

[Shri Subiman Ghose]

What I want to say is, maximum punishment should be ten years according to the facts and circumstances of the case. There are rash and negligent acts arising out of the mistaken facts.

**Shri Datar:** May I request the hon. Member to read the Bill?

**Mr. Deputy-Speaker:** The words that he has given are: "In section 304A of the Indian Penal Code, 1860, for the words "of either description for a term which may extend to two years or with fine or with both", the words "for ten years and shall also be liable to fine" shall be substituted. He wants the imprisonment to be uniform, and then he wants, "for two years", "the words 'ten years' shall be inserted"; it would have brought out the wishes of the hon. Member. Then it would have meant that he wanted to have the maximum punishment of ten years instead of two years. What he wants to substitute is that the punishment of one description—he does not specify it—should be given. It does not leave any discretion to the magistrate to give any lesser punishment. The hon. Minister was right in interpreting his amendment.

**Shri Subiman Ghose:** That is an unfortunate mistake. It can be rectified even at this moment.

**Mr. Deputy-Speaker:** For "two", substitute "ten".

**Shri Subiman Ghose:** It may extend to ten years. I did not want to draw a dead-line that it should be so in each and every case. That is far from my mind.

**Mr. Deputy-Speaker:** But his amendment conveys that.

**Shri Subiman Ghose:** I admit that it is an unfortunate mistake. In the case of rash and negligent acts, some of the acts arise out of mistaken fact, some arise out of error of judgment, and some arise out ..

**Mr. Deputy-Speaker:** Then the purpose would have been better served if

he had made an amendment to the Indian Motor Vehicles Act.

**Shri Subiman Ghose:** Only the hon. Minister makes a finer distinction. The Act is the genus and rash and negligent driving is a species. That is in every Act. I have only cited an example of what rash and negligent act means. But if any other act be like that, which is also rash and negligent, in that case, the punishment should also be provided, because, in culpable homicide not amounting to murder, the punishment is up to ten years. So, why not be so in this case also, and why should an exception be made in this case because there is *mens rea*? When a driver drives his car or his lorry or his truck in a break-neck speed, knowing fully well that if he loses his grip, by chance, it will cause the death of several persons whom he is carrying, his offence is greater.

Anyway, in view of the fact that I have committed some unfortunate mistake in this Bill, I beg to withdraw the Bill.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to withdraw the Bill."

*The motion was adopted.*

**Shri Jhulan Sinha (Siwan):** May I seek permission to introduce my Bill?

**Mr. Deputy-Speaker:** I will allow all those hon. Members who were not present earlier, to move their Bills at the end. Now, we shall proceed to the Indian Arms (Amendment) Bill.

#### INDIAN ARMS (AMENDMENT) BILL

(Amendment of Section 4)

**Shri P. R. Patel (Mehsana):** I beg to move:

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

My amendments are very simple. I am sure the Government will be pleased to accept the amendments. In these days of sputniks, hydrogen bombs, atom bombs, rifles and machine guns, it can be said that the muzzle-loading gun is not an arm or weapon. It is generally used by the villagers to protect their crops just to frighten pigs and such other animals. My amendment is only to amend the definition of arms, and thereby to exclude muzzle-loading guns, swords, daggers, spears, spikes, bows and arrows, etc., from the operation of the Arms Act, and along with it, I intend to amend the definition of ammunition so that percussion caps, etc., could be excluded.

I need not say that it was after the first revolution of independence of this country, the revolution which is generally misnamed as the Sepoy Mutiny of 1857, that the Arms Act was applied to our country. The Britishers then ruling the country applied this law to our country to deprive us of all arms and to neutralise any opposition in the country. Furthermore, the arms that were used at that time by the ruling Government and the people were generally of equal quality. The Government sepoys and the military as well as the general public, the people, used the same guns. But now, in these days, the Government need not be afraid that this muzzle-loading gun can at all be used against the Government to uproot it from power. That is not possible. Our Prime Minister rightly said some years back at Bombay that now the people should not think that any armed revolution would be successful against the existing Government. It is not possible, because the Government has machine-guns, aeroplanes and all those things, and to revolt against the Government with arms and that too with muzzle-loading guns, is not possible.

