग लेना चाहें, उनको प्रवचन दिया जाय। इसलिए मैं होम मिनिस्टर साहब से निवेदन करूँगा कि आज जो लाइसेंस देने में प्रतिबन्ध लगाये हुए हैं उनको ढीला और क्षत्रम किया जाय और लाइसेंस देने की व्यवस्था सरल की जाय ताकि लोगों को बिना किसी भेद भाव के समान रूप से लाइसेंस मिल सकें। यह ही सकता है कि जिनको लाइसेंस मिलें उन में से कोई डाकू हो और वह उसका गलत प्रयोग करे और इसी तरह कोई लाइसेंस पाने वाला क्रिमिनल ट्रिन्स का भी हो सकता है और जाहिर है कि उस हद तक नुक्सान होगा लेकिन आम तौर से हमारे देश का फायदा होने वाला है। बम मुझे यही निवेदन करना था।

Shri D. C. Sharma: Mr. Deputy-Speaker, I welcome this Bill and I think that the provisions of this Bill have been liberalised in some ways and in certain respects. I congratulate the Ministers and the Members of the Joint Committee for having brought about these liberal changes.

But, after reading this Bill and the minutes of dissent, appended to this Bill, I asked myself one question. what is the motivating force of this Bill? To tell you the plain truth, this Bill reminds me of a very antiquated joint family house which an enterprising son whitewashes without touching the basic structure or the foundations of that house. The house remains as before....

Shri Braj Raj Singh: Even after whitewashing?

Shri D. C. Sharma:though it acquires a new look of a very superficial kind. So, this Bill has, no doubt,

a modern look. But, I must say that this modern look is not even skin deep.

What is the problem before us? I think, people carry arms as a matter of social prestige. Somehow, carrying of arms is connected with wealth, with privilege, with agricultural property, with official position, with hereditary privileges. That has been the story of arms in our country all these years. We are now living in free India. I should have thought that this old motive force should have been done away with. But, I think, though this Bill is put in a new bottle, the contents of the bottle remain as before.

Shri Braj Raj Singh: Why do you welcome it?

Mr. Deputy-Speaker: He is welcoming the bottle and not the contents.

Shri D. C. Sharma: According to me, this Bill should have served two purposes. In the first place, it should have put the fear of law into the hearts of those who carry unlicensed arms or who have ammunition, which has no licence. This Bill should have been a source of dread to the smugglers of arms and smugglers of ammunition. This Bill should have tried to frighten as much as possible the dacoits and robbers. This Bill should have done something to reduce, I should say, the desperate actions and acts of anti-social forces. I think this Bill is going to do nothing of the kind. Again, this Bill should have given a reasonable chance of getting a licence for arms to any citizen of India irrespective of his caste or creed or social position or monetary possessions. Does it do that? I do not think it does that.

I look at this Bill from the context of my constituency, a border area. I told the people that we were going to revise the Arms Act. Do you think that the people living in the border areas are going to get licences now more easily than before? Certainly not. My constituency is one where

agricultural lands are subjected to the depredations of wild animals. The wild animals are ferocious. Of course, some kind of provision has been made that they can get arms. Do you mean to say that a farmer living in a very remote place is going to have any benefit out of this? Certainly not. The agriculturist is not going to benefit by it. The border people are not going to reap any benefit out of it. The smugglers will have a golden time as before, because there is nothing in this Bill which can check it.

At the same time, I find that there is a wave of lawlessness sweeping over the world now and India is a part of the world. I read about two days ago in one of the daily papers that a gentleman walked into a house and slit the throat of a child, and there was a murder committed. In my old constituency, Hosharpur, a murder was committed in the tram. There are so many murders committed in the railway tram. So many dacoities take place in the train in spite of the great enthusiasm of our people and our colleagues, that murder has remained untraced for so many months. What I mean to say is that the law and order situation in our country is not as desirable as it should be. People are not safe when they travel. People are not safe when they are in their homes. People are not safe when they go about in the bazaar. When the law and order situation is like this, I should have thought that in the name of the phrase which has been quoted so often in this Bill 'public peace and safety' this Bill should have been so framed as to make it possible for anybody to get a licence. Here is my hon. friend who preceded me, a Member of Parliament, who was telling a tale of woe when he wanted to get a licence. It should have been possible for any citizen of India to get a licence. Perhaps, the fee for licence may be prohibitive, the price of arms may be prohibitive, the cost of ammunition may be prohibitive. All these things are there. Therefore, I would

[Shri D. C. Sharma]

say that, in this Bill, there should have been made a provision for giving what I call collective licences, for instance, a collective licence to the people of a village in the border area, a collective licence to the people of a locality, a collective licence in certain cities and certain localities. If you are afraid of giving licence to individuals for the reason that it will be abused, I do not see any reason why you should not adopt the system of giving collective licences to persons who want to defend themselves, defend their homes and hearths when things are bad. I believe this is what is required.

I want to say a few words about the licensing authority. We talk of democratic decentralisation, and I am very happy about that. We talk of devolution of authority and responsibility and all that. I think if there is one thing in which we require this kind of devolution, it is in respect of this Bill. You want everybody to go to the District Magistrate or some big-up in the official cadre. I think that it is not possible for every one to run up to the district town and try to get a licence. So, I would say that so far as this thing is concerned, we should try to delegate the authority to lower people.

Another point is this. I think we should have made a distinction between two kinds of fire-arms. There are fire-arms carried by some persons. Of course, they can sport those fire-arms for aught I care. But there are also some persons who want to keep fire-arms in their homes for proper purposes. Therefore these two kinds of fire-arms should have been distinguished. There should have been a distinction between those who sport their guns and those who want to make use of them whenever there is need for that. I think that should have been done, and I am sorry that that has not been done.

The proof of the pudding lies in the eating. Whatever Bills we may pass,

whatever provisions may come into being ultimately the proof of those will lie in the administration of those Acts. I have asked myself this question: has the implementation of this Bill been rendered more easy than before? Have we got any provisions in this Bill which will not prove as vexatious to people as they were before, which will not create as many hurdles in their way as before? I put myself this question, and the answer is that though we have made certain liberal provisions in this Bill the implementation of this Bill is going to be in no way easier than before, in no way swifter than before, in no way more in the interests of the people than before. I know the Bill will be passed.

An Hon. Member. How do you know?

Shri D. C. Sharma: You will vote for this, and I will vote for it.

An Hon. Member: You will have to

Shri D. C. Sharma: I will do so with a heavy heart.

Shri Braj Raj Singh. That you always do.

Shri D. C. Sharma: For I see that this Bill has neither increased the defence potential of my country, nor has given to the needy people, needy in terms of arms, a kind of charter that they can get arms easily for the protection of their hearths and homes, for the defence of their country and for the defence of all those values for which we stand.

Shri P. R. Patel (Mehsana) It rather pains me to say that in the twelfth year of our independence our Home Minister has come out with this Bill.

The Britishers, the foreigners, had such an Act, the Arms Act, because they wanted to disarm the people, because they wanted that the people should not rise against their rule. It was with that view that the Arms Act was gifted to the people of the country.

as a result of the mutiny of 1857.

Even in the days of the British rule, we people complained against this Act. I know many Congressmen then said openly that this Act should be repealed. I only quote Mahatmaji. He said:

"Among the many misdeeds of the British rule in India, history will look upon the Act depriving the whole nation of all arms as the blackest."

Now, let us compare the Act passed by the Britishers with the present one. What is the difference between the two? There, carrying arms without licence was prohibited. Here also without a licence nobody can carry or keep any arms. There, a District Magistrate issued the licence, at his discretion. Here also the same procedure is to be followed. What is the difference?

Let me say this, that in those days when the Arms Act was put into force, the Government had the same type of arms as the people, because at that time, only muzzle-loading guns and such types of weapons were available with the ruling Government and the people also had the same type of weapons, and before that Act every citizen of the country had freedom to carry and keep any number of arms he liked. That freedom was taken away by the Britishers. Now, in these days of the sputnik and atomic bombs and so many other higher types of weapons, what is a muzzle-loading gun?— I ask the hon. Minister. Is it not a toy compared to other weapons? And he desires to restrict even this toy. He does not like these muzzle-loading guns being kept outside the purview of the law, I am sorry.

