

SHRI M. S. GURUPADASWAMY: It is left to Mr. Morarji Desai to accept it or not.

SHRI PAWAN KUMAR BANSAL (Punjab): The award should not have been accepted. (Interruptions)

SHRI M. S. GURUPADASWAMY: You cannot question his patriotism at all. He is the tallest leader of this country. He is the tallest leader of the country. He is one hundred times taller than Rajiv Gandhi, let me tell you. (Interruptions)

THE DEPUTY CHAIRMAN: I request the Members to please sit down. (Interruptions)

SHRI SURESH KALMADI: People are being killed in Punjab and he is accepting the Award. (Interruptions)

THE DEPUTY CHAIRMAN: Mr Kalmadi, please sit down. (Interruptions) Order please (Interruptions) Will you please sit down.

श्री सत्य प्रकाश मालवीय :- राजीव गांधी को अवार्ड मिलता तो स्वीकार करते।
(व्यवधान)

श्री पवन कृश्वर बंसल : पाकिस्तान सरकार ने इंदिरा को हत्या करने वालों को सहायता दी और उनसे ग्राफ अवार्ड लेना चाहते हैं ? (व्यवधान)

PROF. C. LAKSHMANNA (Andhra Pradesh): He is talking as if Pakistan is an enemy country. (Interruptions)

THE DEPUTY CHAIRMAN: Will you sit down, please?

SHRI K. G. MAHESHWARAPPA (Karnataka): You are having a SAARC conference in Pakistan now.

श्री सुरेश कलमाडी : आपको भी मिलेगा अवार्ड।

PROF. C. LAKSHMANNA: I may get or not, but I think you will get an award.

THE DEPUTY CHAIRMAN: Now we take up the Statutory Resolution. Shri Jaswant Singh.

SHRI JASWANT SINGH (Rajasthan): Madam, will you permit me to speak for a moment before I move my Statutory Resolution?

THE DEPUTY CHAIRMAN: I have not asked you to.

SHRI JASWANT SINGH: But you called me. But before I move the Resolution

SHRI SURESH KALMADI: If he speaks on the same subject, I would also like to speak, I have also given a motion.

THE DEPUTY CHAIRMAN: On which subject?

SHRI SURESH KALMADI: On Special Mentions.

THE DEPUTY CHAIRMAN: Special Mentions is over. You are now moving your Resolution regarding disapproval, of Arms Ordinance.

SHRI JASWANT SINGH: I thought moving this resolution has given me an opportunity, but I must say that the House must contain itself in making unrestrained allegations against a very venerable Indian. It will take only a little while for me, if you permit.

THE DEPUTY CHAIRMAN: No, please. It will not go on record if you are talking out of context. You are speaking on the Resolution. Otherwise it will not go on record. Your name is there for moving the resolution and I have asked you to move the Resolution. Please speak on that.

I, STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE ARMS (AMENDMENT) ORDINANCE, 1988.

II. ARMS (AMENDMENT) BILL, 1988

SHRI JASWANT SINGH (Rajasthan) : I move the following Resolution:—

"That this House disapproves of the Arms (Amendment) Ordinance, 1988 (No. 5 of 1988) promulgated

by the President on the 27th May-,
1988

It so happened that during the inter-session period, roughly from the middle of May to the third week of July, a period of 45 days, we have had an orgy of ordinance issuing. There were six of them during this period, one roughly every week. It again so happens that three of these ordinances relate to the State of Punjab and have a direct bearing on the conditions prevailing in Punjab. It is a matter of chance that on each of these three ordinances, it is my motion of disapproval and revocation that has found favour in balloting and I shall be speaking on each of those three. I will attempt, therefore, not to be repetitive. I shall also attempt not to be wearisome to the hon. Minister so that he does not have to repeat what has once been stated because we would be confronting each other on each of these three Ordinances, specific to the Punjab. But the first one that we are taking up relates to the Arms (Amendment) Ordinance, 1988 which is subsequently being replaced by the Bill which has been introduced. Now, of all the Ordinances, perhaps this particular Ordinance, to my mind, is the least offensive. But it is also, simultaneously, possibly the most unnecessary Ordinance. I would like to clarify by saying that there is a tendency that we have witnessed about these Ordinances and this tendency of the Government of India, is to create a legislative mirage, to create an illusion as if legislation by itself were a substitute for action. This, therefore, is a classic example of legislative illusion. Of course, before the legislation, it is also an unacceptable piece of Ordinance issuing simultaneously, a needless piece of legislation, which I will explain as I come to the substance of my motion of disapproving it. The classic trap into which we are falling here. Madam, is that by merely enacting a law we assume to replace action. There is a subsequent hypothesis, a consequen-

tial deduction which is that by merely having a law necessarily a cure is being provided for the ills that prevail. As I stated earlier, the context of this particular legislation is Punjab and the purpose, as stated in the BUI, as also the Ordinance, is for enhanced punishment in respect of offences under the Arms Act. Under the Arms Act there are two categories of firearms. One is non-prohibited arms and the second is prohibited arms. Certain categories of fire-arms are more specifically placed as non-prohibited and a similar treatment is given to ammunition and the punishment for offences under this amended Act is that if it results in death, if killing results, then, the punishment followed will also be death. My difficulty starts here, Madam, when I relate this particular provision whether as an Ordinance or as a subsequent legislation, to the history of insurgency that independent India has had. In Punjab what we have today is a state of lawlessness, it is not insurgency. We have had insurgency in India, in Mizoram, in Nagaland, where too automatic weapons, mines, mortars, bombs, both of Indian origin and from abroad, were used, not at any one period of time but for 20 long years in Mizoram, we combated insurgency. Insurgency in Mizoram and Nagaland was a declaration of revolt against the nation. In that insurgency automatic weapons were used. In that insurgency rocket launchers were used, bombs were used, yet at no stage in that period did the Government of India find it necessary to amend the Arms Act. It found it as not necessary because the existing provisions of the Arms Act are by themselves sufficient to take care of the crime. There is a category of prohibited weapons. There is a category of non-prohibited weapons. Under prohibited weapon? every thing that is non-prohibited is assumed to be prohibited.