So, my submission is that my amendments are very innocent in that respect. We know that it was in 1860 that the then Government, in order to disarm people of this country, passed an order to be applicable in certain districts. In that year they also

passed an Act, perhaps it was Act XXXI/1860, and by section 32(2) of that Act they tried to disarm people of certain districts. We know that this Act was passed to disarm our people with one view. That view was to deprive the Indian people of the arms so that they can rule over them without any resistance.

Then, there had been certain amendments and certain orders to be applicable to one district, and then other districts and later they were applied to the whole of the country. I know that when these laws were applied to our country, there have been protests not only by the leading citizens of the country, but by the Congress itself. Now the Congress is in power. If you read the history of the Indian National Congress, there you will find at page 65 a sentence reading:

"The Arms Act was a reply to the growing self-consciousness of the nation."

The Congress then so many times—no once, but so many times—passed resolutions, asking for the repeal of the Arms Act. I need not refer to those resolutions now. But we see that up to 1930 every year in Congress session resolutions were passed, unanimously passed, demanding the repeal of the Arms Act. But here I am not asking for the repeal of the whole Arms Act

It is rather queer that after independence, ten years after independence, the Act stands as it was in the days of the Britishers, as it was passed a century ago. Is it not time to make an amendment in this law? After all, what is the Government today? The Government's definition at that time was different. Today the definition of the Government is different. Today the Government is not a person ruling over the country but a person representing the people of the country. After all, they are elected by the people. They are holding power for the administration of the country, and

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they can be there so long as they keep up the confidence of the people. Any party which the people trusts will be in power, and that is democracy.

After ten years of democracy, does it give credit to us to continue this law? Is it not time that the law should be changed? So, I request the hon. Minister that he may consider, the Government may consider, whether it is not proper time now to make amendments in the law.

What do we see today? I have seen that in my district—and that may be the experience of my hon. friends elsewhere also—for a revolver if you ask for a licence, then enquiries and enquiries follow. And I have seen cases where licences for revolvers have been given to persons who ought not to have been given and cases where it has been refused to persons who should have been given.

After all, this amendment is not for the possession of revolvers. This is not a dangerous weapon. I do not mean by this amendment to give free licences to keep revolvers or to remove revolvers from the Arms Act. My only submission by this amendment is that muzzle-loading guns be omitted from the provisions of the Arms Act.

An argument has been raised that if we omit the muzzle-loading guns from the purview of the Act, then it can be used by dacoits. But dacoits do not require any licence under the Arms Act. They get arms, they get rifles, and sometimes they even get sten guns. I know of a case in my district where certain persons, about four or five of them, wanted to commit dacoity and they collected on the border of a village. When they were seized, they had revolvers and rifles, and my information is that perhaps the rifle or the arms were supplied to them by some persons in the military. So, dacoits do not require any licence; otherwise, they would not be dacoits. They are out to commit crimes. Any person who is out to commit dacoity, murder, robbery or any such crime, would he care for a licence to keep any arm?

So, my submission is that that argument would not be valid.

Then, the second argument is that in villages people may misuse it and shoot each other. That can be an argument. But I can tell my hon. friends my experience in Baroda State. There was monarchy there. The ruler had absolute power; there was no democracy there. But there was no Arms Act there prohibiting the keeping of muzzle-loading guns, swords, spears and such other things. The Act had imposed restrictions only on revolvers, rifles and such other guns. There was absolutely no restriction on muzzle-loading guns.

Then, I know something of the criminal offences and criminal trials, because I have practised on that side for over 30 years. I can assure the hon. Members that the least possible offences are committed by muzzle-loading guns. More offences are committed by lathis, swords and spears, and the least possible offences by these muzzle-loading guns.

**Mr. Deputy-Speaker:** But lathis are free, whereas other weapons are not.

**Shri P. R. Patel:** That is true; lathis are free. But we see that the muzzle-loaded guns are very rarely used.

There is one more thing. When the villagers go out to protect the crop, if they have no muzzle-loaded guns with them, they are strangled. Naturally, they have to protect themselves. When the question of protection comes, I have heard our State Minister saying that "we cannot keep police at every door and every field; you must protect yourself". If people have to protect themselves, they can do it only if they have arms. Could they protect themselves with hands when the other side is armed with guns or rifles or something of that type?