He desires and often says that they cannot keep police in every nook and corner for the protection of the people, that they cannot keep police on every farm for the protection of the crops, and at the same time he is not prepared to allow people to keep arms for their protection and the protection

of the crops. He says he has liberalised the whole Act, but I fail to understand how he has liberalised it. What is there which would be sufficient to give that credit to the Minister?

1½ hrs.

There also, in the days of the British, they allowed Members of the then Assembly to keep arms and no licence was necessary. They were exempted under section 27 of the Act as it exists today. But, after the achievement of Independence, our present Government, I mean the Government that came into power after Independence, removed this exemption that was given to the Members of the Central Legislative Assembly and the local Assemblies. I ask whether they are not in a position to trust even the Members of the Parliament and the State Legislative Assemblies. I ask hon. Members whether it would not be proper to exempt at least the Members of the Parliament, at least the Members of the State Legislative Assemblies, and at least the presidents of the local bodies and municipalities. They exempt Government officers, but they hesitate to exempt the people's leaders. This is too much in a democracy.

Here, let me say one thing. The military, no doubt, defends the country. And our military is strong enough to face any country. I am sure of it. But they fight on the battle field. Actually, it is the people who defend the country. If we look into our history, what do we find? A battle was fought at Panipat. A ruler was defeated, and the people then accepted the coming ruler. Why did they do so? They did so because they had no interest or rather they were not trained to defend the country.

I would desire that in this country everyone above the age of sixteen should be trained to defend himself, and, if necessary, his country. The Army, no doubt, will fight, but every individual village should be a terror to any invader.

[Shri P. R. Patel]

10.55 hrs.

[PANDEI THAKUR DAS BHANGAVA in the Chair.]

But what do we find on the border? An Army is coming, or rather ten or fifteen soldiers are coming and capturing our village, and we are simply crying. That is because we did not allow our people to keep arms. We did not train our people to use arms. The result is that just a handful of soldiers, that is, ten or fifteen military men come and capture our village and our territory.

I am of the opinion that if a village were to be attacked by any foreign power, as long as there is one soul living in that village, the village cannot be captured by the outsiders or by the aggressors. That should be the spirit, and that should be the kind of training. But what is our Home Minister doing by means of this Bill. He has just put a very good sari on the old dame, that is, the Arms Act of the Britishers. What is the change that he has made? The same old spirit is there, and that spirit was not to give arms to the people. Here also, the same spirit is there, namely, not to give arms to the people.

I say that there must be some difference between a popular government and a foreign ruler. A popular government should be very eager to see that every citizen is trained to use arms, and every citizen is mindful to use it for the defence of his self and his country. But what do we find here? The hon. Minister says that he is liberalising the provisions, and that the magistrates will issue the licences liberally. Sir, I know the magistrates and their mentality. There is absolutely no change in their mentality. In the days of the Britishers, the district magistrates were there, today also, the same magistrates are there. I can just give one instance. Some days back, an hon. Member of this House, Shri K. U. Parmar had some work in Ahmedabad and he went to

the Additional Magistrate, Ahmedabad, along with two or three other persons. And how abruptly he was insulted? So the mentality of the Magistrates is the same. There is absolutely no change. It is said that these people will issue licences liberally. I am sure they will not.

An Hon. Member: He was not a Congressman.

Shri P. R. Patel: So I would suggest that unless a man is held to be an enemy of the country or has had some association with a foreign country or foreign rule or he is a man who, if given any firearm, would misuse it,—in which case licence can be refused—in all other cases, it should be the privilege of one and all to get a licence to keep arms. We can have ordinary restrictions. But instead of that, what is the restriction that is put here? If the District Magistrate thinks so, he may refuse to issue a licence, and in 'public interest', he may not give the reason even.

In these days of democracy, this type of thing in our statute-book does not give credit to us. I would humbly request the hon. Minister to reconsider this Bill. Specially, I would request him to consider my request on behalf of the farmers. We desire that there should be more production, we desire that there should be more foodgrains. Unless farmers are able to protect their crops, how can we get more? He says that for protection the farmers will get muzzle loading guns. Nice! Suppose two thieves come. I am a farmer watching my crop. I fire the muzzle loading gun. Then should I just put my head before them to be butchered? What should I do? Why should farmers be not given the latest type of guns, breech-loading guns or even rifles? What is the harm? This distrust of the farmers is distrust of the nation. They are the people who will give their life for any small piece of land. I know in old days—we also heard stories from our ancestors—that for a piece of land they fought and gave,

their heads. In villages, you will find *Partis-memorials*. The dacoits come to a village. The whole people rise against the dacoits and face them. This was possible because they had weapons then. Some of them were killed and there are memorials built in their honour. Do we desire these things again in our country? But we say that they should not have these firearms with them. If we do not give firearms, when will they learn to use them? In days of calamity to the villages or to the country, what will be the position?

So I again request the Minister to reconsider the matter and make this Bill a liberal one which would give credit to our independence. This is the twelfth year of our independence, and I should not remind him that we are living in the twelfth year of our independence.

श्री. बलू देव (चम्बा) : सभापति जी, पूरे ८० साल के बाद हमारे देश ने इस पर पुनः विचार किया है कि अपनी रक्षा के लिये अपने देश में अस्त्र शस्त्र को विधि-पूर्वक किस प्रकार चलाया जाये। इसके लिये मैं गृहमंत्रालय को बधाई देता हूँ।

इससे पहले हमारे देश में ऐसी कोई व्यवस्था नहीं थी और हालात भी ऐसे नहीं थे। देश के अन्दर जो भी देशवासी या किसी भी आपत्ति के समय वह शास्त्रास्त्र इसलिये इस्तेमाल करता था कि जो आक्रमक है उसे पूरी तरह सबक सिखलाया जाये। किन्तु आज व्यवस्था कुछ और है जिसके कारण यह नाइसैंस की व्यवस्था की जा रही है। मैं कुछ बातें इसके सम्बन्ध में कहना चाहता हूँ।

पहली बात यह है कि इसमें जो शस्त्रों की परिभाषा की गई है वह सब जगह एक ही तरह से इस्तेमाल नहीं होनी चाहिये बल्कि देश काल के अनुसार होनी चाहिये। जैसे कि हिमाचल प्रदेश का पहाड़ी इलाका है जहाँ पर बास काटने का शस्त्र, लकड़ी काटने का शस्त्र एक ही तरह का होता है। अंतर उसके लिये किसी प्रकार की साइलेंस

की व्यवस्था की जायेगी तो उससे किसानों के लिये महान आपत्ति होगी। इसी तरह से फायर आर्म्स के बारे में है। जहाँ तक जानवरों से कृषि की रक्षा का सम्बन्ध है वह मजिन कोरिंग गन से ठीक तरह से नहीं हो सकती। यदि रीछ या जाये और मेरे पास मजिन कोरिंग गन हो तो मैं एक फायर तो कर सकता हूँ लेकिन अगर फिर भी रीछ मेरे ऊपर हमला करता है तो मैं अपनी रक्षा नहीं कर सकता। तो इस प्रकार के इलाकों में ऐसे फायर आर्म्स की मांग होनी चाहिये जिनसे कि घ डनी रीछ से, सुभर से और इसी प्रकार के दूसरे जानवरों से खेती बाड़ी की और अपनी भी रक्षा कर सके।

एक बात इसके सम्बन्ध में मैं और कहना चाहता हूँ। सभी देश के अन्दर कई स्थानों से शास्त्रास्त्र आते हैं। देश के अन्दर कोई एजेंसी, चाहे वह सरकार की हो, होनी चाहिये जिसके द्वारा लोगों को सब प्रकार के शास्त्रास्त्र प्राप्त हो सकें। अगर ऐसी व्यवस्था नहीं होगी और देश के अन्दर बाहर से शास्त्रास्त्र आते रहेंगे तो किसी आपत्ति के समय देश के अन्दर जो विशेष प्रकार की विचारधारा वाले लोग हैं वह ऋग्ना खड़ा कर सकते हैं।