The licensing for it continues to remain with the Government of India I cannot understand what new,

[Shri Jaswant Singh] specific, or different problems Punjab has thrown up, that have not been faced by the Indian State, the Union of India or the Indian Government earlier when we witnessed insurgency situations, and which is not a situation is Punjab today, to merit, or to warrant an ordinance and, having issued an ordinance, thereafter, to bring forward such a legislation, which as I explained in the beginning, does just three things make more specific what is non-prohibited, what is prohibited, make more specific punishment under it and put certain categories of ammunition also in a specific form. It is because when I see this, Madam, that one has to come to the conclusion that in the context of Punjab, we are engaging in over-legislation. This is a new ailment. I said this earlier that for every new law breaker, a new force is created and for every new incident of breaking of the law, a new law is created." It leads me to a sorry conclusion that there is an unequal, and because it is unequal, therefore, ineffective application of the powers of the State when it comes to Punjab. Even in an insurgency situation, such a need has not been felt for amending the Arms Act. How it has now arisen, leaves me unconvinced. This "unequal" reminds me, Madam, that a SAM-7 missile was recently unearthed by the IPKF in Sri Lanka from the LTTE. Now a newspaper report on that thing and this information accompanying those newspapers reports went to suggest as if the supply of that SAM-7 to the LTTE has been from some foreign source. But the fact remains that when the LTTE has been equipped, and when these weapons have now been found with the LTTE, it is only because it is the Government of India which has supplied the LTTE these arms. SAM-7 is a piece of equipment with which the Indian Army is equipped. It is a part of the Indian defence forces equipment. These SAM-7 missiles were given to the LTTE by us. They were recovered from the LTTE, part of them when

they were in Tamil Nadu. Now, one is recovered from them in Sri Lanka and this unequal application of a principle of law that you are trying to apply, in Punjab, one application, in the insurgency State, another application elsewhere and when the LTTE was a force that you were trying to encourage in Tamil Nadu, a third application; It is by this unequal and dishonest application of the provisions that the Government of India measures the powers that the State has. It is because of this unequal and dishonest application that I find difficulty in this particular ordinance. In this specific context of Punjab, this particular piece of legislation, is not perhaps the occasion when we need to examine all that is going right or wrong within Punjab. Two thoughts I must however, share with the hon. Minister. One is that this kind of one-fourth democracy, a quarter democracy that we are practising in Punjab is not going to lead us out of this abyss and the second is that emasculation of the SGPC, whatever be the reasons behind that emasculation, this emasculation of the SGPC is certainly not going to help us, whether it helps Punjab, whether it weakens the SGPC or creates additional difficulties in Punjab, that is a subsequent matter altogether. Therefore, we should view with great concern the emasculation of the SGPC and not delight in their discomfiture. Madam, I have already mentioned this business about tendency to over-legislate. I have already said that the differentiation between the prohibited and the non-prohibited is really no more than bureaucratic semantics. The single great difficulty that I am faced with is that we have witnessed the simmering of the Punjab and the successive explosions in the Punjab in a periodic manner. We had the explosion in the Punjab in 1984. Before that we had the simmering starting really, virtually, from 1981. We have seen the period from 1981 to 1984 and the subsequent developments. I cannot understand what new developments have now taken place, between 1984 and

1988 so as to warrant the issuing of such an Ordinance. In 1984 we had the Operation Blue star which forced, to my mind— I was an opponent of it and I continue to remain so—the first deployment of the Indian Army in the Punjab, in that kind of a role. Even when the Indian Army was then employed, it was known that there were anti-tank weapons within Harmandir Sahib and that there were automatic weapons and mortars within Harmandir Sahib. All this is now published in the white paper on the Punjab. If that was the condition obtaining, in the Punjab, in 1984 and if the specific context of this Ordinance is the Punjab, then how has the situation materially changed from 1984 to 1988? Is the Government saying that the situation has now so deteriorated that there are, instead of just a few automatic weapons, a few rocket-launchers, so many of them, there is such a profusion of them, that only such an ordinance will save us? That is why, Madam, the central difficulty about this Ordinance is not that it was issued in the inter-session period, but the central difficulty is that it was not issued earlier; that such a legislation was not brought about earlier; that the need for issuing an ordinance now is not convincing. I am not able to understand why an ordinance for amending the Arms Act was found necessary in the context of the Punjab.

[THE VICE-CHAIRMAN (Shri Jagesh Desai) in the Chair]

I would like to have one clarification from him when the hon. Minister intervenes. It relates to this tendency to over-legislate. How many illegal arms or prohibited arms were recovered in the Punjab in 1985, 1986 and 1987? I am only talking about the tenure of this particular Government. And how many convictions were made after the recovery of these illegal arms in these past three years? Since the issuing of this Ordinance, that is May, 1988, how many additional arms prohibited or otherwise have been recovered? Has the magnitude of re-

covery of arms or detection of crimes gone up even marginally, if not markedly? Unless the Government is able to convince me on this account, that by this particular piece of legislation by issuing an ordinance, the ability of the apparatus of the State has been so considerably enhanced, my motion of disapproval will stand.

No matter how many laws you have or whatever legislation you might bring about the apparatus of the State remaining the same, these laws will remain only on paper and will, perhaps, add to the bulk of papers that continues to accumulate in the Indian Archives. Will, therefore, during his intervention, the hon. Minister of State clarify how, armed with this legislation, the apparatus of the State is being improved or strengthened so that the enforcement of this law becomes more effective? I will share just two concluding thoughts with the honourable Minister of State for Home Affairs who carries a very heavy burden. I don't for a moment suggest that the problems that we face as a nation, in the Punjab, are problems that can be treated either lightly or can be resolved easily. I continue to hold that at a certain level our failure, collectively as Indians, to find answers to the questions that the Punjab has thrown up is the collective failure of the Indian political leadership, in which we are all included. But in the collective of that leadership, because you are in Government, you will naturally and rightly have to bear a greater responsibility. And I am often struck by the thought that there is, to my mind, in the governance of our country, what I would call the lack of an ethos of restraint. What we see is a tendency to overstate, to over-react, to overkill. I am saddened that as against this ethos of restraint, which should be marked, which should be the distinguishing feature of a compassionate and just State our Government, our State, very often comes across as :

[Shri Jaswant Singh] shrill and as an over-reacting Government. In an over-reacting State the consequences of that shrillness in governance are over-legislation—and I started by saying that this is an example of overlegislation, because there are three separate ordinances on Punjab; therefore, I do not need to repeat what I might have to say there. This is but an example of that consequence. One is overlegislation. The second, to my mind, is losing the dignity and the effectiveness of a compassionate State. Any State, if it loses compassion, it will lose moral authority, and thus it will lose effectiveness. This kind of a tendency, this kind of over-legislation, whether in the Punjab or elsewhere, would really not enhance the effectiveness of the State; It would really underline the ineffectiveness of the State. What we need is not legislative posturing but a combating of the evil that confronts us as a nation in the Punjab. We do not need legislative or even verbal posturing we do not need phrases like 'an for an eye' or a 'war on our own citizens' or indeed, what is stated to be a firm position. A firm position does not carry conviction merely because you have said it to be so. It is no one's point that the obscenity and the evil that is terrorism must be given any quarter. It deserves no quarter and no sane Indian will grant it any quarter. But mere posturing against it is also no answer. This over-posturing, overstated reaction, does not serve the purpose of responsibility of a steadfast State. It is the panicky *ad-hocism* of an unsteady Government, of a pilot who cannot steer the ship of State and when cannot steer the ship of State, you are indulging in all kinds of legislation and this is part of it. And, therefore, I disapprove it.

THE MINISTER OF STATE IN THE
MINISTRY OF PERSONNEL, PUBLIC
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HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I move:

"That the Bill further to amend the Arms Act, 1959, as passed by the Lok Sabha, be taken into consideration."