So, my submission is that this is necessary for protection in villages. So, I humbly submit that my amendment may be allowed. I do not refer to the resolutions passed by Congress,

though there are so many resolutions asking for the repeal of the law. I do not want to read those resolutions here.

I only appeal to the hon. Minister and through him to the Government to exclude muzzle-loading guns, spears, etc., from the definition of Arms, so that a man may not be required to ask for a licence. He may keep them without a licence. That was so in Baroda and other native States which we condemned at that time. Today, when ours is a democratic country and a democratic Government, why should we distrust our people? If they keep muzzle-loading guns or a tamancha, why should we distrust our people. I only submit that Government may be pleased to accept this amending Bill.

Furthermore, I may say one thing. I know that people ask for licence for these guns. Naturally, the village people have to ask for the licence. Otherwise, intelligent people would like to have a revolver or a breach loader or a rifle. This has become a business for the police department. What happens today? If a man forgets to get his licence renewed before the expiry of a particular date, he is required to hand over the gun to the police. For the renewal of a licence, it takes a year or so. I have got a case, I need not cite small cases here. There is one gentleman of my place, Shri Chaganlal Gur Bux. He is a graduate of the Bombay University. He had the licence for this muzzle-loading gun and a breach loader. He asked for renewal. I have got the receipts and all these things for payment into the treasury, etc. He did not get a licence for more than six months. He had to go from one place to another. There are reasons for it. When the question of renewal comes, there is something in the Collector's office. Naturally for the police even—it goes for opinion—there is something. Is it desirable? I only beg of the Government . . .

**An Hon. Member:** Why beg; demand of right.

**Shri P. R. Patel:** I do not want to demand of right. Unless they agree, this amendment would be of no use. I want to serve my people, the village people, by moving this amendment. So, I beg of the Government to accept this amendment and just make a beginning in the amendment of this Arms Act which we condemned before we got Independence. When this Arms Act was applied by the Britishers, we condemned it like anything. We shall be condemned by the people if we continue this.

**Mr. Deputy-Speaker:** Motion moved:

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

**Shri Achar (Mangalore):** Sir, I feel that this amendment is unnecessary. The Mover seems to have considerable criminal experience. But, I have . . .

**Mr. Deputy-Speaker:** He has experience of criminal practice. He did not say that he had criminal experience.

**Shri Achar:** I have civil experience.

**Mr. Deputy-Speaker:** He had experience in criminal courts.

**Shri Achar:** I also mean to say, I have experience of civil courts. So, in the interests of the civil people, I am inclined to oppose this amendment.

**Mr. Deputy-Speaker:** But, the opposition may not be so civil.

**Shri Achar:** The short point is this. No doubt, as the Mover said, the Congress Party had passed several resolutions that this Arms Act must go. But, he must realise the situation at present and the situation in those days. So far as having the muzzle-loading guns or probably even the breach loader or any other type of gun is concerned, it is not for the purpose of meeting any rebellion or

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any danger from the public that the Government wants it. It is not for such a purpose that the Arms Act is required now. Maybe, the British people who were ruling a foreign country wanted it. So far as the present Government is concerned, it is not from that point of view that the Act should continue as it is. There is no such danger. People will not rise in rebellion. Nor will such small firearms be of any use to the Government especially as the Mover himself said in these days of Sputniks. These minor arms cannot be a great danger. It is not from that point of view that we require such an Arms Act.

The real point is, what will be the position of the ordinary people in the villages if these arms are allowed to be freely used and freely allowed to be acquired and kept by the people who may not be very welcome to society. That is the aspect which we have to consider. The Mover as well as the other Members of the House must be aware that the State Governments and their officers are very liberal now in granting these licences for the agriculturists to protect themselves against wild animals, tiger, etc. So far as the issue of these licences is concerned, they are very liberal. Even if there is a little abuse or the police inspectors and other people taking advantage of the situation, it is a position which has to be remedied by the Government, but not to a low degree these arms to be freely in the hands of people who may not be very much interested in protecting the civil rights of the people.

