

Jammu and Kashmir State. I would like to know the reason why Jammu and Kashmir has not been included.

SHRI ASOKE KUMAR SEN: The reason is very clear. As a lawyer, the hon. Member ought to know that in regard to the State of Jammu and Kashmir, it is exclusively within the competence of the State Legislature. We may pass a law. But according to Article 370 the concurrence of the State Government is necessary.

The amendments were put and negated.

THE DEPUTY CHAIRMAN: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Schedule, the Enacting Formula and the Title were added to the Bill.

SHRI ASOKE KUMAR SEN: Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE ARMS (AMENDMENT) BILL, 1985

THE DEPUTY CHAIRMAN: As we have had a very extensive discussion on the previous Bill, May I request the hon. Members that the Arms (Amendment) Bill, 1985, be passed without much discussion.

SHRI DIPEN GHOSH (West Bengal): This Bill has not been discussed.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I beg to move:

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

the Lok Sabha, be taken into consideration."

Madam, this is a simple proposition. The conditions as they are prevailing today do require some kind of deterrent punishment for those who violate the provisions of the Arms Act. Under Section 25(i) (a) and 25(i) (b), punishments have been prescribed. Under Section 25(1B), the minimum punishment is about six months extending to three years. Now, the amendment that is sought is that instead of six months, it should be one year. Courts have been given the discretion that if they are convinced that there are reasons which warrant that a lesser punishment may be given, then, of course, the courts have the discretion. But they will have to put in writing as to why they consider that a lesser punishment is necessary. The offence, when it is normally committed in other parts is punishable under Section 25(1B). But if the same offence is committed in an area which is declared by notification as a disturbed area, then, of course, it is a greater punishment. The minimum will be three years and the maximum will be seven years. Same is the case in the case of Section 25(1A). If, by any notification, it has been declared and if the offence is committed then, of course, the minimum period has been enhanced to three years and the maximum will be seven years. These punishments have been enhanced with a view to creating necessary conditions so that deterrent punishment may be given by the courts. And for those who possess or those who would like to carry unauthorised arms with them, some kind of a deterrent punishment is necessary. And that is why this legislation is before the House.

Madam, I hope that this House will accept this Bill.

The questions were proposed.

SHRI DIPEN GHOSH: Madam Deputy Chairman, I pick up the words with which our hon. Home

[Shri Dipen Ghosh]

Minister has concluded his speech, namely with a view to making the punishment more deterrent for the people using the unauthorised arms, this Bill has been brought. And the other aspect of this Bill is that even to make this punishment deterrent, the hon. Home Minister has sought to distinguish between the persons using the unauthorised arms in one area which may not be called a disturbed area and in another area which may be called as disturbed area. But I do not know whether the result of the use of such unauthorised arms in an area which is not declared 'disturbed' and in the area which is declared 'disturbed' would be different. I do not know. I cannot follow the rationale behind this distinction between these two.

(The Vice-Chairman (Shri Santosh Kumar) in the Chair).

Sir, the second thing which I cannot follow is this: If the idea is to make the punishment deterrent for those who will be using unauthorised arms, is it so that in fear of being committed to jail for one year instead of six months or for seven years instead of three years, they will all surrender their arms to the hon. Home Minister or go to the jungle and leave them behind? Is it the case, is it the experience of our Government that the people who are in possession of unauthorised arms, the people who use those unauthorised arms are such kind of people who, in the fear of being committed to jail for a longer period will be surrendering the arms to the Government or will abandon those arms in the jungle? No. At least, not in the disturbed areas. In the disturbed areas—you are trying to say Punjab or certain other areas which are already called 'disturbed' areas—they are using these arms, whether they are authorised arms or unauthorised arms, with a particular purpose, with a particular aim, and with a particular motive. The motive is to destabilise the country; the mo-