I have heard the honourable Shri Jaswant Singh speak on the Statutory Resolution disapproving the Ordinance. Let me first say a few words on the Amendment Bill. In the context of the rising fend of violence and terrorism by extremists and anti-national elements in various parts of the country and, in particular, the alarming increase in the use of sophisticated automatic firearms, rockets, etc. by these elements, an urgent need was felt to amend the Arms Act with a view to providing for more stringent punishment for offences under the Act. The Government, therefore, has brought forward the amending Bill.

Sir, the provisions contained in the Bill make a distinction in the matter of punishment for offences involving ordinary arms and ammunition on the one hand and prohibited arms and ammunition on the other. The provisions also prescribe the most stringent punishment for offences involving prohibited arms and ammunition. Further, the use of illegal arms and ammunition including prohibited arms and ammunition has also been made punishable. Under the existing provisions, illegal possession of firearms and ammunition attracts penalty of imprisonment for a period of one to three years with fine. The new provision makes illegal possession of prohibited arms and prohibited ammunition punishable with imprisonment for seven years leading up to imprisonment for life and liability to a fine. A similar provision has also been made for illegal use, manufacture, sale, etc. of prohibited arms and ammunition. The provisions of the Bill also provide for capital punishment for persons causing death of any person by use of illegal and prohibited firearms and ammunition.

The primary object of the Bill, Sir, is to provide for deterrent punishment for various offences related to prohibited arms and ammunition and to curb unauthorised manufacture, acquisition, possession or carrying or use of illegal firearms and ammunition.

Sir, the honourable Member, Mr. Jaswant Singh, is, I am afraid, obsessed with the situation in Punjab. I understand concern; I can understand anxiety; but I cannot understand his looking at every act of the Government only in the context of Punjab. This amending Bill is not limited to Punjab. This amending Bill is an attempt to remove the lacunae which have been discovered in the Act, to bring some logic and order in the matter of punishment, and this will apply throughout the country.

Sir, while replying to the debate I shall give the facts and figures which the honourable Member required. But, at the moment, so that this may help the debate, I wish to clarify the scope of the amendments.

Sir, the concept of arms and prohibited arms is built into the Act. The difference is not between prohibited bore and non-prohibited bore. That is the colloquial way in which we have described the provisions of the Act and for one like the honourable Member, Mr. Jaswant Sangli, who, I am sure, is familiar with arms—perhaps he possesses some; I only wish that he does not use them—it should be clear that prohibited bore and non-prohibited bore is a common way of describing the manner this Act is administered and this is not the way how the Act is structured. The Act defines the word 'arms' under section 2(1)(c). It defines the expression "prohibited arms" under section 2(1) (i). Similarly, the Act defines the word "ammunition" under section 2(i) (d) and it defines the words "prohibited ammunition" under section 2(i) (h). So, the distinction in the Act is between arms and ammunition simpliciter

and prohibited arms and prohibited arms and prohibited ammunition. Unfortunately, in the section dealing with punishment, a distinction has not been maintained between possession, use, manufacture, sale; repair; etc. of arms and ammunition *simpliciter* and prohibited arms and prohibited ammunition. What we are trying to do is to arrange this in a logical and neat manner, by which while providing for punishment in the case of arms and ammunition *simpliciter*, we are providing for enhanced punishment in the case of prohibited arms and prohibited ammunition.

Again, Sir, while replying to the debate, I shall take the hon. Members through Schedule I and Schedule 11 of the Rules which will explain the matter very clearly. We are also providing that if anyone uses prohibited arms or prohibited ammunition, which results in death, the punishment shall be death. I cannot see how there can be a difference of opinion on this. Their possession is illegal and if someone uses prohibited arms and prohibited ammunition and causes death, I think that would fall under the Supreme Court definition of 'the rarest of rare cases', and it should be punished with death.

We have also taken this opportunity to clarify one or two expressions. We have added the word 'missiles' in one or two places, and we have removed a word. These are peripheral, minor amendments, which the Legislative Department from time to time makes whenever there is an amendment of the Act. These are drafting amendments, and I think that there can be no serious quarrel with amendments which are of a drafting nature.

Sir, I would humbly commend this Bill to the House and I request unanimous support of this House to this Bill.

The questions were proposed.

SHRI SUKOMAL SEN (West Bengal); Sir, there is no question of opposing the Bill as such. But I have to express my deep anxiety and repugnance at the practice of Ordinance making while the Parliament is not in session. If the Government really found that this Bill was urgent, during the last session it could be brought before Parliament and it could be discussed and passed.

Sir, I am not obsessed with Punjab alone, but you can say, obsessed with the whole country because the terrorist activities, although these are most prominent in Punjab and most pronounced in Punjab, in other parts of the country also these terrorist activities can be easily seen. And it is for everybody to see that not only there are terrorist activities but the use of sophisticated firearms by the criminals is also the order of the day in the whole of the country. So my feeling is that if the Government really felt that it is very much urgent then they could have brought it in the last session instead of issuing the Ordinance during the inter-session period.

Now, Sir, in this Bill the Government has tried to define what is 'prohibited arms' and what is 'missile', and so on. I am not going into the details of these technicalities. The point is that when the terrorist use arms and when the criminals use arms, whether they use prohibited bore or not, that is not the concern of the common people who are victims of their attack. Now, Sir, it is not only in Punjab but in other parts of the country also these prohibited arms are being used by the terrorists as well as criminals. My point is that only by making legislation and putting stringent restrictions on the use of arms or by giving stringent punishment for use of illegal arms or prohibited arms, or even death penalty, I do not think we can fight terrorism in our country. As regards Punjab, unless there is a political will to solve

this problem the problem of Punjab cannot be solved only by legislation. Mr. Jaswant Singh said that we are over-legislated. I will not use that term. But it is a fact that a number of Bills have been brought before the Parliament and we have passed them for containing the situation in Punjab and other parts of the country. Have we succeeded in containing terrorism in Punjab or in other parts of the country? Have we succeeded in containing criminal activities or the criminals who use firearms at their sweetwill and kill people? We have not been successful because the political content was lacking. Sir, when the Jehanabad killings took place, the Home Minister himself visited the spot. The Chief Minister of Bihar also visited the area and they said that it is simply a question of law and order. If you presume that these incidents are the result of a simple law and order problem, then you can be satisfied with the passing of stringent laws like this. But I have a different perception. When the killers struck at Jehanabad killing so many innocent people by using illegal firearms or prohibited firearms or unprohibited firearms, would it be proper for you to tell them that you have been killed by a legal firearm or a prohibited or unprohibited firearm? You can feel that by passing this Bill, you can fight it out. But I don't think so. Unless you tackle the socio-economic problems which give rise to this type of extremism, you cannot tackle these things only by passing laws. The point which I want to make is that by legislating like this, the Government is failing and the Government will fail in tackling the present situation of terrorism. Why should you think of Punjab only? There are dacoities, robberies and other criminal activities which are on the rise in our country. In the city of Delhi itself, all the criminals and dacoits use firearms. They are illegal firearms. They procure illegal firearms and kill people. A section of our young boys even educated young boys, are being enrolled as dacoits, as robbers

and as anti-social elements. If you want to fight dacoities, robberies and the enrolment of educated youth in anti-social fangs, then you have to fight the problem of unemployment. Unless you fight the problem of unemployment and unless you root out unemployment, how can you prevent our boys from joining the gangs of dacoits and robbers? it cannot be done. I can cite so many examples. Therefore, these socio-economic problems have to be tackled. These issues have to be looked at from a political angle. Then only these issues can be fought. You cannot tackle the problem by making amendments to the Act.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please conclude.