On the other hand, I feel that if these guns are allowed to be in the hands of people without any licence whatsoever it may create social troubles. The ordinary people may not be having it. As the Mover himself mentioned, people who are inclined to be criminal and who sometimes even threaten the people in the villages may come to possess them. It was said that he will not be anxious to have a licence, but he will be able to have it without a licence. The

point is, whether such arms should be allowed to go about in the country without any control whatsoever. Once such a free movement or usage is allowed, the difficulty will be, the ordinary people will not be having them, but people, who are anxious to trouble other people or commit dacoity and things like that, will easily procure them and have control over them. On the other hand, if this licence system is remedied and extended, there will be better control. There will not be any difficulty. A man who requires can easily get a licence. A man who should not have it, should not be allowed to get it. From that point of view, I submit that the amendment is almost harmful if not only unnecessary. So, I oppose the amendment.

Shri D R Chavan (Karad) Mr Deputy-Speaker I rise to support this amending Bill which has been brought before the House by my hon. friend Shri P R Patel. As the Mover of the Bill put it there should be no obligation put on the authorities to grant licences for muzzle-loading guns.

The Bill does not seek to amend the entire Act neither does it seek to repeal the Act.

It was asked before this what was the object when this Arms Act was passed or enacted by the then Government? The object with which this Act was enacted was that the people of this country should be without any arms so that they may not rise in rebellion against the then power, that is the British power in India. So, for the purpose of disarming the people of this country this Arms Act was enacted.

This object of the then Government was condemned by the Congress Party and when in our national struggle we were fighting against the imperial power, as my hon. friend Shri Patel has put it, several resolutions were passed by the Congress, Congress people fighting against the might of the imperial power.

Why were so many resolutions passed? The object was that this enactment which was there, this Act which was passed by the British Government, had been passed with a wicked motive—that these people may not rise against the existing Government, they may not try for the freedom of this country, they may not rise in revolt against the Government. With this object, this Act was passed. And against this motive the Congress passed several resolutions, and they stated this enactment should not be there, should not be left on the statute-book, should be repealed.

Now, the hon. Mover of this Bill is not requesting the House that the Arms Act should be repealed. He wants certain amendments in the definition, that from the definition of the Arms Act, muzzle-loading should be excluded. He has also advanced certain reasons, and the reasons are that for the purpose of protecting the crop and all that, the cultivators are put to a difficulty. Particularly in an area which is infected by wild animals, for example jungle areas where there are fields, it becomes very difficult for the cultivator to protect his crops.

Then, what has he got to do? He puts in an application to the authorities. That application goes back for an enquiry. The police give their opinion, and then ultimately whether it has to be accepted or rejected will be decided by the district authorities. The result is that unless that person goes to somebody who influences the district authority, he is not able to get the licence. Hundreds of such cases could be enumerated.

Just now, my hon. friend who is sitting by my side, Shri Subiman Ghose was telling me that he had put in an application for the grant of a revolver licence. That application was sent by the district authorities to the police for enquiry, and the police reported on that application that he is a man of a dangerous and desperate character, therefore this licence should not be granted to him. This is the

state of things—a man is sitting as an hon. Member of this House, and with reference to his application a remark is made to this effect by the police that he is a man of a desperate and dangerous character and therefore the licence should not be granted to him.

It is my experience that if a person wants to get a licence, naturally the licence will be granted by the district authorities—the Collector or the Sub-divisional Officer; if a person wants to get a licence, then naturally he has to put in an application, and the application, as just now pointed, goes to the police. Then he has to find out some person who knows either the police or the district authorities, and who is that some person? That some person is no other person than a person in the ruling Party. That is my experience.

I can point out another example. My brother has put in an application for the grant of a breach-loading licence, and therein he has made a reference: "My brother is also a practising lawyer here, and is also a Member of Parliament and an ex-M.L.A." and all that. The application was sent to the police, and the police have written on the application that this gun licence should not be granted. While, on the contrary, as a matter of fact, those persons have been given licences who ought not to have been given, who should not have been given—the dangerous character. Such types of persons have been given licences simply because they support the ruling Party.

Therefore, my submission is this. My hon. friend Shri Patel, the Mover of this Bill, only wants that the definition be amended, but my submission would be that the entire Act be repealed. I cannot understand why this statute should be kept on the statute-book.