tive is to dismember the country, and they are exercising that motive at the behest of certain forces, the imperialist forces. So, naturally the matter is not so easy or so simple as you tried to project. I want to say that if the idea behind bringing this Bill is to deal with people who are in possession of unauthorised arms, who are using such unauthorised arms, whether in areas not declared as disturbed or in areas declared as disturbed, they will not surrender their arms with this piece of Bill. Even in areas which are declared as disturbed, where the landlords use these unauthorised arms against the peasants, where the hirelings use unauthorised arms against the landless, against the labourers, against the workers, where hirelings of the industrialists use these arms against the workers on strike, will they oblige you? Will they oblige the Government in surrendering those guns for fear of being committed to jail for one year? Will the extremists, or what you call the terrorists, oblige the Government in surrendering the arms in Bihar. They are not going to oblige you. So, the question is that you have to go deep into the causes and you have to remove those causes. Even in the areas which are not called disturbed, the people who are the owners of the properties, who are rich men, who are holding lands, they are in possession of these unauthorised arms and they use these arms against the poor people, against the Harijans, against the rural proletariat. So, if you cannot curb that system which breeds this thing, the people who do not labour and own property will use arms whether authorised or not, against the poor. The people who are rich are exploiters and the people who are poor, are exploited. The first category exploits the second, and when the people who are exploited challenge the exploiting class, then the exploiting class use arms, whether authorised or unauthorised, against the exploited people. So, naturally, you have to remove this situation if

you want to remove the possibility of possessing or using unauthorised arms. Similar is the case of disturbed areas. With i.e. arms and now they are using out going deep into the problem, without trying to resolve the problem, the basic problem, the political problem of mobilising masses—which we say in connection with the other Bill—you cannot isolate the extremists or terrorists. If you cannot mobilise people against them, if you cannot isolate them from the rest, and if you drag your feet in settling the major issues, the political issues, you will not be able to tackle it. So I think this Bill will not help you to ease the situation and this will not help you to achieve the objective for which you have brought it.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, I rise to support this Bill. It has a very limited purpose and the purpose is to provide deterrent punishment for use or misuse of illegal fire arms and ammunitions. My friend, Mr. Ghosh, was wondering whether it will have the desired deterrent affect or not. He is, perhaps, of the opinion that this would not have a deterrent effect, as far as the terrorists are concerned and that is why, he said that the problem should be solved in a political way. The Government is also trying to solve the problem in a political way. They have been consulting the various political parties. But as far as terrorism is concerned, no political party is going to support these activities. Then, how can you say that we should deal with this in a political way? We can talk about legislations. We can discuss about the measures which we should adopt to contain terrorism. As far as the question whether this will have a deterrent effect or not is concerned, I feel, this is going to have a little deterrent effect on the terrorists. Because, these terrorists are not hardened criminals. They are not dacoits. For a dacoit, one year, two years, three years, simply does not matter. But in the case of the terrorists, most

of them are young boys, students. They have been just trained in using fire arms, they have been provided with fire arms and now they are using them. If these young boys, young men, come to know that for seven years, they will be behind the bars, then, naturally, they will think twice. A dacoit may not think twice. A hired killer may not think twice. It may not have any deterrent effect on a professional killer or on a hardened criminal. But as regards these terrorists, these young boys, these young men, who have been trained to indulge in terrorist activities, I feel, there will be a little deterrent effect on them.

In this connection, Mr. Vice Chairman, I personally think that the maximum punishment should have been a little more. The minimum punishment of one year imprisonment should have been a little more. But if our Government is satisfied and hopeful to be able to control these activities, we should strengthen the hands of the Government by giving our assent to the Bill. With these words, I support the Bill.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Mr. Vice-Chairman, Sir, this is a very important amendment to an Act which seeks to provide deterrent punishment for unauthorised use of firearms, particularly, in the context of the increasing activities of terrorists in Punjab, Chandigarh and Delhi and other areas about which, we have had a very long and interesting discussion, where all concerned have expressed their views on all aspects of the situation. Therefore, I would like to take this opportunity only to say that terrorism of whatever colour or brand or for whatever reasons, has to be condemned by one and all. It is really sad that in this land of ours, in this ancient land, which has been inhabited by seers, sages and savants from time immemorial, recently by Mahatma Gandhi, the Father of the nation, who all his life, advocated *Ahimsa* and non-violence, certain circumstances have led to a situation where, day in and day out we read and hear only about transistor bombs and other terrorist activities, in which hund-

[Shri R. Ramakrishnan]

reds and thousands of innocent lives have been killed. These things really make one very sad.

Coming to the Bill itself, this has a very limited purpose and it seeks to enhance the punishment for contravening some provisions of the Act. This is most welcome. I would only like to say that example is better than precept. The police machinery should be more alert in bringing the offenders to book. Already, there are so many provisions in many Acts. But many of them are not being applied. I would suggest that advantage should be taken of this Act, of this law, to see that the offenders are brought to book, so that this Act will achieve what it seeks to achieve, namely, to act as a deterrent. In this connection, I would like to point out that there are many Press reports about smuggling of arms of various kinds through the North-East, through Calcutta and very recently, there was a report about arms being brought to Madras in the guise of some other shipment, about which the Home Minister should kindly take note and see wherefrom these arms are coming and also take effective measures to prevent large scale inflow of arms into this country.