SHRI SUKOMAL SEN I have just started,

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Seven minutes are over.

SHRI SUKOMAL SEN: I am concluding. Not only are the arms smuggled into our country, but it is also a fact that arms are procured by the antisocial elements and terrorists from internal sources also. How can they procure arms from internal sources unless there is serious corruption in different wings of the administration? We can blame Pakistan. They smuggle arms into our country and hand them over to the terrorists. But, when the criminals procure arms from internal sources, should we not blame the Administration itself? A corrupt administration cannot check smuggling of arms even from their own armoury. They cannot check it. So, Sir, corruption in the administration has to be fought if we want to check smuggling of arms from our internal sources into the hands of terrorists and smugglers. These are the aspects which have to be looked into by the Government. Otherwise, by merely passing the Bill, by amending the

Act, these things cannot be tackled.

Sir, I will conclude by making some comments about the Punjab situation because although terrorism and smuggling activities are there in other places also, this is mostly concentrated in Punjab and this has taken a formidable dimension in the Punjab territory. Sir, Punjab terrorists are procuring arms; and the killing spree is continuing. Despite this Black Thunder Operation, there is no let out in this killing-spree. Everyday several people are being killed, and arms are being smuggled into our country. And in the Golden Temple, arms were stock-piled. Arms were stock-piled in other places also, in some other hide-outs and dens. The point is: How to tackle the situation? The other day, the Prime Minister gave an interview to the 'Hindustan Times'. There he says, there is none in Punjab to whom we can talk. If you talk with nobody in Punjab, can we settle the Punjab problem only by seizing arms? It is definitely a fact that the Bill has come not only in the context of Punjab, but mainly in the context of Punjab. There is no denying the fact. So, unless you take some political initiative, you cannot solve this problem. Repeatedly we have been demanding in this House that you should take a political initiative, you should hold a conference of the Opposition parties. You take their opinions, you take their advice and find out a solution, a political solution to the Punjab problem. Repeatedly you are refusing to do so, and the President's Rule is continuing. For that, the Constitution has been amended. But despite the President's Rule, could the Government stop the killings? The other day, a statement was laid on the Table of the House during the Question Hour in reply to a question. And it was very clear from the reply that the number of people killed during the President's Rule was much more than the number of people killed during the earlier regime when Mr. Barnala was in Po-

[Shri Sukomal Sen]

wer. So, Sir, President's Rule could not stop the killings. Now, you want to have stringent punishments. Sir, some fantastic things are also here. Under Clause 27(3), it is said, "Whoever uses any prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death." Sir, in the Indian Penal Code also, there is a provision—wilfully causing death to a person is punishable either with life imprisonment or death. What is there in this Bill? Killing a person by a prohibited arm will be punishable with death. Even if somebody is killed with a knife or a stone and if is killed wilfully, the killer is also punishable either with death or life imprisonment. So, Sir, there is nothing new in this Bill. So, what I want to again stress and emphasise is, let the Government take a political initiative not only to tackle the Punjab problem but also to tackle a situation as has arisen in Jehanabad and other places, and also to tackle robberies, dacoities and a spate of criminal acts, vities. All these things have to be tackled at the political level by socioeconomic measures and not by merely amending the Acts.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Mr. Vice-Chair, man, Sir, as my predecessor speakers have pointed out, these arms and ammunitions are being used since a long time. It is also accepted. And when they are being used since a long time, it would have been prudent on the part of the Government to have brought a Bill in the Budget Session itself, and not in the shape of an Ordinance.

Sir, terrorists have been using sophisticated arms like AK-47 rifles, rocket launchers, machine guns, etc. It is known to everybody. Not only that. These arms have slowly found their way into the hands of mafia gangs, the smugglers, the Senas and the feu-dals.

SHRI SUKOMAL SEN: Sir, what has happened to the Treasury Benches? They do not like this Bill, Nobody is sitting there.

DR. G. VIJAYA MOHAN REDDY: These arms are available for purchase. Even the Naxalites and anti-social elements are having them. These prohibited most lethal weapons are floating everywhere. This should be properly understood by the Government. There is large scale smuggling going on in the country. It has been brought to the notice of Parliament several times. This smuggling of sophisticated arms is there. Side by side smuggling in narcotics is there. And, side by side smuggling in electronics equipment and artificial fabrics is there. And this smuggling goes on to the tune of hundreds and thousands of crores of rupees. So, I want to say if very clearly, Mr. Vice-Chairman, Sir, that this cannot go on in the country without a very big vested interest viewing these transactions. That is why I want to say about this big vested interest and what is the attitude of the Government towards this vested interest which has ramifications all over the country? And it has been quite known also that whenever these subjects have been discussed, there have been political pulls and there has been corruption and these too go a long way in the contribution of the use of these weapons on a large scale. I am of the opinion, Sir, that this policy of the Government is a continuation of the British policy. I want to ask the hon. Minister what in his opinion a person has to do when he is attacked by these weapons by anti-social elements. What has he to do? Has he to simply die? What about the guarantee of his self-defence? What about the guarantee of accepting his self-defence? What about the guarantee of protecting his right of self-defence of the village as a unit, as a community? This Bill does not look into these things. The right of self-defence is there. Do you mean to say that the persons who are

attacked cannot catch hold of the arms, and what have they to do? They have to use these arms in self-defence also. And what is the attitude of the hon. Minister. In Bihar the landlord armies are using weapons. Naturally the peasantry, which is dying in thou, sands, have they no right to catch hold of the arms and fire back in self-defence. So also in Punjab you have to see that the people who are very much alive to the danger of destabilisation by imperialist forces, the agents of imperialism crossing the border of Pakistan, have those people no right to fight back, take away arms from these Khalistanis and defend themselves. What is the attitude of the Government towards this? And then what about dacoit gangs. And that is why, Sir, I say that the biggest vested interest that lies in our country is the greatest danger to the stability of our country. Unless and until the Government policies are such as to move the people, arouse the people, make the people defend themselves, none of this administrative machinery which is corrupt to the core, this political machinery which is corrupt to the core, can be relied upon to defend the people. I want to say that there is violence in the system itself. We had never seen such incidents as we are seeing now. There might have been some weapons earlier here and there, but never on this scale as we see now. We did not see this kind of terrorism as we are seeing today. Even these arms get advertised through the media, through the cinema films, through all the trash that is coming from the United States along with so much of other trash; the Rambos and such pictures are shown nowadays. What else is there in those films except violence and use of these automatic weapons? There is no film where such things are not shown. That is why I say there is violence in the system itself because a capitalist order cannot survive - without it. That is why I say these are very pertinent questions that I want to ask the hon. Minister.