The reason is you cannot trust your people. Can you say that no sooner this Act is repealed, every man can get a gun and start shooting each other on the streets, in the villages and the towns? Or can he go against the

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authority of the Government, the might of the Government? The might of the Government is such that unless all persons in the country get arms and organise themselves to rise against the Government, nothing can be done against the might of the Government; and such a type of contingency cannot be contemplated in this country because in our country democracy has come to stay and the people would never like to rebel against the Government. They would rebel against the Government by the democratic way and in a peaceful manner, by accepting and adopting the methods granted to them under the Constitution.

15-56 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Therefore, under the circumstances, this is an innocent amendment which has been suggested by my hon. friend. The question is why this should not be accepted. The object of the Mover of this Bill is that the cultivator should get the advantage of this. They should not be required to go to the authorities, to go to the police, and then apply and make a request and ultimately find that the application has been rejected. That should not be the case. Therefore, I support the hon. Mover of this Bill and I request the House that it should be accepted.

Shri Keshava (Bangalore City): I also rise to state that the amendment sought for does not go as far as it should.

I am also one of those who feel that stability in our country has been sufficiently established, and if only we allow this amendment, it would also go to the credit of our Government.

Nobody dare now seek to rebel against the Government by violent means. In fact, according to the set-up that we have now in our country, every agitation has got to be made

in a non-violent way, and the maximum violence can only be exercised by the Government. And that has been the established fact.

It is very unfortunate that the Arms Act still finds a place in our statute-book. I would also urge that it is high time that we relax the rule, if we cannot repeal it completely, to that extent as though they cease to operate.

This amendment, as it is brought forward now, seeks to provide some facility for the agriculturist, the largest section of the population in our country. I am also aware of several instances where there is the havoc of these wild animals. The elephants and other types of wild animals, when the crops are about to be harvested, completely destroy the whole crop that is available for the ryot population in that area. In fact, the ryots are having in many places only one crop a year, and even that crop is absolutely lost to them on account of their inability to protect themselves against the havoc of these wild animals.

Of course, it may be said that the Government is there to protect them. We have not relaxed the rules or the other subsidiary regulations that we have for giving them this relief. By the time he seeks for the necessary relief and the relief is given to him, the whole crop is completely done away with by these wild animals.

16 hrs.

Another point I would like to urge before the House is that the acceptance of this amending Bill and giving a little freedom for owning these arms which are almost harmless would give a certain amount of training in self-reliance to our people, particularly, those in the border areas of our country. No doubt, it is true that we have come to feel that everything has got to be done by the Government for the people, and that every little help or anything that is required to be done is to be done by Government. That

kind of mental make-up is there, and if we want to overcome that kind of thing and introduce a sort of self-reliance in the minds of our people, it is high time that we accept an amendment of this type. No doubt, it may lead to some misuse of these arms here and there. That does not matter. In fact, ours is a vast country, and it matters very little if a few incidents happen here and there on account of the misuse of the arms, on this permission being granted. But in the larger interests of the country and in the interests of encouraging self-reliance in the minds of our people and also by way of giving some protection for the village population, I feel it is very necessary that we should give some such relief as is sought for in this amendment.

I do not want to go into the question of what the position previously was and what the position is now. The position is the same. There is absolutely no change, except that there has been a change in our Government. The best government is that which least governs. So, I think it is high time that we make up our mind, take heart in this matter and try to see if we can give the relief that is sought for by means of this amendment.

With these words, I would like to support this amending Bill.

Shri Ajit Singh Sarhadl (Ludhiana): I also rise to support my hon. friend Shri Keshava in what he has said. The very fact that this Act is as old as 1878 shows that it should be dead and gone. But I look at it from a different angle. Its historical background is also odious. It was brought by the foreigners in order to keep the people unmanly.

Now, carrying arms of the kind that the Mover has said is a thing which is absolutely harmless. I do not, therefore, find any reason why there should not be an amendment of the Act as contemplated in this Bill. I, however, feel that however good this amendment may be, it is for Govern-

ment to see how far the Act should be amended.