Another thing which I would like to say is that nothing has been said about areas which have not been declared as "disturbed". For example, in Gujarat hundreds of lives are being lost and there we hear of so many arms and ammunition and other things being used. So even in places like Gujarat and other sensitive areas where there is need, the provisions of this Act should be made applicable.

Finally, before I conclude, I would only like to say that under the Arms Act in India, the arm licences are issued mainly for self-defence and for sport. But today the world over there is a rethinking about gun legislation. Even in the United States, many States have passed gun laws that nobody can have any fire-arm, whether it is for self-defence or sport. There are States like that. This may not be popular but in the context of increasing

misuse of firearms by all and sundry, I would like to know through the good offices of the Home Minister whether the Central Government will consider banning the licensing of arms itself in this country, because ours is a peaceful land and it may not be necessary to give anybody arms even for self-defence or for sport. So I would request him to consider this aspect.

While welcoming this Bill, I would like to congratulate the Government for the state of legislation they are bringing like the amendment to the Arms Act, Anti-Terrorist Bill etc. I am sure that all sections of this House will definitely welcome this measure.

In conclusion, I would like to appeal to the Home Minister and to the Central Government to solve the Punjab problem soon. I am sure that this country will grow from strength to strength once that problem is solved. Thank you.

SHRI AKSHAY PANDA (Orissa): Mr. Vice-Chairman, I welcome this Arms (Amendment) Bill. Much has been discussed in this House on the previous Bill the Terrorist and Disruptive Activities (Prevention) Bill which has just been passed. Both the Bills are interlinked. This Arms (Amendment) Bill was passed in the Lok Sabha first and then the Terrorist Bill. But properly we have passed the Terrorist Bill first and then we have come to the Arms (Amendment) Bill.

Dipen Babu told the House that the provisions of the Bill are definitely not sufficient and the persons who are carrying unauthorised arms will not surrender them. The purpose of the Bill is not that. The purpose of the Bill is definitely that before keeping these unauthorised arms, or before manufacturing such arms in the country and before importing unauthorised arms from foreign countries, the person concerned will think thousand times whether to have these unauthorised arms.

Sir, the heroes of India's Independence movement never thought that India will come to this position. After 39 years of

Independence, we have seen the growth of this country the greatest democratic country in the world. A person may be a Sikh or a Hindu or a Muslim or a Christian, but anybody who is a true Indian will not tolerate the present position of this country. After Independence, India has developed to a great extent. Still we have to go ahead. It is the largest democracy prevailing in the world. The foreign countries which cannot bear India's development -- mainly the neighbouring countries like Pakistan -- I do not want to mention other countries -- want to create disturbances in this country and to divide this country by way of infiltration and by way of supplying unauthorised arms and ammunition to the traitors. There are some traitors in this country and also hired traitors, those who have been sent to this country to create all sorts of disturbances. For those people this Bill will give a warning not to indulge in this type of activities.

Today life in our country is not safe. Anybody can take anybody else's life. Starting from a child to an adult, innocent persons are being killed without hesitation. If you see the newspapers or TV or hear the radio, every day you will find that murders are taking place by the use of these unauthorised arms and ammunition. Unauthorised arms are coming into the country from the neighbouring countries, and they are also manufactured in our country with foreign help.

The growing terrorism in our country is a great challenge to our country. We find even foreign terrorists, who have been hired and sent to our country to create unrest and divide India, which should not be tolerated at any cost. The other day our honourable Prime Minister promised to this august House to bring such type of Bills by which this type of terrorist activities will be curbed, and today the Arms Amendment Bill and the Prevention of Terrorist Activities Bill have come to our House. We have passed the previous Bill and I hope that this Bill also will be passed unanimously.

With these words I thank the Chair for giving me a change to speak in this House.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI H. K. L. BHAGAT): I just want to say one thing. If the hon. Members agree, we can stop here and there may be no more speeches on this; we can take up the Bill for voting if the entire House agrees. There are 11 more speakers to go and it is going to take long. Therefore, if the hon. Members agree, I would make an appeal to everybody to stop here and take up the Bill for voting.