Naturally there were some lacunae in the previous Act and that has been corrected. We want civil peace and, therefore, do not mind a Bill for that purpose. But at the same time I would urge upon the hon. Minister to keep in mind that people of this country, the poorer sections of this country, have the right to defend themselves and they must be given this right. The arms are so costly; it is because everything has gone to the black market: even the arms have gone to the black market. It is very difficult to buy even an ordinary weapon for which there is no prohibition. Even an ordinary weapon is so costly. Will the hon. Minister consider this suggestion that arms which are seized on so many occasions, should be distributed among the ordinary people who apprehend a danger of being attacked by the terrorist gangs? You may call these gangs by whatever name; whether they exist in Punjab or in Bihar or anywhere else. How does the Government think of this problem of destabilisation in the country, especially in the wake of Pakistan playing the most nefarious role? There are certain people who are joining those forces as we saw yesterday in Kashmir where hoisting of Pakistani flag and rioting took place. Are there no preventive measures? Can't these culprits be traced—whether they are smugglers or anti-nation elements, or goondas, or dacoits? Is our intelligence machinery so inefficient as not to know about the smuggled arms in the country? These agencies should be able to investigate deeply into these cases and find out the source of the big mafia gangs which have come up in every part of the country. Can't these gangs be traced and put behind the bars? These people are moving about with impunity and organising these attacks. We have the recent instance of Jehanabad. This could have been very easily averted had our intelligence machinery been vigilant. That is why I say will to act

must be there; not only will to act is needed, but will to take people into confidence is also required. Making people able to defend themselves and defend the country should be the pattern of thinking of this Government.

I think the lacunae that existed in the previous Act have been set right by this amending Bill and with these words I support the Bill.

SHRI GURUDAS DAS GUPTA (West Bengal); Mr. Vice-Chairman, Sir, unfortunately, I rise to oppose this Bill. I oppose this Bill because whatever may be the explanation of the hon Ministe'r that the Bill has been brought forward, that the law is being enacted keeping a view of the country as a whole, there is no denying the truth that this Bill has been brought forward, that this law is being enacted, keeping an eye on the Punjab situation. Therefore, this is a Bill for Punjab, to tackle the Punjab terrorists.

If the Government of India thinks that the people who owe no allegiance to the Constitution of the country, the people who are financed and helped by foreign powers, the people who are actively conspiring to destabilise this country at the behest of imperialism, be cowed down by the passage of such a Bill or by the plugging the loopholes in the existing law, I am constrained to say that the Government is, and has been, living in a fool's paradise. You cannot cow down the terrorists, the terrorists are not going to be cowed down, by such amendments, such Ordinances, such enactments. Therefore, this is a bang which is sure to end in a whimper. should say, Government is only to the gallptry by addinog one Ordinance after another and by brav.. show of its to fight ter-rorism in Punjab.

The country knows, the whole world knows, who are the pleople fighting terrorism in Punjab. The administration is. of course, doing it. Many common people having faith,

total faith, in the country, in the country's future, are definitely doing it. People on the other side are also there. But it cannot be denied that my party and many other parties having faith in the seculatism of the country are also fighting terrorism in Punjab. Unfortunately, this is going to affect those people who are out to fight terrorism. In what way? Simply because the people who are defending themselves against the terrorists do not have licensed arms. Mr. Chidambaram knows it I suppose. The people who are defending not only their lives but also defending secularism, idealism, national integrity and the future of the country do hot always do it *with* licensed arms. Because Mr. Chidambaram and his Government are having political considerations while giving or granting a lince.

SHRI P. CHIDAMBARAM; Can you prove that?

SHRI GURUDAS DAS GUPTA: I will, of course.

SHRI P. CHIDAMBARAM: you should substantiate it.

SHRI GURUDAS DAS GUPTA: I would have been glad if Mr. Buta Singh had been present in the House. I thought Mr. Buta Singh would be there. Along with a number of Punjab leaders, we have met Mr. Buta Singh on a number of occasions. A number of letters are still pending with him. Even Comrade Satya Pal Dang wrote to him. We have categorically said that these are the persons whose lives are really at risk and who need licence. Not only that. One of our comrades came from outside and his friends abroad had given him a , foreign-made pistol. When he arrived in Delhi, the pistol was confiscated. This gentleman, who happens to be a Communist, on whose credibility, Mr. Chidambaram, I think. will have no doubt, applied for a licence. I forwarded his letter. But there has been no resoonse. On a number of occasions. I talked to Mr. Buta Singh. He promised. But this

promise did not materialise. Therefore, if Mr. Chidambaram is interested in instances, he should consult his senior colleague and get the list from him and get the copy of my letter from him.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): What you said earlier was about giving wrong licences.

SHRI GURUDAS DAS GUPTA: I am coming to that.

SHRI P. CHIDAMBARAM: Will you please yield for a minute?

SHRI GURUDAS DAS GUPTA: Sir, I am not yielding.

SHRI P. CHIDAMBARAM: The charge was about being partisan. The charge is different and the evidence is different.

SHRI GURUDAS DAS, GUPTA: My first point is, we are not being given licences. That was my first charge.

SHRI P. CHIDAMBARAM: Sir, in the Lok Sabha I answered this very point which hon. Members belonging to Mr. Gurudas Das Gupta's party then raised and I will answer him here also. But I think the charge was slightly different. His charge was that we are adopting a partisan approach in granting licences and refusing licences. Please prove that charge. I will answer the question about our policy of granting licences. That I will answer separately. But the policy applies uniformly to every body; it is not a partisan policy. If you say partisanship, then I am bound to explain, I am bound to plead guilty if you show partisanship. But you make one charge and let in evidence of a different nature.

SHRI GURUDAS DAS GUPTA: Sir, I stick to my position. My position is very clear. My position is, people who are fighting secessionism in Punjab are not being given licences. This is number one charge. Number two charge is, on occasions representatives of the Gov-

ernment had categorically assured of taking into consideration our proposals about granting licences to the people whom we had listed. Even those promises did not materialise. Number three, there are instances where licence has been given to people whom they should give of course, but their lives are not in that risk as in the case of our comrades. It is not the element of risk which has been made the basis of grant of licence. It has not been the faith in secularism that has been made the basis of grant of licence. It is not the necessity of use of arms that has been made the basis of grant of licence. Therefore if the situation is like this, we feel discriminated against. And if we feel discriminated against, we, of course, have the right to protest. That is why I protest and I say the Government should change its policy.

Secondly, where will these poor people get arms? Where shall my party people get arms—licensed arms of course? There is the question of funds. We have been raising funds from all over the country. In my State we have raised lakhs of rupees for purchase of arms for our comrades. But there is a limit. Therefore we need arms and also at a cheap rate. We cannot buy arms in the black market at exorbitant prices which other people can do. Therefore Government can help us. In what way? There is the question of distribution of confiscated arms. We do not want rockets. Nor do we want AK-47 rifles. But there are small confiscated arms and the Government is at liberty, if the Government has the political will, of course, to distribute these arms among us who are fighting terrorism with our own lives. There is in the same way failure of the Government. You do not give us licence. You do not give us arms which you confiscate. Therefore I definitely say that you are lacking political will to aid and have solidarity with the peo-

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ple who are fighting secessionism in Punjab.