In reply to one of the questions asked in this House, it was stated on behalf of Government that Government themselves were intending to amend the Arms Act. Taking into considerations the necessities and the exigencies of time, the amendment should be more liberal than what the present amendment postulates. I would not go merely to the extent of exempting from the Arms Act breach-loading guns only, but I would go so far as to say that carrying arms is essential. I disagree with my friend Achar when he says that this would lead to crimes. I believe he is a lawyer practising on the civil side only, and, therefore, he has no experience. I have been practising on the criminal side for more than twenty-five years, and I can say that arms are the least things which lead to any sort of crimes. If arms were to be taken as the vehicles of crime, then, as one hon. Member has said, *lathi* should be absolutely prohibited. Therefore, my submission is that it is wrong to say that it leads to crime. I belonged to what was North West Frontier Province once (and which is now in Pakistan), where there were no licences, and yet there was the least number of crimes there. Of course, there were feudal factions. But that is a different thing. So far as crimes of the type that are prevalent here are concerned, they were not existing then. So, there is no justification for keeping a law of this kind on the statute-book in the form in which it is at present.

But I would beg of the Mover to withdraw this Bill, since Government themselves are contemplating an amendment and they are intending to bring forward an amending Bill. In view of the assurance that an amendment is being contemplated and it would come in a more liberal form than this Bill, I think it would be better if the Mover withdraws this Bill and allows Government to bring forward their Bill. We have given our views to Government, and they



[Shri Ajit Singh Sarhadi]

know very well that the times call for a change, if not for the repeal of the Act, at least for an amendment of the Act.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I am obliged to the House for having raised this question. It was raised also in the first Parliament, and Government then gave an assurance that the whole question would be duly considered and an amending Bill brought forward as early as possible. My hon. friend who spoke earlier has anticipated what I was going to say in this respect. When the matter was under consideration at the instance of Shri U. C. Patnaik, an assurance was given that the whole question would be considered.

The points that were made were to the effect that the provisions of the Arms Act and the Arms Rules should be liberalised, and secondly that those provisions should be brought in line with those obtaining in other progressive countries of the world. So far as these two objects were concerned, Government stated that they would consider the advisability of having the whole matter duly examined. On our assurance, the Mover of the Bill then had the Bill adjourned *sine die*. Thereafter, the Government of India took up this question with all the State Governments, because as you are aware, it is the State Governments who have to take all the conditions into account, and who are responsible for maintaining law and order in the States. Therefore, their opinion naturally weigh with us to a very large extent.

We have now got the views of all the State Governments, and, therefore, I am now in a position to inform the House that a Bill is being finalised, and we shall make every attempt to introduce this Bill before this House as early as possible, preferably during this session or the next. Government are extremely keen on having a new Bill, because a wish to that effect was expressed on the floor of the House very strongly.

The Bill that we have is of the year 1878. Certain changes have been made afterwards. May I point out to the Mover that after 1947, we have made certain changes in the rules, and at present the rules as also the Act are being administered very liberally. We have sent down instructions to all the State Governments that liberal use should be made of the power of granting licences. I might inform my hon. friend the Mover that we have taken into account the question of the needs of the agriculturist community especially, because it is true that in certain parts they do require such arms; and as I have pointed, we have issued instructions that they should be given arms as far as possible except in cases where there are any special conditions preventing the liberal exercise of such grant of permission. The ordinary rule would be that such licences would be given specially to the agricultural community.

Then I would point out that as soon as that Bill is introduced in Parliament, hon. Members will find that it meets with the present requirements and also the aspirations of a large number of hon. Members of this House and the other. Therefore, I would request the hon. Mover, as an hon. Member on this side has rightly pointed out, to wait for sometime because thereby we shall be having a Bill more comprehensive in nature than the one brought forward by the hon. Mover.

With these preliminary remarks, may I deal with some of the points that the hon. Mover has made? The Bill, as he has sought to move, is very wide and comprehensive in terms of his object. Already some relief has been given by Government in respect of certain matters. Daggers, spears, swords, spear-heads and bows and arrows have already been excluded from the operation of the Act and the rules in all the States of India except two, where for special reasons they have been kept within the purview of the Act; even there swords and spears are excluded.