SOME HON. MEMBERS: No, no.

SHRI DIPEN GHOSH: The Minister is quite capable.

SHRI H. K. L. BHAGAT: Therefore, I am saying if all of you agree, we can now pass this Bill. It is a small matter. The food is also ready on the table. Otherwise, Members are going away. So, if everybody agrees, you can put this Bill to vote.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): We can do one thing. The hon. Minister can ask the Congress (I) Members not to speak.

SHRI H. K. L. BHAGAT: I am making an appeal to you. If you do not agree, that is a different matter.

SHRI PUTTAPAGA RADHAKRISHNA: They can reduce their time.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): They are not agreeing. Now, Dr. Shanti G. Patel.

DR. SHANTI G. PATEL (Maharashtra): Mr. Vice-Chairman, Sir, this measure is brought in here with a view to putting certain curbs on acquisition, possession or carrying of arms. Looking at the Bill from this point of view, I think it is very desirable. As everybody knows in this House, this is being brought in the context of what is happening in Punjab and other areas, particularly what we read every day in the press about terrorist activities by a certain group of people.

[Dr. Shanti G. Patel]

It is not that terrorism did not exist. There are sections in the society who believe in this, who have been indulging in this and they have been going on for quite some time. There is a section of anti-social elements which is spreading all over the country and which believes in this method of terrorizing and getting their own way. That is how they have been operating. Sir, I hope this Bill will be effectively utilized against this section of people so that the ordinary people are able to lead their lives in peace and happiness.

Sir, there is another aspect of the Bill to which I would like to refer, that is, how those arms come into the possession of the people who carry them. One source, as everybody knows, is smuggling from foreign countries. What does the Government propose to do so that this smuggling is completely stopped? Unless stringent measures are taken against smuggling of arms, measures of this sort will not be able to serve the desired purpose. There is another source, and we read almost every day that there are unauthorised manufacturers of these arms almost all over the country. There are places in U.P. where they are being regularly manufactured and are being sent to distant places like Bombay. This trade is going on clandestinely for years together. What measures are proposed to be taken to see that this unauthorised, illegal manufacture of these arms is stopped? Unless some stringent steps are taken, just one step in this direction may not be able to serve the full purpose. Is the challenge limited to terrorism? Something more than terrorism is involved, and the challenge is far bigger than the terrorist activity. I think, we should look at this bigger challenge and try to answer it in a proper way so that we are able to root out, exterminate, eradicate the whole cause of terrorism. I know that there are sections in our society, particularly in Punjab who have been unfortunately estranged, alienated. One can try to apportion the blame on one side or another. But the fact does remain that there is a certain amount of estrangement and alienation. What are we going to do

about this is the moot question. And we have to do it in a way so that these people who are estranged or alienated or who feel that their self respect has been hurt, do not feel so.

Sir, I remember an instance. When I was travelling in a taxi in Delhi, I asked the driver who happened to be a Sikh gentleman, what he felt about the whole thing. The man has lost his whole house. His house was burnt during the November riots. He said that he felt about izzat. He was not complaining about anything else. He felt about his self-respect; his honour was hurt. This is something which we must make efforts to restore both at the Government level as well as at the people's level. Unless, as it was said in those days, the healing of the wounds really takes place, these things cannot be stopped. I would, therefore, suggest that all patience, all tolerance is necessary in seeing that this situation is remedied and the root cause is removed. I hope, the Government will handle the situation not merely by assuming a number of powers through the provisions of the Terrorist Act which has been just adopted or powers which they are going to acquire through this particular Bill but through other means also so that they are able to see the situation in the proper perspective and restrict the things in time.

श्री रामानन्द यादव (बिहार)

उपसभाध्यक्ष जी मैं इस बिल का तहेदिल से समर्थन करना हूँ। इस बिल के माध्यम से सरकार ने यह कोशिश की है कि सजा की लिमिट और बढ़ा दी जाए। मैं ऐसा नहीं समझता कि सजा बढ़ा देने से ही जो गैर-कानूनी ढंग से आज एक्सप्लोजिव का यूज हो रहा है, वह रुक सकता है। सरकार ऐसा समझती है, इसलिए वह इस बिल को लाई है। लेकिन इसके अलावा भी आज जरूरत इस बात की है कि गैर-कानूनी हथियार कहाँ से आते हैं, यह भी देखा जाये। उपसभाध्यक्ष जी, आप देखेंगे कि छोटे-छोटे गांव में आप जाइए, तो वहाँ ऐसे भी व्यक्ति मिलेंगे असामाजिक तत्व, जिनके पास गैर कानूनी फायर-आrms हैं और गांव में ऐसे भी लोग हैं, जो अनपढ़