हमारे देश में बहुत समय से कुछ लोग एग्जैम्प्ट है जिनके पास शस्त्र मौजूद हैं जिनकी कोई गिनती नहीं है। कई मौकों पर बाकुओं के पास, चोरों के पास और देश के अन्दर उचल पुचल करने वालों के पास इस किस्म के शस्त्र पाये जाते हैं। मैं चाहता हूँ कि देश के अन्दर आर्म्स के साइलेंस से कोई एग्जैम्प्ट न हो। यहाँ एक बजुर्ग ने कहा कि जो एम० एल० ए० है या एम० पी० है या प्रेसीडेंट हैं उनको एग्जैम्प्ट किना जाना चाहिये। मैं समझता हूँ कि किसी के लिये भी एग्जैम्पशन नहीं होना चाहिये और देश में सब आर्म्स की गिनती होनी चाहिये ताकि अगर किसी वक्त आपत्ति आजाय तो हम सारे शास्त्रास्त्र की गिनती रख सकें और उनको नष्ट में रख सकें

[जी पक्षम वेम]

और उस समय जो अपनी देशभक्ति दर्शाना चाहते हों उनको अस्त्र दें और जो लोग देश भित नहीं धर्या सकते उन लोगों से हम अस्त्र प्राप्तानी के साथ ले सकें और एकत्र कर सकें ।

लाइसेंस के सम्बन्ध में यहां पर बहुत कहा गया है । यह कहा गया कि लाइसेंस के सम्बन्ध में बहुत सख्ती है । मैं इसके सम्बन्ध से तीन बातें कहना चाहता हूं । लाइसेंस देते समय धन का सवाल नहीं होना चाहिये बल्कि पात्रता का सवाल होना चाहिये । यह देखा जाना चाहिये कि कौन उसका पात्र है ।

हमारी शिक्षा संस्थाओं में एन० सी० सी० और ऐसी दूसरी संस्थाओं को जो फायर आम्स इत्यादि का प्रोशक्षण दिया जा रहा है, उसके लिये उनको लाइसेंस देने में हर प्रकार की सुविधा होनी चाहिये । इसके अतिरिक्त जो हमारे समावर्ती प्रदेश हैं, उनको लाइसेंस फ्री मिलना चाहिये और फायर-आम्स के मिलने में सबसिद्ध मिलनी चाहिये और उन सब लोगों का सुसज्जित किया जाना चाहिये, ताकि वे आपांत के समय देश की रक्षा कर सकें । अगर वहा पर सी पुलिस के आदमी हो, तो हजार हमारे नौजवान वहा पर हो, जो यह समझें कि हम अपने देश की खुद रक्षा करेंगे । अगर कोई पहलवान सामने से आ रहा हो और उसके मुकाबले में कोई पिस्तौल वाला खड़ा हो जाये, तो उसके सामने पहलवान ठंडा हो जाता है । अगर हमारे लोगों के पास शस्त्रास्त्र होंगे, तो उनका साहस और उत्साह द्विगुण हो जायेगा । अंगरेज तो हमको निरस्त्र करके मुलाम रखना चाहते थे । स्वतंत्रता मिलने के बाद तो लोगों को शस्त्र उपलब्ध करने चाहिये । स्वतंत्र देश में यह नहीं होना चाहिये कि लोगों को आम्स न मिलें । लोगों को पूरी तरह से सुसज्जित करना चाहिये, ताकि वे देश की रक्षा कर सकें ।

हम किसी को मारना नहीं चाहते हैं, लेकिन हम मरना भी नहीं चाहते हैं । आज कोई भी देश बेबसी में मरना नहीं चाहता है । अगर कोई हमको मारना चाहता है, तो कम से कम हम उसको सबक सिखाने का प्रयत्न तो करें—यह हमारी पुरानी प्रथा रही है । फायर आम्स के लाइसेंस के मिलने में जितनी भी सुविधा हो सके, वे होनी चाहिये । हिमाचल प्रदेश में इस काम के लिये शिमला आना पड़ता है । अगर किसी को चीनी के इलाके से आना पड़े, तो उसको दो सौ मील का रास्ता तय करना पड़ता है । नजदीक के कर्मचारियों को, जिन जिन को यह अधिकार दिया जा सकता है, उनको लाइसेंस देने का अधिकार दिया जाना चाहिये ।

देश में जितनी अवाछनीय सत्यायें हैं, जिन लोगों को देश की विचार-भारा से, देश के शासन से, देश से प्रेम नहीं है, उस की इन्टेगरिटी से प्रेम नहीं है,

एक माननीय सदस्य कौन है ?

जी पक्ष वेम में चाहता है कि ऐसे लोगों के लिये स्टैंडिंग आर्डर होना चाहिये कि उनको आम्स का लाइसेंस नहीं मिलना चाहिये । अभी एक बुजुर्ग ने कहा कि सब एम० पी० और एम० एल० ए० और प्रेजिडेंट को मिलना चाहिये, क्योंकि इलैक्शन और सिलेक्शन किसी एक विचार-भारा का नहीं है । आज चीन और हमारा जगड़ा है । कुछ साल पहले चीन में हमारे साठ सत्तर आदमी होंगे, जब कि आज सिर्फ तीस चालीस आदमी हैं । इसके मुकाबले में चीन के हमारे यहा लगभग तीस हजार आदमी हैं । इसी तरह पाकिस्तान के भी होंगे और दूसरे देशों के भी होंगे । कोई किसी तरह देखने वाला है, कोई किसी तरह देखने वाला है । अगर हम इस विषय में सख्त नहीं रहेंगे, तो हम सब—हमारे लीडर भी और अन्य लोग भी—बेकसी और बेबसी में अपनी नर्तनें कटवा सकते हैं और खड़े—

में तो अपने देश पर हमला करने वालों को डकैत ही कहेंगा—हमको हाथि पहुंचा सकते हैं। इसलिये मैं चाहता हू कि ऐसे लोगों को पूरी तरह से बंद किया जाय।

जो लोग नाजायज, अनुचित तौर पर, बिना विशिष्ट विज्ञान के शस्त्रास्त्र रखते हैं, उनके लिये जो दण्ड रखा गया है, वह कम है। नाइसेस पूरी तरह से दिये जाने चाहिये, शस्त्रास्त्र सबको मिलने चाहिये, लेकिन अगर कोई नाजायज तौर पर, कायदे-कानून के खिलाफ शस्त्रास्त्र रखता है, तो वह देश के प्रति विरोध-भावना रखता है और उसको बड़ी से बड़ी सजा मिलनी चाहिये।

इन शब्दों के साथ समाप्त जी, मैं आपको धन्यवाद देता हू कि आपने मुझे समय दिया।

Shri L. Achaw Singh (Inner Manipur): Mr. Chairman, Sir, this Bill, as it has emerged out of the Joint Committee, has got a number of controversial clauses. By reading the large number of minutes of dissent an impression has been created in our minds that the Committee has not been able to come to some working agreement regarding these controversial clauses. The British enacted this law on arms 80 years back just to disarm India and the Indians in the interests of the British colonial power. Now, it has been maintained that the object of this Bill is to liberalise the licensing provisions and reduce the inconvenience to the public in having the licences. We appreciate the intention but then, on the contrary, we find that the steps provided in this Bill are still halting, and the procedure adopted is still irksome and dilatory. The licensing is left to the whims and caprices of the licensing authority. The right to bear and carry arms is an inviolable right, and the different countries have more liberal provisions. They do not impose as many restrictions as regards the use of arms. In Canada, for example, only certain types of firearms are re-

quired to be registered and shot-guns and rifles which are meant for sporting purposes are exempt from registration. A hunting licence is necessary only during closed seasons.

In the United Kingdom also, the gun licences and the game licences are merely taxes, and anyone who applies for them can go to the post office and have the registration made.

Certain changes have been made in the Bill. They are welcome, but then the basic approach has not at all changed. The same sense of fear, distrust and suspicion which has inspired the original Act is still working in the mind of the hon. Home Minister. It is a fact that law-abiding citizens find it very difficult to get arms and to have licences. But, in spite of these rules and Acts, we find that dacoits and anti-social, anti-national elements are in possession of the latest types of weapons and also firearms and service revolvers of military type.

I strongly feel that the rigours of the Arms Act should be taken away and all those who require arms for self-defence should be given the licence without any difficulty. We are free now, and people should be trained freely to use firearms so that in the case of any emergency, we can call them up and utilise their services effectively.

I would humbly submit that gun licences should be issued as in the case of the United Kingdom, by way of collecting revenue, by way of tax only, and anyone who requires arms should be given licences freely without any police enquiry or without any encumbrance.