**An Hon. Member:** Which are those States?

**Shri Datar:** There are two. I have not got the names here.

There also, our object is to introduce a liberalising influence as much as possible. As I have pointed out, it depends upon the needs of particular States, and we always go by the advice of the States. As has been stated, they are responsible for the conditions there.

Even in respect of these, may I point out to the hon. Mover that there has been a liberal policy of granting licences especially to agriculturists. The policy that is being followed is that they are given even muzzle-loading guns licences on a free of fee basis; so far as other arms are concerned, they are given freely; so far as muzzle-loading guns are concerned, a fee of only 4 annas is charged.

**Shri Mohan Swarup (Pilibhit):** Eight annas.

**Shri Datar:** According to my information, it is 4 annas. It is immaterial. 4 annas are being charged.

**Shri T. Subramanyam (Bellary):** Per annum

**Shri Datar:** Under these circumstances, so far as that object is concerned, it is achieved. But in the course of his speech, he made a reference pointedly only to agriculturists. But so far as the provisions of his Bill are concerned, they are of a general character.

Secondly, may I also point out that his argument was on the basis that these muzzle-loading guns were only weapons of war. The point or criterion is whether they are or are not dangerous weapons likely to be used or abused under certain circumstances by lawless elements. That is what we have to take into account, not merely because it is a weapon of war or it is not a weapon of war.

Therefore, so far as this question is concerned, though in the course of

his speech he stated that they were required mostly for agriculturists, so far as the provisions of the Bill are concerned, he wants the exemption to be granted to all classes of people. That is a point which has to be taken into account. It is true that conditions are being stabilised to a large extent. All the same, as you are aware, there are lawless elements here and there, there are anti-social elements here and there, and Governments, especially the State Governments, will have to be careful in this matter. If, for example, such weapons are allowed very freely without any licence, then you should take into account what the position would be. They are likely to be smuggled into India or smuggled outside India. They are likely to be abused, and oftentimes difficulty would arise so far as the use of all these arms is concerned. That is the reason why fire-arms stand by themselves and we have to be extremely careful to see that they are granted to persons who are not likely to abuse them.

Under the circumstances, may I point out that the object that the hon. Member has in view has been fully achieved? His object is that there ought to be a new amending Act of a liberalised nature so that it would fit in with the present times. On this question, I have given an assurance. This assurance was given long ago, that Government themselves would place before Parliament a Bill which would be more comprehensive in its terms, which would be more liberalising, taking into account the conditions in the country to the extent that it is absolutely essential. I repeat that promise, that as early as possible Government would bring forward a Bill. The Bill is almost being finalised and is in the last stages of its preparation.

Therefore, the object of the hon. Mover is achieved. Of course, he went into what was the position during the war, during the British regime. But he ought to understand

[Shri Datar]

that there has been a change after 1947. What was most important was not the provisions of the Act as such, but the way in which those provisions were exercised.

Shri P. R. Patel: Even in the native States where there was monarchy, muzzle-loading guns were allowed. Are we better off than that monarchy or not? I do not understand

Shri Datar: We are quite better off under self-government.

Therefore, I would submit that taking all the circumstances and conditions into account, Government would bring forward a Bill which would have liberal provisions, which will, I am quite confident, satisfy all the reasonable sections of this House. That is the first point.

So far as his own Bill is concerned, he will kindly see that a muzzle-loading gun is not so innocent as he wants us to think. There are certain risks and dangers involved in exempting muzzle-loading guns from the operation of the Arms Act. They are likely to be used. As I have stated, they are likely to fall into bad hands. As he has humorously pointed, so far as dacoits are concerned, they never care for licences at all. Unfortunately, sometimes they fall into the hands of such dacoits. He referred to their having even the latest weapons, and he knows the quarters from which they have come. I would not like to deal with that particular point. But unfortunately it is true that we have got here anti-social elements like smugglers and some other persons. Therefore, Government will have to be careful even in this respect. As I stated on other occasions, we have to rear up the young and tender plant of democracy in as best a manner as possible. Subject to this, we have to liberalise all the provisions.

I am quite confident that in the light of what I have stated my hon.

friend will be satisfied that his purpose has been served. Again I say that we shall bring forward a Bill as early as possible.