हैं, वह भी आज एक्सप्लोजिव का छोटा सा क्रेकर, एक बम बना लेते हैं और उसके द्वारा हत्या कर देते हैं लोगों की। यह आम बात हो गयी है। बिहार राज्य में चले जाइए, लोग कहते हैं कि एक रुपया किलो में दस बम मिल जायेंगे। मसाला इकट्ठा है। एक जगह गांव में आपस में लड़ाई हो रही थी। एक चरवाहा पशु चरा रहा था, उसने अपने घरवालों को कहा, रूको मैं घर से आता हूं, वह घर गया और कुछ क्रेकर बांध लाया, बाल्टी में रख लिए और साइकिल पर बाल्टी रख कर पहुंच गया और पहुंच कर कहा आक्रमण करो और बम ले कर चलने शुरू किये और सारी माव भाग गयी। आप किसी भी गांव में चले जाइये, फायर आर्म्स इल्लीगल रूप से हर घर विद्यमान हैं। गांव में ऐसे अच्छे कारीगर हैं जिन का यह पेशा है, वह अच्छे-अच्छे पिस्तौल बना लेते हैं जिन को पाइप गन कहते हैं, इजीली हैंडलिग हो जाते हैं, बिस्तर में बांध लेते हैं, लेकर चल देते हैं, डकैती करते हैं, मर्डर करते हैं। लाठी से मर्डर नहीं होता। जितने मर्डर इलैक्शन में हुये लाठियों के द्वारा नहीं हुए, सब में फायर आर्म्स चने गैर कानूनी। जो सरकारी ग्रांडिजेंस फैक्ट्रियों से स्मगल कर निकाले गये। चोरी-छिपे वह व्यवहार हो रहे हैं। गांवों में बड़े अच्छे कारीगर हैं, वे बनाना जानते हैं। हम लोगों के साथ जेल में अनेक ऐसे थे जो कि बन्दूक बनाने के केस में मुजरिम थे। आज भी गांवों में ये चीजें बनती हैं। लेकिन हमारा एडमिनिस्ट्रेशन क्या करता है? बहुत बड़ी मावा में विदेशों से आर्म्स स्मगल हो कर आते हैं। लेकिन हमारा एडमिनिस्ट्रेशन गैरकानूनी आर्म्स का उद्गम स्थान का पता लगाने में असमर्थ है। विरोधी दल के एक साथी ने और इन्धर के लोगों ने भी कहा है हमारा इंटेलीजेंस बिल्कुल खराब हो गया है, इंटेलीजेंस विभाग की निश्चित रूप से रिआर्गनाइज करने की जरूरत है। अगर जरूरत हो तो कानूनी ढंग से ऐसा किया जा सकता है ताकि वह एफेक्टिव हो सके। इसी सदन के माध्यम से मैंने अनेकों बार कहा कि आई०वी०

को आप रिआर्गनाइज कीजिए, ठीक कीजिए। आज जरूरत इस बात की है, जब तक आप पुलिस विभाग और इंटेलीजेंस विभाग और एडमिनिस्ट्रेशन को एफेक्टिव नहीं बनायेंगे तब तक इसको रोकना सम्भव नहीं होगा। एडमिनिस्ट्रेशन मशीनरी, खासकर पुलिस विभाग और इंटेलीजेंस विभाग को आप को मजबूत करना होगा। तभी आप इसको

8 P.M. कन्ट्रोल कर सकेंगे। मैं समझता

हूं कि सरकार को सख्ती के साथ पेश आना चाहिए और इसी उम्मीद से सरकार इस कानून को लायी है। लेकिन मेरा अपना ख्याल है कि केवल कानून बनाने में ही कुछ नहीं होगा। इस सरकार के पास डिटरमिनेशन होना चाहिए कि हम जो इल्लीगल आर्म्स है उन को डिस्कवर करेंगे और उन पर नियंत्रण बनायेंगे और जो जो व्यक्ति उन को रखते हुए पकड़े जायें उन को उचित मजा मिले। इन शब्दों के साथ मैं इस बिल का स्वागत करता हूं।

श्री कैलाशपति मिश्र (बिहार) :