I would like to deal with some of the clauses of the Bill. The definition of arms is too wide. It includes all sharp-edged and deadly weapons. There is hardly any weapon of offence and defence which is not included in the definition. The acquisition, possession and carrying of arms may be banned in any area, and licences will

(Shri L. Achaw Singh)

have to be taken for them under clause 4. Again, the manufacture and sale of such arms is also banned under clause 5. Any violation of this clause would make a person liable to imprisonment for at least three years with fine or both.

I humbly submit that the imposition of restrictions on the possession of useful but simple arms like *daos* is a retrograde step and the new Act will create a sense of insecurity in the minds of those poor people who cannot afford to buy costly weapons such as revolvers and pistols. I submit that the provisions of the Bill should be confined to fire arms only.

I would submit that the Sikhs carrying kirpans, the Nepalese carrying kukrees and the tribal people carrying arms and bows have never created any difficulty in the law and order situation in any part of the country. I would appeal to the House that the definition of fire arms should be so amended that it would only refer to fire arms.

I further submit that air-rifles should be exempted from the provisions of this Bill. They are not dangerous. They are operated not by cartridges nor by any explosive substance, but by pellets and compressed air. They cannot be used for unlawful activities. So, I request the hon. Minister not to cover air-rifles by this Act.

Muzzle-loading guns also should be exempted from the definition of fire-arms. Regarding the issue of licences, it should not be left to the discretion of the licensing authority. Clause 14 empowers the licensing authority to refuse licence and he is given discretion not to give the reasons for the refusal. This is very bad. It should be made obligatory on him to give reasons.

Regarding the provision for appeal, in U.K. the appellate authority is a judicial authority. In India also we should adopt that practice and the

appeal should lie necessarily to the District and Sessions Judge. Our people in the border areas find it very difficult to have the licence from the district headquarters. They live in remote hill areas. While coming to the district headquarters, they have to spend a lot of time in trekking long distances and also money for their food, etc. So, I submit that the final authority to issue licences should be the S.D.O. at the sub-division headquarters, specially in those parts of the hills like Manipur, Tripura and Assam.

Finally, I submit that adequate steps have not been taken for training our young men in marksmanship. I appeal to the hon. Home Minister that suitable amendments should be made so that our able-bodied persons specially in the border areas may be supplied with arms freely and converted into a second line of defence at the time of any emergency. Especially the tribal people living in areas bordering the Himalayas and our borders with countries like Pakistan and Burma should be freely provided with arms from the point of view of both self-protection and national defence.

श्री सिद्धान्त सिंह : मनापति महोदय, इस विधेयक को पढ़ने के बाद और पुराने अधिनियम का इसके साथ मुकाबला करने के बाद मैं इस नतीजे पर पहुँचा हूँ जैसा अभी मेरे पूर्व बक्ता शर्मा जी ने कहा है कि पुरानी धाराब नहीं बोलकों में मरी गई है और मुझे भी इस विधेयक का कुछ बैसा ही रंग डंग दिखाई दिया है। इस विधेयक में धाय नागरिकों को दो तीन सुविधाये देने का रहे है जो कि पुराने विधेयक में नहीं थी और बाकी सभी प्राधिकार ज्यों की त्यों ही है। एक सुविधा तो यह देने धाय का रहे है कि अबस्वा २१ के बजाय १६ की जा रही है। दूसरी सुविधा यह दी जा रही है यद्यपि कि पुराने अधिनियम में भी धायकी का कोई सवाब नहीं था। इस विधेयक में हवलदार का दर्जा पर यह रक्त किया है कि प्राधिकारों को

लिहाज्य नहीं रखा जायेगा लाइसेंस देते समय ।
 तीसरी सुविधा मेरे विचार में यह भी जा रही
 है कि आपने मैजिस्ट्रेट को यह अधिकार
 दे दिया है कि वह वॉट करे या वॉट न करे,
 एक जगह तो कह दिया है कि लाइसेंस देगा
 और दूसरी जगह कह दिया है कि नहीं देगा ।
 यह कह दिया गया है कि इन इन बन्धुओं को
 देना और इन इन बन्धुओं को नहीं देगा । इनके
 अलावा और कोई सुविधायें भी जा रही हैं
 इनको मैं देख नहीं पाया हू ।

पुराने एक्ट में आर्म्स की परिभाषा नहीं
 दी गई थी केवल फायर आर्म्स की परिभाषा
 दी गई थी । इसमें इंटरप्रेटेशन क्लॉज ५
 में आर्म्स की परिभाषा है और आर्म्स की जो
 परिभाषा की गई है वह इस प्रकार में है ।

“ ‘arms’ includes fire arms, bayo-
 nets, swords, daggers, spears,
 spearheads and bows and arrows,
 and also cannons and parts of
 arms and machinery for manu-
 facturing arms.”

ऐसा मालूम पड़ता है कि इस परिभाषा में
 हमने डबा और लाठी को भी शामिल कर
 दिया है । आर्म्स की नई परिभाषा से हमने
 फायर आर्म्स को अलग कर दिया है ।
 अब तक आर्म्स इनकल्यूड करते थे फायर
 आर्म्स भी, अब हमने आर्म्स और फायर आर्म्स
 दोनों को अलग अलग कर दिया है । इसमें
 लिखा है :

“ ‘arms’ means articles of any
 description designed or adapted as
 weapons for offence or defence,
 and includes firearms, sharp-edged
 and other deadly weapons and
 parts of, and machinery for manu-
 facturing, arms, but does not
 include.....”

इसमें एक लाठी भी डिफेंसिव और ऑफेंसिव
 हो सकती है । और वह भी शामिल कर दी
 गई है, ऐसा प्रतीत होता है । डबा, छड़ी
 इत्यादि की डिफेंसिव और ऑफेंसिव हो
 सकती हैं ।

यह जाननीय क्लॉज : प्रहिंसा के
 पुबारी हैं ।

जी विहासन सिंह . जब कि प्रहिंसा
 की बात हो तो हिंसा की बात करना ठीक
 नहीं है । इसमें हिंसा और प्रहिंसा की कोई
 बात नहीं है ।

मैं यह कह रहा था कि आर्म्स की
 डेफिनिशन को इतना विस्तृत कर दिया
 गया है कि छड़ी के कर चलना भी आर्म्स
 की परिभाषा में आ सकता है ।

इसमें दफा १६ में हमने यह अधिकार
 दे दिया है कि किसी आदमी को हम बैन
 कर सकते हैं जो कि पुराने विधेयक में नहीं
 था । पुराने विधेयक में, इंडियन पीनल कोड
 में, फौजदारी कानून में, मैजिस्ट्रेट को अधिकार
 था कि वह किसी शस्त्र शस्त्र को रोक सकता
 था लेकिन इसके अन्दर आस करके उसको
 बैन करने का अधिकार भी दे दिया
 गया है ।

आबजैक्टस एंड रीजस में कहा गया
 कि हम सलूलियर्ते देना चाहते हैं । ताकि
 अधिक से अधिक लोगों के हाथों में बंदूकें
 पहुंच सकें, अधिक से अधिक लोगों के हाथों
 में हथियार पहुंच सकें ताकि वे बल पा सकें ।
 लेकिन यह चीज पूरी होती मालूम नहीं
 देती है । दफा १३ के अन्दर मैजिस्ट्रेट को
 पहले जैसे अधिकार है कि जिस को चाहे
 वें, जिस को चाहे न वें । पुराने एक्ट में सरकार
 को अधिकार था कि वह नियम बनाए कि
 किस किस को बन्दूक दी जाए किस किस को
 न दी जाए । उन नियमों में कम से कम
 जमीनपान तो आ सकता था । लेकिन इस
 कानून में हमने नियमों का आचार यह कर
 दिया है कि इस तरह की चीजों को देना
 होगा, इस तरह की चीजों को नहीं देना

[जी विहासक सिंह]