Thirdly I have been raising this issue not to Mr. Chidambaram only but to his leader also, Mr. Rajiv Gandhi, the Prime Minister. I told him on a number of occasions that a time has come when people must be armed. By that I do not mean the entire population to be armed. I mean there should be an all-party armed volunteer corps to protect the villages. The CRPF or the police or the other semi-military personnel are not adequate to protect all the villages. Therefore the villages must have their own protection force and the protection force should be built up of the people who are having total and complete faith in the political struggle in the political struggle and also in the use of arms against secessionists that this Government has been following, and following for a long time, and therein lies the greatest lapse on the part of the Government. If you do not believe the people, if you do not have faith in the people, if you do not activate the whole of the people, it is not only with the deployment of semi-military forces or passage of laws one after another that you can fight the growing menace in the country. Therefore, the point I would like to know from him is, what they are going to do about it. This suggestion we have "been putting across for a long time.

Lastly, Sir, what is important is that the Government should have a decisive political will. "Decisive political will" means, the Government must decide political, once for all, how it is going to tackle the Punjab situation. Whether might be the impact of the operations, one after another and whatever might be the volume of success generated, it goes without saying that the situation in Punjab is far from satisfactory and it is so because the Government is not ready to behave in the way it should. Therefore,

to have that political will Government must not be discriminatory in the grant of licences. Government must be—I don't say generosity. Government must take the secular forces into confidence, Government must be—I don't say generous, because it is not a question of generosity. It is a question of political responsibility. The Government should make available supply of cheap arms to the people who are fighting against secession. If all these things are not done, then this Bill tantamounts to playing to the gallery. It is a bang which is sure to end in a whimper. Therefore, I oppose this ritualistic Bill because with this ritualistic attitude the menace in Punjab cannot be fought. Thank you.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Shri Jaswant Singh.

SHRI JASWANT SINGH: Sir I would like to speak after the lunch-break.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We are not breaking for lunch. That is already decided.

SHRI JASWANT SINGH: Sir, I do not have very much to say because there are not very many substantial points raised in the course of the discussion. The honourable Minister of State referred to my obsession with Punjab. It is a feeble attempt to score a debating point. I am aware that this piece of legislation, once it gets enacted, will have all-India application. My understanding is not so inadequate as to grasp that aspect of it. Nevertheless, my observation that this legislation is in the context of Punjab remains because this particular Ordinance was brought¹: about on a certain day in the month of May and, at the same time, there are certain other Ordinances which are specifically in the context of Punjab. It is, therefore, somewhat unfair—if I might put it so—of the Minister to suggest that I am at mistake if I refer to this Bill as having its catalytic origin from events in Punjab, and it is because it originates

from events in Punjab, that it is related to Punjab, therefore, we discuss it as such.

The point I have made is that, indeed, if it is the concern of the Government of India that illegal possession of arms is proliferating, then that concern would have found its earlier expression, when the Union was faced with insurgency in Mizoram or Nagaland, where employment of automatic weapons or such other weapons, imported, illegally brought into the country or otherwise, would have necessitated such a piece of legislation. It did not do it for 20 long years and now, suddenly, if you do it, therefore the context is Punjab and that is why we discuss Punjab.

The honourable Minister of State referred to my possessing arms and his hope or expectation (that I do not use them).

SHRI P. CHIDAMBARAM: Against me'

SHRI JASWANT SINGH: I don't think the Minister requires that assurance!

It would be fatuous for me to even attempt to give that assurance on the floor of the House. Nevertheless, I would like to share a certain biographical anecdote with the Minister. I have the honour to wear uniform, for certain years, during the course of which the country was in a state of conflict on two occasions. Even with that honour, of being a participant, in whatever capacity in those conflicts, even in those conflicts I never wore an arm. I continue, I would like to assure the hon. Minister of State, to possess arms yet the least of my targets would be the hon. Minister, but the primary of my political targets would certainly continue to be this Government, Thank you.

SHRI P. CHIDAMBARAM: Sir, I am grateful to the hon. Members for the views expressed on this Bill which

I regard, and I submit, is non-controversial.

The occasion for this Bill is that we are reviewing various laws, particularly the laws which are now invoked more often in the context of rising violence and terrorism. In the course of such a review, we found that some amendments are necessary to the Arms Act, and that is why we have come with these amendments.

Sir, as I said in my opening remarks, the scheme of the Arms Act is very clear. It defines arms and ammunition simpliciter as well as prohibited arms and prohibited ammunition. Rules have been made under the Arms Act and I will only refer to Schedule I and Schedule II of the rules made under the Arms Act. Category 1(a) in Schedule I is prohibited arms as defined in section 2(1) (i). Category 1(b) is semi-automatic fire-arms other than those included in categories 1(c) and III(a), smooth bore guns having barrels of less than 20" in length. Schedule I consists of six categories. Some categories have also got sub-categories. Schedule II deals with licences. It sets out in a tabular form the purpose for which a licence can be granted, the category or categories of arms and ammunition for which a licence can be granted, the licensing authority, the area for which the licence can be granted and the renewing authority.

In respect of prohibited arms, category I (a) arms, the policy is very clear. We do not grant licences, and we shall not grant licences to anyone.

SHRI GURUDAS DAS GUPTA: What is the reason for it?

SHRI P. CHIDAMBARAM: Those are prohibited arms. They are very lethal weapons. They are not required for either defence or self-defence. They are offensive weapons. If I will read to you what prohibited arms are, you will know that those

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are arms which no one need carry at all.

Category 1(b) is semi-automatic fire arms. This is the area of dispute between the hon. Member, Mr. Das Gupta and myself. As far as category 1(b) weapons are concerned, the licensing authority earlier was the State Government. We had delegated the powers to the State Governments and to the Union Territories for granting licences to the general public. However, despite specific instructions complaints came to the notice of the Central Government that they were granting these licences without exercising adequate caution and care. Accordingly the licensing powers of the State Governments for semiautomatic weapons was taken over by the Central Government with effect from 8th August, 1987. Now, the position today is that all over the country 9,01,467 licences have been granted by the State Governments. 3,166 licences have been granted in respect of semi-automatic weapons, the prohibited ones.

DR. G. VIJAYA MOHAN REDDY : What is this category, Sir?

SHRI P. CHIDAMBARAM: It is 1(b). Semi-automatic fire arms other than those included in categories 1(c) and IIKa):

"Smooth bore guns having barrel of less than 20 inches in length. Now 1(c) and 111(a) which are bolt action or semi-automatic rifles of .303 inches or 7.62 m. b. bore or any other bore which can chamber and fire service ammunition of .303 inches or 7.62 m.m. calibre, muskets of .410 inches or any other bore which can fire -410 inches musket ammunition, pistols, rifles or carbines of any bore which can chamber and fire .380 inches or .455 rimmed cartridges or service 9 m.m. or .46 inches rimless cartridges."