उपसभाध्यक्ष महोदय, सारे दिन की थकान के बाद यह विषयक यहां आया है और लगता है कि सदन बहुत थका हुआ है। लेकिन मैं कहना चाहता हूं कि विषय बहुत गंभीर है। इस को इतने हल्के ढंग से लेने की आवश्यकता नहीं है। लगता है कि सरकार के मानस पर केवल पंजाब की घटना छापी हुई है और पंजाब के बाहर देश में क्या हो रहा है यह उस को दिखायी नहीं पड़ रहा है। देश के अंदर इल्लीगल आर्म्स का इतना बड़ा जमाव हो रहा है कि अगर आप इस सवाल को टालते रहे तो ऐसी खतरनाक स्थिति इस के चलते पैदा हो रही है कि सरकार को उसे आगे चल कर सम्भालना मुश्किल हो जाएगा। श्री रामानन्द यादव जी बिहार से आते हैं। उन्होंने कुछ बातें कही। मैं भी बिहार से आता हूं और एक उदाहरण देना चाहता हूं कि वहां 76 हजार गांवों में एक गांव भी ऐसा नहीं दिखायी पड़ेगा कि जहां 20, 25 इल्लीगल आर्म्स किसी गांव में न हों। हजारों को संख्या में नहीं, लाखों की संख्या में फायर आर्म्स आप को वहां भरे दिखायी पड़ेंगे। सरकार को इस समस्या

[श्री कैलाशपति मिश्र]

का गंभीरता का सही आकलन करना चाहिए। आप को विचार करना चाहिए कि फायर आर्म्स और एक्सप्लोसिव्स किस किस दरवाजे से यहां घुसते हैं। इसमें संदेह नहीं है कि अभी केवल जहां तहां छिपे रूप से, गैर कानूनी ढंग से वहां छोटे छोटे कारखाने चल रहे हैं। लेकिन अब केवल उन में ही इन का निर्माण सीमित नहीं है। इस का डाइमेंशन बहुत बढ़ गया है। आज विदेशों से हथियार आ रहे हैं। आज देश की सेना के पास अच्छे से अच्छे हथियार हैं। सेना के हथियार आज आप को किसी भी गांव में मिल सकते हैं। यही नहीं, एक प्रक्रिया और चल रही है। मिले हुए पुलिस के डरपोक सिपाही थाने से हथियार ला कर देते हैं और उनके हाथों से हजारों राइफलें पिछले तीन चार सालों में नाजायज तौर पर छिनी गयी हैं और हालत यह है कि उन से डकैतियां हो रही हैं, रात में लोगों की हत्याएं हो रही हैं और सड़कों पर बसों और कारों को रोका जा रहा है। छान बीन करने के बाद ऐसे उदाहरण मिले हैं कि थाने से भाड़े पर हथियार चलते हैं और जेल से सिपाहियों के भाड़े पर हथियार चलते हैं और जेल से निकल कर कैदियों के द्वारा हथियार आते हैं और सधेरे फिर हथियार वहीं पर दाखिल कर दिए जाते हैं। जहां समस्या इतनी गंभीर हो वहां क्या होगा। मैं एक और उदाहरण देना चाहता हूं। एक्सप्लोसिव इस के साथ जुड़ा हुआ है। साढ़े चार साल पुरानी घटना होगी। वहां सेंट्रल गवर्नमेंट का एक एक्सप्लोसिव का कारखाना है, बिहार में। साढ़े चार साल पहले ऐसी घटना घटी कि एक सज्जन जो लाइसेंस एजेंट हैं और 6 राज्यों में एक्सप्लोसिव सप्लाई करते हैं, जिन की इस के लिए मोनोपोली है उन की मेगजीन के बगल में एक दिन अचानक यह घटना हुई। वहां पर ही मिलिटरी का कैटोनमेंट है। वहां एक बड़ा विस्फोट हुआ।

[उपसभापति महोदया, पीठासीन हुईं]
थोड़ा सा समय मैं और लूंगा। मैं जानता हूं कि सदन थका हुआ है। छान बीन