होगा और नियमों की बात ही नहीं रह गई है। यह विचारणीय विषय है। मैं समझता हूँ कि जो हमारा ध्येय है, जो हमारी बंसा है कि जन समुदाय को, जनता को हम सशस्त्र सज्जित करें वह पूरी नहीं हो रही है और जब ऐसी बात है तो मैं माननीय मंत्री महोदय से कहना चाहूंगा कि केवल क्लाज १३ में इतना कह देने से काम नहीं चलता है कि मैजिस्ट्रेट और ग्रंट लाइसेंस इन दिसे केस। इसमें कहा गया है कि स्मूथ और गन जिस का बैरल २० इंच से अधिक नहीं होगा मजल लोडिंग गन के लिए, क्राप प्रोटेक्शन के लिए उसका लाइसेंस दिया जा सकता है। मौजूदा क्लस के अन्दर भी क्राप प्रोटेक्शन के लिए बिना किसी फीस के मजल लोडिंग गन मिलती है। उसमें आपने कोई नई बात नहीं की है। पुराने ब्रिटिश राज्य के कानून में यह चीज थी कि क्राप प्रोटेक्शन के लिए फ्री लाइसेंस दिया जाएगा। आपने इसमें वह चीज नहीं की है कि वह बिला फीस के दिया जाएगा। अब तक वह बिला फ्रीम था।

हमारा विचार तो यह था कि हम आज जड़कि आजाद हैं और हम यह स्वप्न देख रहे हैं कि और आजाद मुल्कों की तरह हम को भी अपने पास हथियार रखने की आजादी होगी, वह पुरा नहीं हुआ है। हा यह हो सकता है कि जो हथियार हैं उनको छीनने की नीबत मा सकती है। छीने जाने की पहले भी नीबत मा सकती थी। जब ऐसी बात है तो इसके अन्दर आपने क्या अन्तर किया है।

अभी हमारे ब्राह्मण जी ने कहा कि पुराने देशी राज्यों में मजल लोडिंग गन बिना लाइसेंस के मिल जाया करती थी। उस वकत कोई रायदूस या बलवे नहीं होते थे। आज तो रक्षा के साधन उपलब्ध करने की और भी ज्यादा जरूरत है। अगर आप इकनॉमिक क ही मैं जाने के साथ कह

सकता हूँ कि जिन गांवों में दो जी बन्दूकें हैं या एक भी बन्दूक है वहां पर डकैतियां बहुत कम होती हैं।

जिन गांवों में बन्दूकें नहीं हैं उन गांवों में डकैतियां होती हैं, सशस्त्र डकैतियां होती हैं और मामूली डकैतियां भी। जिन घरों में बन्दूकें होती हैं उन में तो घायद बहुत ही कम डकैतिया होती हैं जब तक कि बन्दूक की चोरी ही न हो जाय। परिणाम यह होता है कि जो समाजद्वीही है आज उन के पास बन्दूकें होती हैं लेकिन जो समाज के अश्वे नागरिक है और गाव की अश्वी व्यवस्था करना चाहते हैं उन के पास बन्दूकें नहीं हैं। अगर उनके पास अपनी रक्षा के लिए कोई व्यवस्था होनी तो बात दूसरी थी, लेकिन आज वह भी नहीं है। मेरी राय में रचायतो को अपनी रक्षा के लिए और सुविधाओं से जानी चाहिये। लेकिन उनका नाम भी यहा नहीं है। अगर उन के पास बन्दूकें नहीं हैं तो हम देखना चाहिए कि उन को अपनी रक्षा के लिए कितनी सुविधा मिली। मैं जिस समय नैनी जेल में था, एक डकैत हम लोगों के पास था। आप ने अनुभव किया होगा कि अगर कोई भी आदमी बदमाशी या चोरी में पकड़ा जाय तो वह बतलाता नहीं है। सब कहते हैं कि हम बलवे में आये हैं। तो मेरे साथ एक बड़ा लम्बा तडगा गैसटर था। वह कहता था कि हमारे पास ६० बन्दूकें थीं। आज जो डकैत हैं, जो मान सिंह के आदमी हैं, जिन के लिए हम हमेशा ही कहा करते हैं कि उन को सही आदमी बनाने की जरूरत है, उन के पास तो बन्दूकें हैं लेकिन जो उन के अगल बगल में रहने वाले लोग हैं उन के पास बन्दूकें नहीं हैं। लेकिन आज इस का किसी को भी जयान नहीं है। आप देश में बली पुद्व पदा करना चाहते हैं। आप को मानना चाहिए कि जिस के पास बन्दूकें होती हैं वह बरता कम है। लेकिन जिस के

पास बन्दूक तो क्या साठी भी नहीं है उस के लिये सिवा डर के कोई चारा नहीं है। उन के लिए कुछ तो हम करते। जब हम सङ्घ-लियत देने चले थे, थोड़ी सी उम्र की सङ्घ-लियत देने के लिए जहाँ हम ने "शील घाट" लिखा है, वहाँ पर यह कहते जैसे कि प्रमरीकन कांस्टिट्यूशन में है। वह इस समय मेरे पास मौजूद नहीं है, लेकिन हमारे गृह मंत्री देखेंगे कि उस में प्रोवाइडेड है कि हर एक नागरिक को हथियार रखने का अधिकार है जब तक कि उस के लिए वह प्राइविटेड न हो। जो समाजद्रोही नहीं है, उस को हथियार रखने का अधिकार है। लेकिन हम यह करने जा रहे हैं कि हर एक आदमी को लाइसेंस लेना पड़ेगा। लाइसेंस मिलने पर ही वह मला समझा जायेगा, अगर उसे लाइसेंस हासिल न हो तो उस को मला आदमी नहीं समझा जायेगा। कितनी उल्टी बात है? हम उम्मीद करते थे और १०, १२ सालों से प्रोपेगैन्डा भी करते थे कि कानून बदलेगा जो भी दर्खास्त करते हैं लाइसेंस के लिए और उस पर कोई एम० बी० या एम० एल० ए० या कोई प्रतिष्ठित आदमी उस की सिफारिश कर दे तो उस पर बन्दूक ज़रूर दी जाय। लेकिन आज क्या देखते हैं कि अगर इस तरह कोई आदमी लिख दे तो भी वह माननीय पुरुष नहीं है, लेकिन पुलिस का एक सब इन्स्पेक्टर लिख दे कि बन्दूक मिलना चाहिए तो वह माननीय है। एक पुलिस का सब इन्स्पेक्टर यहाँ के समासद् से ज्यादा माननीय है। आज एन्वयरी का तरीका क्या है यह भी देखिये। इसमें लिखा हुआ है :

"भाफ्टर सब एन्वयरी रीट ही कंसीडर्स नेसेसरी"

उस एन्वयरी का तरीका क्या होगा, इसे आपने नहीं लिखा। पहले दर्खास्त दी जायेगी कलेक्टर के पास, उस के बाद वह जायेगी तहसीलदार के यहाँ, तहसीलदार के यहाँ से रीपोर्ट रिपोर्ट में जायेगी और

पुलिस रिपोर्ट में जायेगी। जब दोनों तरफ पूजा हो तो रिपोर्ट जायेगी, पूजा न हो तो जैसे आज रिपोर्ट आती है, वैसे जायेगी।

श्री अचरान सिंह : यह तो पूजा बढ़ाना चाहते हैं।

श्री सिंहासन सिंह : बढ़ाना चाहते हैं या नहीं, यह तो आप कहिये, लेकिन जो कुछ है उस से ज्यादा सङ्घलियत हो सकती है इसमें सन्देह है। इसलिए मैं मंत्री महोदय से प्रार्थना करूँगा कि वे इस पर विचार करें, रुस्त और कायदे इस तरह के बनायें, इस तरह की व्यवस्था करे कि सब के साथ न्याय हो और वह सही तरीके से मिले। अगर आप किसी भी आदमी को समझते हैं कि वह सम्भ्रांत आदमी है, तो उस के लिखने पर ही सब को हथियार मिले। अगर ऐसा नहीं करते हैं तो आप के इस कानून से कोई नाम नहीं है। मुझे पता लगा कि मेरे जिले से अनेक लोगों ने हथियार के लिए दर्खास्तें दीं, लेकिन लाइसेंस मिले दो को, बाकी दर्खास्तें खारिज हो गईं। अगर आप यह चाहते हैं कि हर गाँव में कम से कम दो चार, दस बन्दूकें हों, अगर यह आप की प्रवृत्ति है, तो उसके लिए अच्छी व्यवस्था करे। अगर ऐसी प्रवृत्ति नहीं है तो पुराना कानून ही बना रहने दीजिए। नई तरकीब कर के भी अगर आप यह चाहते हैं कि मैजिस्ट्रेटों को ही वह अधिकार दिये जायें, तो ऐसा करना ठीक नहीं है।