I am not sure if you are any wiser after I read it. I am not. All I know is that there are certain bores which

are of a more lethal variety and they are categorised as semi-automatic weapons. Now, for all other categories of weapons, the licensing authority continues to be the State Government and the licences are being granted by the State Governments in respect of these weapons.

Now I will give you the figures of Punjab alone. It is not correct to say that in Punjab licences are not being granted. Between the period of 1982 and September 1987, 57,158 licences were granted in Punjab. Of these 497 were for semi-automatic weapons. Now, the controversy arises...

SHRI GURUDAS DAS GUPTA: Can the Minister deny that a large number of applications.

SHRI P. CHIDAMBARAM: I am coming to that. I know the problem. The problem now is very simple. In respect of non-prohibited bore weapons, not falling under category 1(a) or Kb), the licensing authority is the State. It is for the State Government to decide who will get a licence and who will not get a licence. My understanding is the State Government continues to grant licences. If there is any such application pending with the State Government -which has not been disposed of within a reasonable time and has been pending there for a fairly long time and if anyone brings it to my notice. I will certainly take it up with the State Government.

Now, the point is, what do we do with applications for semi-automatic weapons? I have no easy answer. We are wrestling with this problem. The matter is still under consideration. It is not correct, of course, to allege that we are granting to one and refusing to another. The Home Minister's son had applied and I have not granted him the licence. The point is, we are not doing it in a partisan manner. We have to evolve a policy. That policy is under consideration. There are two views. There is one view which says we should not grant

licences for semi-automatic weapons. There is another view which says, hon. Member Mr. Das Gupta's view, no, you must grant it to a limited number of people after carefully assessing the need and risk so that the weapon is not misused. My personal view is, I go along with the second view. But you have to work out a policy for that. We should have guidelines for this. We will have to ensure that there is not a spate of applications. And when I grant to one and refuse to another, I must ensure that the courts do not strike it down as being discriminatory. We are working on a policy and we are conscious of the CPI's views, we are conscious of the CPI(M)'s views! and we are conscious of the Congress (I)'s views. We are working on a policy and as I said in the Lok Sabha and I repeat it here, the matter is under consideration. As soon as we are able to evolve guidelines for granting semi-automatic weapons, I hope that a small number—kindly bear with me—

(Interruptions)

2.00 p.M.

SHRI GURUDAS DAS GUPTA : Chairperson how long the Government will take to take a decision on this policy? I am quite appreciative of Chidambaram's views. That is exactly my opinion also. But how long he will take?

SHRI p. CHIDAMBARAM: Sir, as I said, it is a very difficult issue. I have to carry with me the State Government. I have to carry the Punjab police authorities with me. It is not an easy matter. It is a very difficult matter, we are considering the matter. I cannot give any deadline. But I can say that once a policy is evolved, if the policy is in favour of grant of licences, I hope it will be possible to grant a small number of licences to carefully selected persons in respect of semiautomatic weapons. I cannot go further than that at this moment. On the contrary, Mr Das Gupta is wrong when he says that we are not allowing the people to arm themselves and defend themselves. We have worked

out and we have a very good scheme which is now being implemented in Punjab known as Village Protection Force. The core of the Village Protection Force is the ex-servicemen. To this we have added the home-guards and now we are persuading the villagers to join the Village Protection Force. We have a scheme under which 504 Village Protection Forces have already been set up in 504 villages. This is being expanded but not slowly. This is being expanded at the pace that we have set for ourselves.

Another experiment is being started whereunder groups of villages have been identified. Weapons are being given to the villagers in the evening. They work out a volunteer system by which volunteers will guard the villages during the night and the weapons are deposited in the police station the next morning. This system is also being experimented. I am totally committed to volunteers defending their own villages and defending their own people. But let me also share with the House our experience. Our experience is anyone who has a weapons is a specific target of the terrorists. I can give any number of cases day after day after day where a person having a weapon is a target of the terrorists. The terrorists are now looking for two kinds of equipment. One is scooter or motor-cycle. The other is a weapon. Therefore, by giving indiscriminately weapons to people I should not make all of them targets of terrorists. So we must give it to a critical number in a village so that the critical number can defend the village. These are very difficult matters. I am not saying that we will never find a solution. We are considering the matter. We hope to be able to find a system by which a small number of licences can be granted even for the semi-automatic category. In the meanwhile, Sir, the Village Protection Scheme is going on. We are trying to organise as

[Shri P. Chidambaram] many volunteers as possible in addition to the ex-servicemen and the home-guards to defend the villages.

Sir, hon. Members wanted to know about seizures. The figures are available. There are a large number of illegal arms factories unearthed in the period 1985—88. In 1985, 353 illegal arms factories were unearthed. In 1986, 305 were unearthed. In 1987, 259 were unearthed. Number of people apprehended in 1985 was 392. in 1986—348 and in 1987—359. As regards arms seizures on the Indo-Pak border, in 1985, 28 arms were seized, in 1986 29 arms were seized and in 1987. 38 arms were seized.

As regards arms recovered in Punjab, in 1984. 12, 214: cases registered were 7,512 and convictions secured 1008. There would be for a variety of offences under the Arms Act. In 1985, 15, 117 arms were recovered, 9,864 cases were registered and 1,292 convictions were made. In 1986. 13002 arms were recovered. 10781 cases were registered and 1,585 convictions. In 1987. 10,982 arms were recovered. 7,666 cases were registered and 987 convictions were there. In 1988, upto June of 1988. 7,675 arms were recovered, 5,168 cases were registered and 453 convictions. The number of prohibited arms recovered, perhaps, all of them are illegal, are as under: —

In 1984, 892, in 1985. 1028. in 1986. 1265. in 1987. 987 and in 1988. 326, up to June 1988.

It is not correct to say that the police are not acting. It is not correct to say that they are not recovering. It is not correct to say that they are not seizing arms on the border. They are doing their best under very difficult conditions. Sir, someone asked me about prohibited what is popularly called prohibited bore and which I believe, falls under category Ka). Revolvers, .38, Pistols 9MM, .46, grenades, sten guns, machine-guns and light machine-guns. .303 carbines, some kind of rifles, 7.62

SLR, AK-47, M-16, rocket launchers, missiles, mortars, explosives, these are what we call prohibited category of weapons and I do not believe anyone needs this category of weapons, Sir, as I said, this Bill is a result of a review of various laws. When we reviewed the Arms Act, we found that there was this distinction in the definition between arms and ammunition simpliciter and prohibited arms, prohibited ammunition but the distinction was not carried into the punishment section. Secondly, we found that for mere possession, there was punishment but for use, there was no punishment. Tawdly, we found that for use resulting in death, there was no punishment. We have tried to bring some logic and order into the scheme of the Act and We have taken this opportunity to make a few minor amendments to improve the working of certain sections.