के बाद पता चला मिलीटरी एक्सपर्ट्स को कि 500 केजी का एक बस वहां पड़ा हुआ था और आस पास के कई लोगों के उस की वजह से चिथड़े चिथड़े हो गये थे। लेकिन जो मेगजीन का मालिक था, जो 6 राज्यों में एक्सप्लोसिव सप्लाई करने का रजिस्टर्ड एजेंट था उस ने बहुत सा एक्सप्लोसिव गलत ढंग से जमा कर रखा था। उस के छान बीन होने पर उस को पलामू जिले के एक नाले में गड़वा दिया। खोज होने पर जब उस का पता चला और उस को निकाला गया तो एक स्थान से 18 हजार केजी और दूसरे एक स्थान से 17 हजार केजी एक्सप्लोसिव इस प्रकार से कुल 35 हजार केजी एक्सप्लोसिव निकाला गया। उस पर डेट आफ प्रोडक्शन है, डेट आफ डिस्पैच है और वहां से उठा कर लाया गया यह भी नोट है। मैंने स्वयं छान बीन कर के इस घटना को उभारने की कोशिश की और यह सारा समाचार अखबारों में छपा है लेकिन साढ़े चार साल से इस संबंध की फाइल बिहार सरकार के पास दबी पड़ी है। इतना ही हुआ है कि इस मामले को दबा कर रखने के लिये 40 लाख रुपया घूस का दिया गया। तो समस्या इतनी गंभीर है, इतनी उलझनों से भरी हुई है कि एक अधूरा विधेयक ला कर आप थोड़ी देर के लिये इस से पंजाब की समस्या का समाधान तो कर सकते हैं लेकिन जिस क्षेत्र को डिस्टर्ब एरिया घोषित किया गया, जहां लाखों की तादाद में गलत ढंग से आर्म्स बन रहे हैं, उनके खिलाफ कोई ठीक प्रबंध नहीं है, कोई व्यवस्था नहीं है। मैं निवेदन करना चाहता हूं कि ऐसा विधेयक बनाया जाय ताकि देश के कोने कोने में जहां इल्लीगल आर्म्स रखे हुए हैं, उनका भी समाधान किया जाये। इन शब्दों के साथ मैं आपको धन्यवाद देता हूं।

SHRI N. K. P. SALVE (Maharashtra): Madam, I rise under Rule 245 which says—

"Whenever the debate on any motion in connection with a Bill or on any

other motion becomes unduly protected, the Chairman may, after taking the sense of the Council, fix the hour at which the debate shall conclude."

Madam, Rule 245 speaks about limitation of debate. Now, after hearing the honourable Member's formidable speech...

SHRI R. RAMAKRISHNAN: I object to it. There should be no reflection on the speech of any honourable Member. I strongly object to Mr. Salve's remarks. It is not open to any Member to comment on another honourable Member's speech...

SHRI N. K. P. SALVE: All I have said is his formulated speech...

THE DEPUTY CHAIRMAN: Which rule are you quoting?

SHRI N. K. P. SALVE: Rule 245. Madam, I submit that the debate be concluded at 8.15 and time be given to the Home Minister to reply.

SHRI R. RAMAKRISHNAN: Madam Deputy Chairman, on Mr. Salve's motion, I want to say something. Like many other rules this rule is there in the Rules of Procedure, but it is never applied. Only in rare cases when really a debate becomes protracted that the rule is meant to be applied. Now, with the consent of the Business Advisory Committee the Session of the House was extended and leaders of the political parties and other representatives agreed that we will pass these Bills even sitting late, if required. This is an important Bill and you have permitted the debate. And even the ruling party fielded a list of 7 or 8 speakers. Therefore, this rule should not be stipulated.

THE DEPUTY CHAIRMAN: The rule is not applied. I am not applying the rule. But I am only requesting honourable Members to be as brief as possible. I don't think I need the protection of any rule. I request the Members to be brief at this late hour. On the last Bill we were able to pass in record time. I want to put it on record. It was a very important Bill and I appealed to the Members for their cooperation. With the co-operation of all Members from both sides

of the House, especially from the Opposition Members who did not press on their amendments, we passed that Bill in record time and I want this to go on record. Similarly, I request Members to cooperate on this Bill also in record time. I don't need the protection of any rule...

SHRI N. K. P. SALVE: You may not need any protection but, Madam, we need your protection...

SHRI R. RAMAKRISHNAN: Madam, we are as responsible as Mr. Salve.

THE DEPUTY CHAIRMAN: Therefore, now let us proceed without wasting time. Mr. Kamalendu Bhattacharjee.