अपील के बारे में आप ने अधिनियम के अन्दर प्राविजन किया है। पहले यह प्राविजन नहीं था। आज आप ने उसे रक्सा अवय्य है लेकिन सिर्फ देखने के लिए। रुस्त के अन्दर इसे प्रेस्क्राइब तो करे कि कौन अपेलेट प्रचारितो है। जब प्रचारितो ए० बी० प्रो० रहेगा, तो जैसा श्री रघुवीर सहाय ने कहा कि अपील कमिश्नर के बजाय कलेक्टर के

[श्री सिद्धान्त सिंह]

बड़ी बानी चाहिए। कमी हम कहा करते थे कि कमिश्नर की जगह को खत्म कर देना चाहिए, उस की हम बेकार समझते थे हम ने इस को किया भी, लेकिन फिर हम उस को वापस लाये, जिस की कोई जरूरत नहीं थी। हम जिन लोगों की कोई जरूरत नहीं समझते थे, और पहले से घोषणा करते थे कि यह स्थान देश के लिए अनावश्यक है, हम उसे मूल कर उस लोगों को और अधिकार देते आते हैं। इस लिए मैं अनुरोध करूंगा कि जहाँ तक सम्भव हो जिले के अन्दर ही सारी कार्रवाई हो, जिले के बाहर न हो। एक एक कमिश्नरी में ४, ५ या ६ जिले होते हैं, वहाँ पर अपील जाने से देर भी बचती है और हमारे साथ पूरा न्याय नहीं हो पाता। मान लीजिए कि एक जिले वाले ने इनकार कर दिया, इस में लिम्बा है कि कोई रीजन भी देने की जरूरत नहीं है, जब रीजन भी नहीं मालूम होगा तो अपील किस बात के ऊपर होगी। अगर मेरी वर्खास्त कार्रज हुई और हम को रीजन नहीं दिया गया तो हम अपील किस लिए करेंगे। तो अपील करने के लिए जिन बजु-हात की हमें जरूरत हो वह हमें मिलनी चाहिए। जब रीजन भी नहीं मिलेंगे और उस की नकल भी नहीं मिलेगी तो हम अपील कैसे करेंगे। इसके लिए कि हम यह कह सकें कि वर्खास्त गलत तरीके से कार्रज की गई है आप इस रूल को सहूल न कर सकें तो मेरा सवाल है कि जिस प्राचा से यह अधिनियम इस भवन में प्राया है वह पूरी नहीं होगी। आज जो बहस हम यहाँ कर रहे हैं आप उसे पूरा करें तब तो ठीक है नहीं तो इस को बन्द करें। अगर हम लोगों के कहने का कुछ प्रसर नहीं होने वाला है तो फिर आप जैसा चाहें करें। जैसा हमारे सभी भी ने कहा बिना तो पक्ष ही ही जायेगा, चाहे हम हजार क्यों करें।

श्री जयराज सिंह : मर्जी तो उन की ही चलेगी।

श्री सिद्धान्त सिंह : मर्जी तो आप की बचनी है, और किसी की नहीं। यही कहने के लिए मैं प्राया हूँ कि हम लोकप्रतिक हैं लेकिन मर्जी आप की चलेगी। इस भिन्ने मैं अपील करता हूँ कि आप इस विधेयक को फिर पढ़िये और इस में अच्छी तरह से परिवर्तन कीजिये। यह ठीक नहीं है कि जो कुछ गवर्नमेंट चाहे वही चले सके ही वह धक्का हो या नहीं। अगर पुरानी ही बात बचानी है तो फिर इस बिल का क्या लाभ है। जो पुरानी कार्रवियाँ भी उन के अनुसार इस बिल को देखिये। पुराने ऐक्ट को ध्यान में रख कर सोचिये कि सौर्जी के फायदे के लिए इस कानून में क्या परिवर्तन किया जाय। आज तो आप ने लोगों को सुविधा देने के बजाय इस कानून को और कड़ा कर दिया है। साठी डंडे को भी इसके अन्दर ला करके तो लोग नपुसक कर दिये जायेंगे। ऐसा होते हुए हम इस का समर्थन तो नहीं कर सकते लेकिन मजबूरी है।

श्री मोहन स्वच्छ (पीसीबीत) - समापित महोदय, मुझे सुची है कि बहुत देर इन्तजार करने के बाद मुझे बोलने का अवसर मिला है। हमारे देश का इतिहास कहता है कि पिछले जमाने में लोग मुसल्मा रहते थे, हुषियार चलाना जानते थे, और जब सेतों में जाते थे तब भी हुषियार के जाते थे और हर तरीके से अपनी हिकमत करने के लिये तैयार रहते थे। जब ब्रिटिश गवर्नमेंट यहाँ आई और अंग्रेजों का राज्य हुआ तो सन् १८५७ में उनको एक खतरा पैदा हो गया कि यह जो मुसल्मा आदमी हैं मुस्क में वह उन के लिए खतरा बन सकते हैं। पिछले उन्होंने इस किसम के कानून बनाने चिन्तने कि हुषियार से बचना,

धीर हथियारों का रखना कानूनन जुर्म करणर दे दिया नका धीर उत के लिए लाइसेंस की प्रकाष पसाई गई ।

जब मुक्त आजाद नहीं था तो हम इस प्रथा के विनियमों में सम्मिलित किया करते थे, निरिस्तित्तव किया करते थे कि यह बहुत करार बीज है, लेकिन जब मुक्त आजाद हुआ, हुकूमत हमारे हाथ में आई तो हम बीज इन सब चीजों को भूल गये धीर जो कानून आजादी से पहले थे, उसी शकल में वह आज भी चल रहे हैं । पिछले साल पटेल साहब का एक रेजोल्यूशन था मजल सीरिफ गन के बारे में । उस वकत हमारे मिनिस्टर साहब ने उम्मीद दिनाई थी कि हमारे सामने बहुत प्रच्छी शकल में एक कानून था रहा है धीर उससे बहुत कुछ उम्मीदें बाबिस्ता हो गई थीं । लेकिन आज जब कानून थाया है तो वह सब उम्मीदें मिट्टी में मिल गई धीर हमें बड़ी मायूसी हुई ।

जहाँ तक लाइसेंस का सवाल है, लाइसेंस लेना एक बड़ी भारी मूवीबत है । पहले दरबान्त वीजिये कलेक्टर के यहाँ, फिर वह तहसीलदार के पास धीर जाने में जाये । तहसीलदार का प्रमता प्रलय रिबत मागता है, यानेदार प्रलय रिबत मागता है, उन से जब मामला तय हो कर हाकिम परगना के पास जाता है धीर पुलिस सुपरिन्टेंडेंट के पास जाता है, तो वहाँ पर बीज प्रलय रिबत मागते हैं । मैं ने देखा है कि प्रमसर केलेज में लाइसेंस लेने के लिए एक एक हजार रुपया खर्च हो जाता है धीर बाब बीकत लाइसेंस सब भी नहीं मिलता । कभी कभी प्रमसर का तिलसिना चलता है । एक ती सील्बर्स कंड हुआ करता है, उस में कहा जाता है कि कुछ वीजिये, या जो आज कल बोड़ी प्रामदरी की बचत बीजना सब कानूनन कर रहा है, उस के लिये रुपया लक्ष्य मागता है ।