Sir, I once again appeal to the House to unanimously support this amending Bill. I am sure. Mr. Gurudas Das Gupta, who said that he was opposing this Bill, will withdraw his opposition to this Bill. Maybe, as one way of withdrawing his opposition he has withdrawn himself from the House. I ask for the unanimous support of the House to this Bill.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Are you withdrawing the resolution?

SHRI JASWANT SINGH: Sir, in view of the explanation, I do not press it.

The resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, I shall put the motion moved by Shri Chidambaram to vote.

The question is:

"That the Bill further to amend the Arms Act, 1959, as passed by

the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 7 were added to the Bill.

Clause 1. the Enacting Formula and the Title were added to the Bill.

SHRI P. CHIDAMBARAM: Sir, I move;

"That the Bill be passed." The question was proposed.

श्री राम अवधेश सिंह (बिहार) : धान्यवर, जहां तक इस बिल का उद्देश्य है, उस उद्देश्य के बारे में किसी को शंका नहीं है। इस बिल का उद्देश्य पावन है, पवित्र है, साधु है ताकि देश के हर कोने में और खासकर पंजाब में शांति कायम की जा सके और आतंकवादियों से निपटा जा सके। लेकिन इसके उपयोग के बारे में मुझे शंका है। जो अधिकारी हैं, जिनके हाथ में हम इस बिल को बनाकर कार्यवाही के लिये देंगे, उन पर हमको शंका है क्योंकि हम लोग देखते हैं अपने आसपास जो थाने के दरोमा या पुलिस अधिकारी इसको लागू करते हैं, मजिस्ट्रेट लागू करते हैं, उन लोगों के व्यावहारिक काम को देखकर हमें अनुभव होता है कि जिसको वे फंसाना चाहते हैं, गांव के निदोष आदमी को हथियार कानून के अन्तर्गत उसमें बेकंटी मड हथियारों को ले जाकर उसके घर में डाल देते हैं और फिर कहते हैं कि इनके यहां से आर्म्स रिकवर किए। अगर किसी को फंसाने हो तो इस तरह से उनके पास ग्राहिबिटेड हथियार उनके यहां रखकर उनको फंसा सकते हैं। उस तरह का हमको खतरा है, इस बारे में क्या सरकार कोई मारुटी हमें दे सकती है ?

दूसरी बात जो मैं कहना चाहता हूं वह यह है कि हमारे यहां हरिजनों की हत्या आस बात है। इसलिये सामूहिक रूप से हथियार हरिजनों को देने की बात आई थी कि हरिजन पैट्रोलिटीज प्रोन परिवार में सरकार की ओर से उनको हथियार दें ताकि उन पर होने वाले

हमले से वे अपने को बचा सकें और हर गांव में 4-5 हथियार दिये जायें। तो यह सरकार जो विधवा बिलाप हरिजनों के लिये करती है, क्या उस तरह की स्कीम हरिजनों और आदिवासियों को बचाने के लिये लागू करेगी ?

उपसभाध्यक्ष (श्री जगेश देसाई) : बात समाप्त कीजिये, समय हो गया। यही तो आपके साथ दिक्कत है...

श्री राम अवधेश सिंह : श्रीमान्, गांवों में शांति और व्यवस्था के लिये अंग्रेजों के जामने से लेकर ही नहीं गुप्त काल से लेकर चौकीदारी की व्यवस्था चली आ रही है और वे शांति और अमन की रिपोर्ट थाने को देते हैं, उसके आधार पर सरकार कार्यवाही करती है। लेकिन उनका वेतन आज भी 15 रु. या 18 रुपये है, मध्य प्रदेश में 30 रु. है मैंने उसको लड़कर 200 रुपये कराया। तो मैं चाहता हूं कि भारत सरकार क्या उनका वेतन बढ़ाकर जो न्यूनतम मजदूरी कानून है उसके बराबर करेगी ? उनको सुरक्षा देकर चौकीदारों को ऐक्टिव बनायेगी ? उनका मारेल ऊंचा करेगी ताकि वे खतरा उठाकर या अपनी जान पर खेलकर लोगों को बचा सकें क्योंकि 15 रु. या 20 रु. में आज क्या हो सकता है, सुप्रीम कोर्ट का भी फैसला है कि न्यूनतम वेतन से कम किसी को नहीं मिलना चाहिये तो मैं जानना चाहता हूं कि क्या सरकार इस बारे में कोई कदम उठा कर चौकीदारी की व्यवस्था को मजबूत करने के लिये उनका वेतन बढ़ाएगी।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The question is; "That the Bill be passed." *The motion was adopted.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now we shall adjourn for some break for twenty minutes. We will meet again at 2.35 p.m. and take up the next item.

The House then adjourned for lunch at fifteen minutes past two of the clock.

The House reassembled, after lunch, at thirtyeight minutes past two of the

clock. The Vice-Chairman, Shri B. Satyanarayan Reddy, in the Chair.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) 1988-89

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI); Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (General) for the year 1988-89 (August, 1988).

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ORDINANCE, 1988

II. RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) BILL, 1988

SHRI JASWANT SINGH (Rajasthan): Mr. Vice-Chairman, I move:

"That this House disapproves of the Religious Institutions (Prevention of Misuse) Ordinance, 1988, (No. 3 of 1988 promulgated by the President on the 26th May, 1988."

Sir, I had on the previous occasion mentioned that of the six ordinance issued in the period of fortyfive intercession days averaging an ordinance a week, a traid of ordinances related to the State of Punjab and in that traid possibly the most difficult ordinance to accept is this one; which has a wider implication, and which in itself is the most abject admission of the failure of the Government, in its primary responsibilities, is this particular Ordinance for presenting' the misuse of religious institutions. I have a primary difficulty, a principal difficulty, which has to be stated at the very outset and it has to be repeated and repeated over- and over again, as I will do

now, that the fact that a Government, our Government, has found it necessary to bring about an Ordinance specifically mentioning the aspect of prohibiting the use or misuse of religious places is in itself an abject admission of failure and I will just now explain this. Now, Sir, my difficulties can be categorised under those that are explicit, those that are procedural and those that are implicit difficulties.

Before I come to the explicit difficulties, a fact and a principle need to be stated at the very outset. India is not a theocratic State. The concept of a theocratic State is alien to our very swabhava, to the nature of the Indian psyche, to our dharma which does not recognise distinction between the colourings of faith. And if India is not a theocratic State and does not subscribe to theocracy, then any legislation, any interference, any attempt by the Government to define which is religious and which is not religious is bound to create difficulties and is bound to open a Pandora's box, and if you combine that with the proven and admitted incapacity of our Government, and the proven failures of this Government, then, of course, our difficulties are also multiplied.

Sir, from the Statement of Objects and Reasons which the Bill has, certain portions merit repetition. The Government has come forward with this piece of Ordinance, and has followed it up with legislation which explain itself by suggesting that the question of the misuse of the religious institutions for political and other purposes has been engaging the attention of the Government for some time. As I started by saying, the opening sentence of the Statement of Objects and Reasons is an explicit and the most abject admission of the failure of our Government in its primary responsibilities. It then specifies the context of this piece of legislation, and it mentions certain incidents in