Shri P. R. Patel: I sincerely thank the hon friends who have supported the Bill. I expected that the hon. Minister of State in the Ministry of Home Affairs would accept the Bill. But hearing his speech, I am convinced that the coming Bill will not be more liberal than the present one, because he says that a muzzle-loading gun is a dangerous weapon. A man may kill with a pen knife or *chhuri*. It is a dangerous weapon. Why should we allow people to keep pen knife or *chhuri*? A man may kill with a hockey stick. It is a dangerous weapon. Why should a man be allowed to have it? We must pass some law so that people may have to procure licences for all that, lathi and so many other things. So, I submit we cannot deny a thing by calling it a dangerous one. The thing becomes dangerous only when it is badly used. It is always protective, when it is with a good element. And, as I submitted, and as the hon. Minister also agreed, the bad elements do not require a licence to have any arms. They get the arms from any source. We see so many dacoities are committed and the dacoits have got the latest guns and they do not require any licence. It is only the good element that asks for licence. My submission is that by depriving good elements of these muzzle-loading guns, we encourage the hands of the bad elements in robbery, dacoity and other offences.

I do not understand why even after 10 years of independence the hon. Minister is pleased to say that these muzzle-loading guns could not be exempted from the Arms Act. He also did not agree with Shri Achar—generally, it is Acharya. And, Acharya, undoubtedly, is rather afraid of arms because his practice is on the civil side. I am not; and anybody who is acquainted with the

criminal side of practice will justify what I say. Most of the offences are committed by dacoits and robbers by arms without licences. Guns come before the courts; no licences is there. They get arms from any source; not stolen even from private persons. The hon. Minister said that these things may be taken away by anti-social elements and used. Well; the anti-social elements do not require guns of this type. They want rifles and better guns. In these days, when the anti-social elements come to rob or to commit a dacoity, do they come with muzzle-loading guns? They come with arms better than the police has, perhaps as they have to face policemen.

So, my submission is that these muzzle-loading guns with ordinary good elements will not pass away into the hands of the bad elements. On the contrary, if the bad elements want to commit any offence, they will be afraid that in every village there may be some persons who may have guns.

But, here, what is happening? We have inherited the tendency of the Britishers. The Britishers did not trust the people. And, today even, we are not prepared to trust the people and we do not allow our people to have guns—and that too muzzle-loading guns. I fail to understand that.

So, I humbly tell the hon. Minister that if an assurance comes from his side that the muzzle-loading guns will be exempted in the coming Bill, then, I will withdraw my Bill. I know an assurance was given by him, as he said, in the First Lok Sabha. I think much water has flowed down the Ganges and Jumna and nothing has been done till now. And, today, the assurance is to introduce a Bill, perhaps, in this session or the next session. I would be very happy; but the promise should be, the understanding should be that these muzzle-loading guns will be exempted from the operation of the law.

The hon. Minister argued one thing, that I am asking this for the agriculturists but the Bill is a general one. Undoubtedly, it is general. But, in a country where there are more than 80 per cent of the people belonging to the agriculturist class, naturally, I cannot make any exceptions and, so, it is a general amendment applying to one and all. And, I humbly submit that if the hon. Minister is pleased to give an assurance that the coming Bill will contain a clause exempting these muzzle-loading guns, I would be happy. Otherwise, I do not want to withdraw my Bill. (*Interruption.*) It may be lost even. I know after the Congress Members have shown the sympathy; if the hon. Minister can go with Congress opinion these muzzle-loading guns will be exempted from the operation of the law. However, when the question of voting comes, naturally, the Bill may be thrown out. I will be happy if it is thrown out. But, I can assure the hon. Minister that he will not be. . .

**Mr. Chairman:** I think the hon. Minister has made it clear that the hon. Mover should wait and see what the Bill is.

**Shri P. R. Patel:** I want an assurance that the muzzle-loading guns will be exempted.

**Shri Datar:** It will be clear in the Bill. That is all I wish to say just now. The suggestions and this discussion will be considered and examined very carefully.

**Shri P. R. Patel:** I do not withdraw; let it be thrown out.

**Mr. Chairman:** The question is:

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

*The motion was negatived*