१००० बी, ४०० बी या २०० रुपये जो प्रमसर के बंधे से हैं ऐसी बका में लाइसेंस लेना एक मूवीबत बन गया है । लेकिन जहाँ तक लाइसेंस लेने का सवाल है उसका लेना बकरी हो गया है क्योंकि आज कुछ यह हो रही है कि पुलिस जित पर कि हमारी रखा करने की डिम्बेदारी थी, वह अपने करारबज में कामबाब नहीं हो पा रही है धीर जनता की रखा करना तो एक करार रहा पुलिस खुद लुट रही है । उत्तर प्रदेश के ५, ६ डेस्टन जिले ऐंने हैं जिनके कि बाबत प्रमसरों में कहा है कि कई जगहों पर पुलिस के इन्स्पेक्टरों, सब इन्स्पेक्टरों धीर जजेज वरीरह लुटे गये धीर मैं नहीं समझता कि ऐसी हालत में देशवासियों की हिकमत का इसके प्रलावा धीर क्या करिया हो सकता है कि वह खुद अपनी हिकमत करे धीर इसके लिये बकरी हो जाता है कि उनको ज्यादा से ज्यादा हथियार दिये जायें । आज लाइसेंस मिलने में बड़ी दिक्कत का सामना करना पड़ता है धीर उनको लाइसेंस के लिए दरबान्त दिये साल साल भर हो जाता है लेकिन लाइसेंस उनको नहीं मिल पाता है । मैं चाहूंगा कि जिस मकसद से यह बिल थाया था कि यह प्रमसर लाइसेंस देने की पद्धति को लियर-साइज किया जाय वह पूरा होना चाहिये । बीजों को अपनी रखा करने के लिए ज्यादा से ज्यादा सहूलियतें दी जायें नहीं तो यह महज एक तमाशा बन कर रह जायगा ।

बिल की प्रका ६ मे यह प्रोवाइड किया गया है :

The licensing authority shall not refuse to grant any licence to any person on the ground that such person does not possess sufficient property.

लेकिन सजापति महोदय, "सि-विबंट प्रपर्टी" की कोई परिवावा नहीं की गई है । सेलेक्ट कमेटी में मैं ने यह सवाल

[श्री मोहन स्वल्प]

उठाया था और पूछा था कि "सर्फिक्टिवट प्रापरटी" से मतलब क्या है। मेरा इसके किये सुझाव यह है कि जो धादमी फकीर हों, बेचरबार का हों, बैगाबीड हों उसको छोड़ कर बाकी सारे धादमियों को लाइसेंस देने का हक होना चाहिए। परसनल प्रापरटी की हिकायत करना हर धादमी का पैदायशी हक है। मैं चाहता था कि इसमें इस तरह का अमेंडमेंट ऊपर हो कि फकीर को छोड़ कर जो कि बन्दूक नहीं रख सकता हो और जो कि बन्दूक खरीदने और कारतूसों वगैरह का खर्चा बर्दास्त न कर सकता हो, उसके अलावा हर एक धादमी को बन्दूक रखने का हक होना चाहिए। यह बिल थाम्स बिल की शकल में है। मैं महसूस करता हूँ कि इसको फायर थाम्स बिल की शकल में होना चाहिए था और इसमें से सोईस, डैगर्स और स्पियस वगैरह को हटा दिया जाय और इसको "फायर थाम्स बिल" होना चाहिए था लेकिन ज्वाएंट सेलेक्ट कमेटी से यह हमारे सामने थाम्स बिल की शकल में आया है।

इसके बाद मुझे यह भ्रंज करना है कि इस बिल के क्लॉजेज २४, २५, २६, २७ और २८ में जो सजाएं तजबीज की गई हैं वे बहुत ज्यादा हैं और यह सजाएं कम होनी चाहिएं। खाली थाम्स ऐक्ट के अन्दर इतनी सख्त सजाएं देना मुनासिब नहीं है।

इसमें जहां कि ज्वाएंट रिस्पॉसिबिलिटी की बात कही गई है और जिसमें कि यह कहा गया है कि जिस किसी पर शुबहा हो जाय और उसको सजा हो जाय तो साथ ही जो और लोग साथ में हैं उनके ऊपर भी इसकी जिम्मेदारी भाती है, मैं समझता हूँ कि वह जो ज्वाएंट रिस्पॉसिबिलिटी वाली गई है वह बहुत नीर मुनासिब है। अब अगर एक क्वेश्चन भिन्नगत हो तो दूसरे धादमियों को भी कि उस घोसायदी में रखे हों उन

पर क्यों जिम्मेदारी डाली जाय। अब कोघापरेटिव्स की बात की जाती है और सरकार द्वारा कोघापरेटिव थाम्स बन रहे हैं उसमें अगर एक क्वेश्चन के ऊपर जिम्मेदारी भाती है तो उसके लिए सारे धादमी क्यों जिम्मेदार ठहरावे जायें। इसलिए मैं समझता हूँ कि यह नामुनासिब है।

बिल में यह कहा गया है कि जब कोई लाइसेंस रिबोक हो, अब वह किसी तरह से खत्म कर दिया जाय तो हथियारों को मालखाने में जमा करा दिया जाता है और मालखाने में जमा होने के बाद महीनों के जमा पड़े रहते हैं और उनमें जंग लग जाता है इसलिए मैं चाहूंगा कि जब कोई बन्दूक मालखाने में जमा कराई जाय तो उसकी कीमत फीरन उसको मिल जानी चाहिए ताकि उसको उसकी वाजिब कीमत मिल सके और हथियार खराब होने से बच जाय।

बिल में प्रोवीजन है कि अगर कोई डिस्टर्बेंस ऐरिया हो और कोई शिकार के वास्ते वहां बन्दूक ले जाय तो वह अन-लाफुल करार दे दिया जाता है, ज्वाएंट कमेटी ने सिफारिश की है कि उसमें ऐसा लिख दिया जाय कि अगर वह थाम्स किसी सन्दूक भयवा कपड़े वगैरह में पैक हो तो उस पर कोई ऐतराज नहीं है।

दूसरे देशों में मतलब इंगलैंड, अमरीका में जैसी व्यवस्था है वैसी यहां पर भी होनी चाहिए कि थोड़े समय के लिए या अगर कोई एमरजेंसी हो तो लोगों को थाम्स के लाइसेंस मिलने चाहिएं। मेरी राय यह है कि उसके अलावा उसका नाम सर्टिफिकेट रखा जाय और शार्ट टाइम सर्टिफिकेट देने जाय जो कि थोड़े भर्त के लिए इस्तेमाल कर सकें।

उसके बाद मैं यह चाहता हूँ कि इसमें क्वेश्चन की जो चीज रखी गई है उसको कुछ

कम कर दिया जाय और बजाय १६ वर्ष के १४ वर्ष कर दिया जाय। कुछ अन्य सचत्वों ने भी १४ वर्ष का सुझाव दिया है जो कि मैं समझता हूँ कि मुनासिब है। १४ साल का सबका काफी समझदार होता है और अगर वह शुरू से ही उसका इस्तेमाल करना न सीखेगा तो उसके लिए बड़ा होकर उसकी मरक करना मुश्किल हो जाता है। इसलिए अगर १६ वर्ष की बजाय १४ वर्ष कर दिया जाय तो मुनासिब होगा।

इसके साथ साथ मैं यह चाहता था कि मजल लोडिंग गंस को लाइसेंस की कैद के हटा दिया जाय। उनके बैरल को छोटा करके उनकी बेलासिटी कम कर दी जाय। इसी तरह जो २२ राइफिलें हैं उन पर भी लाइसेंस नहीं होना चाहिये क्योंकि यह बहुत ज्यादा हार्मफुल चीज नहीं है, बहुत मामूली से हथियार हैं और उनको शुरू से अगर मरक न करने के लिए दिया जायगा तो भ्रामे चल कर उन पर मरक करना मुश्किल हो जायगा। क्रौप प्रोटेक्शन और मरक करने के लिए मजल लोडिंग गन लाइसेंस से बरी होनी चाहिए। बिल में यह प्रोवाइड किया गया है कि सिर्फ २२ बोर राइफिल क्लबों के वास्ते ऐम्पल्ड की गई है। जो बच्चे ट्रेनिंग हासिल करते हैं उनको रिमायत दी गई है। लेकिन बहुत से ऐसे लोग भी हैं जो कि इन क्लबों के बाहर घरों पर मरक करते हैं तो ऐसे लोगों को जिनकी कि बोनाफाइड्स साबित हो जायं उनको भी इस छूट की रिफ प्रत मिलनी चाहिए।

समापति महोदय., प्राथ मुल्क जिस वीर से सूबर रहा है उसमें यह बहुत जरूरी हो गया है कि देशवासियों को धारम्भ किया जाय उनको मिलेटरी ट्रेनिंग दी जाय ताकि वह सतत अस्तर पर सेकेंड हाइडन आउट डिफेन्स बन सकें और देश की आबादी की रक्षा कर सकें।

मेरा धक्का सुझाव यह है कि गांवों में डिफेन्स सोसाइटीज होनी चाहिए, गांवों

में डिफेन्स सोसाइटीज आरगनाइज हों और उनके पास काफी ऐम्प्लेसन और हथियार हों। मैं ने अपने जिले में कोसिस की बी, डिस्ट्रिक्ट मजिस्ट्रेट से भी कहा था और एस० पी० से भी कहा था कि हर एक बाने में कम से कम एक डिफेन्स सोसायटी होनी चाहिए जिनको कि हथियार दिए जायें और इस प्रकार जो हथियार दिये जायं वह एस० पी० के नाम से ईश्यू किये जायं। डिफेन्स सोसायटीज के जो लोग हों वे सब ट्रेज हों और उन पर जिम्मेवारी हो। वह अपने अम्पुनिशंस का एकाउंट रखें। ऐसा होने से गांवों का मोरल ऊंचा होगा और भाव जो गांवों में एक बदधमनी और नाजुक हालत पैदा हो गई है और इनसीक्योरिटी पैदा हो गई है उसको हटाने में बहुत मदद मिलेगी। जैसा कि श्री सिंहासन सिंह ने कहा और दूसरे दोस्तों ने भी कहा कि जिन गांवों में हथियार होते हैं वहां डकैत बहुत कम आया करते हैं और जो गांव मुसल्ला नहीं होते हैं वहां डकैत अक्सर हमला करते हैं और लुटमार करते हैं यह सही है। अब मुल्क अपना है और भंखेजों का राज्य नहीं रहा है इसलिए लोगों को हथियार लिबरली देने से डरना नहीं चाहिए और यह याद रखना चाहिए कि जो गांव ज्यादा मुसल्ला रहते हैं उनमें ज्यादा सीक्योरिटी रखती है। इसलिए लोगों को ज्यादा के ज्यादा ताबाद में हथियार दिये जायं। लाइसेंस ग्रांट करने के लिए एक मियाद मुकर्रर कर दी जाय और एक महीने में धारम्भ की ऐप्लीकेशन डिस्पोज हो जाय, ऐसा न हो कि साल भर ऐप्लीकेशन डिस्पोज न हो और बसती रहे। इसलिए जरूरी हो जाता है कि लाइसेंस ऐप्लीकेशन डिस्पोज करने के लिए एक महीने की मियाद मुकर्रर कर दी जाय। जब इस तरीके से हम तनाव सङ्घलियतें बनें तब तो इस बिल से फायदा होगा करना यह तमाशा बन कर रह जाएगा। इसलिए समापति महोदय, मैं आपके द्वारा मिनिस्टर साहब से प्रार्थ कर्ना कि वह

[श्री कोहन स्वयं]

इस विषय की चीजों को इतने लम्बे की कोशिश करें। एक अपोबीकन मेम्बर होने के नाते मैं ने यह बात एक चुनाव सभके हूँ और कांग्रेस पार्टी के मेम्बरों ने भी कुछ इसी तरह कहा है मैं मिनिस्टर साहब ने इरफनास करना कि वह मुक्त की जीवूवा हानत को मद्देनजर रखते हुए इन बातों पर जोरों कीर कीर करें। बत इतना ही कुछ बुझातिर में कहना था।

Shri Achar (Mangalore). Mr. Chairman, Sir, the Bill, as it has emerged from the Joint Committee, is a welcome measure because I submit that, apart from everything else, it is certainly an improvement on the old Arms Act.

Hon. Members have asked whether it has really become liberal. From certain points of view, certainly it has become liberal. For example, the clearest improvement is so far as licences are concerned. After all, that is the main point that comes in the Bill. So far as licences are concerned, they are restricted only to firearms. Under the old Act, even for the possession of an ordinary weapon, an ordinary sharp-edged weapon, a licence was necessary. From that point of view, certainly the Bill is an improvement. As to the question how far it has progressed, whether it is in keeping with the general trend of law in other democratic countries which are independent, as for example, the United Kingdom, France or United States of America, we have to concede that it is not so very progressive. But at the same time, we have probably to remember that the question of peace and of law and order is a little peculiar to India; it is not exactly as it is in America or in England.

Let us take two recent instances. What happened in Tyagarajanagar in Madras and Kanpur in U.P.? Just because a constable had some cartridges in his tilka carrier and something

happened to it, there was rioting and trouble all over the city; there was looting also. Again, take the incident at Kanpur. Unfortunately, a very reprehensible incident happened in the Police Station. Of course, everybody condemns it. But as a consequence what was it that we saw? In the whole city, there was no peace and order. The Police Station was attacked. Can such a thing happen in America or the United Kingdom or France?

17 hrs.

So, when we go into that question, though we are in favour of liberalisation of the Arms Act which was the blackest Act under the British regime, we have also to consider our law and order position and shape the Act according to conditions here. From that point of view, I would submit that the present Bill is certainly an improvement.

Some people say that it is not sufficiently liberalised. We have to concede that it is not fully liberalised. It is not in keeping with the Acts they have in the United States or Canada and most of those countries. There it is only a question of registration; there is no question of licence. Here licence is, in fact, the most important problem. As it happens, people in the villages, the ryots, find it very difficult to get licences. Often, it is a sort of concession or grace shown by the police sub-inspector. If a person is not in his good books, he is not able to get it. I pressed for the acceptance of an amendment in the Joint Committee whereby at least an appeal may be allowed against the decision of the authority issuing the licence. Of course, the authority granting licence here is the District Magistrate. I could not succeed there. I have tabled an amendment and I am going to try my best in this House. I hope to convince our hon. Home Minister.

Shri Shri Raj Singh: You are hoping against hope.

Shri Achar: Ayhow we shall wait and see. My point is that so far as the grant of licence is concerned, at least a judicial frame of mind is necessary.

One more point. I am told that I am given only five minutes or so. This materially affects my constituency. I wish the Bill had at least been as liberal as the law in Coorg. I do not know whether the hon. Members know that in Coorg under the present Act, no licence is necessary for Jamma holders—that is, holders of property. They need not apply for any licence. There is complete exemption for them in the rules that we framed as late as 1951. In the list of exemption, under item 4, relating to the exemption, there is this entry:

“Every person of Coorg race and every Jamma tenure holder in Coorg, who by his tenure, is liable to perform military or police duties.”

Except for cannons and things like that that are required for war purposes, there is complete exemption. I wish that the law had at least been as liberal as it is in Coorg now. I am afraid that the Bill does not grant so much of exemption to all the Indians as I feel it ought to. If it is successful in Coorg, I do not see why it should not be successful all over India. In this connection, I would like to refer to a passage from the speech of the late Sardar Patel, who was the Home Minister at that time. In 1947, he referred to Coorg and said:

“Now, the only place in India where you may say there is Ram Raj is Coorg where there is no complaint—nothing. Even if there is no Constitution, they do not complain. Their Commissioner retires practically with death. Even after his death, they do not complain. Some retired officer from Madras is made the Commis-

sioner there and he lives there and as long as he lives, he is the Commissioner. There is no theft, there is no robbery, no crime. They drink merrily and are happy ..”

He then refers to Mr. Modi and says:

“My friend, Mr. Modi, I think would like to go and live there..”

Shri D. C. Sharma: I would like to go and live in Coorg.

Shri Achar: You are welcome. Now, the point I am urging is that so far as Coorg is concerned, they have complete exemption now. I am appealing to the hon. Home Minister to see that we are not worse off, if the provisions cannot be liberalised. If the same state of things as obtains in Coorg could not be made applicable all over India, so far as Coorg is concerned, the *status quo* should not be disturbed and they should be allowed to have the privileges they are now having

Mr. Chairman: The hon. Minister.

Shri Datar: Mr. Chairman..

Mr. Chairman: I think the hon. Minister will take sometime—about twenty minutes or so—and so he can continue tomorrow.

Shri Radhohal Vyas (Ujjain): Sir, I have been waiting from 2-30. I would not take more than five minutes. The hon. Minister can reply tomorrow.

Mr. Chairman: After I have called the hon. Minister to reply, so far as the discussion is concerned, I do not think it is proper for me to call any other hon. Member. I am sorry I am unable to call him now.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, November 17, 1950/Kartika 26, 1951 (Saka).