SHRI KAMALENDU BHATTACHARJEE (Assam): Madam Deputy Chairman, I rise to support the Arms Amendment Bill 1985. It is a matter of common knowledge that in recent times terrorism has assumed abnormal proportions in India. The terrorist activities have entered a new phase. It appears the terrorists are indulging in wanton acts of violence with the help of unauthorised arms and what is very serious and disturbing is that in most cases such sort of terrorist activities are directed against innocent people. We are receiving reports that such acts of terrorism from the State of Punjab, from the Union Territory of Chandigarh, from Gujarat, Bihar, Assam and from many other parts of India. We should bear in mind that terrorism is not an end in itself, but it is a means to an end and even a casual on-looker can see through the designs of terrorism. It aims at creating chaos, it aims at destabilising our country and it aims at dismembering our country. The founding-fathers of our Constitution, while framing the Constitution, started with the words, "India, that is, Bharat shall be a Union of States." Now, Madam, the very concept of solidarity and integrity of India is challenged by this menace of terrorism and this unprecedented development has necessitated very logically a change in the existing Arms Act of 1959. This Bill seeks to enhance the punishment for possessing illegal arms and to be precise, it intends to come down hea-

[Shri Kamalendu Bhattacharjee]

vily on persons possessing illegal arms and to impose stricter penalties on them. It may clearly be seen that the Bill has three objects before it: Firstly, it seeks to curb unauthorised manufacture, acquisition, possession and carrying on arms. Secondly, it seeks to withdraw the discretion of the courts to be lenient while sentencing the offenders under the Arms Act. Thirdly, and most importantly, it seeks to have a deterrent effect so that terrorism can be kept at bay and can be combated in a more meaningful and effective way.

Madam Deputy Chairman, I was rather amused and surprised when the honourable Member on the Opposition side, Shri Dipen Ghosh, was blowing hot and cold. We know that he is a champion of democracy. He was asking the Home Minister: "Do you think that by having this Bill and by prescribing severe penalties on the offenders, you can check terrorism overnight?". But, Madam, he should know, himself being a champion of democracy, that this is the best that we can do within the parameters of democracy. I would like to draw the attention of the honourable Home Minister to one thing. Consequent upon passing of this Bill, there should be no procedural delay because otherwise those persons who are involved in such cases of possession of arms get some sort of an advantage. I would also like the honourable Minister of Home Affairs to see to it that the persons who induce others to keep arms in their possession are also brought within the purview of this law.

Finally, Madam, I would like to suggest that the law-enforcing agencies should be competently geared up and the administrative machinery should be properly co-ordinated so that this menace of terrorism is weeded out completely. I was all through listening to the debate which was taking place on the earlier Bill, that is, the Terrorist and Disruptive Activities (Prevention) Bill, 1985, and the Law Minister very rightly pointed out: "The House is totally opposed to the cult of terrorism.". And, Madam, I hope that this Bill takes the right step in the right direction.

With these words, Madam, I support the Bill.

THE DEPUTY CHAIRMAN: Yes, Mr. Suraj Prasad. सूरज प्रसाद जी आप बोलेंगे क्या ?

श्री सूरज प्रसाद : (बिहार) : मैं बोलने के लिये खड़ा हुआ हूँ ।

उपसभापति : यदि आप अपना नाम विदड़ा कर लेते हैं तो हम आपके आभारी होंगे ।

श्री सूरज प्रसाद : उस साइड से आपको अपील करनी चाहिये थी ।

उपसभापति : उनकी तरफ का यह लास्ट स्पीकर था ।

श्री सूरज प्रसाद : शुरू में ही उन्होंने कहा था कि वगैर बाले इसको पास कर दिया जाये । अब यह बोल रहे हैं ।

उपसभापति : उनकी तरफ से अब कोई नहीं बोलेंगा ।

श्री सूरज प्रसाद : महोदया, सरकार ने आर्म्स एक्ट में संशोधन कर गैर कानूनी हथियार जो आतंकवादियों के हाथों में है या दूसरे लोगों के हाथों में है उन पर काबू पाने की दिशा में कदम उठाया है । लेकिन यह बात सही नहीं है कि सरकार के पास कोई दूसरे कानून इस तरह के नहीं है । इन कानूनों के कारण आज गैर कानूनी हथियार का अम्बार देश के अंदर है । लेकिन सरकार ने उन्हें लागू करने में अपनी संकल्प शक्ति का प्रदर्शन नहीं किया, अपनी मजबूत शक्ति का प्रदर्शन नहीं किया । कुछ आर्थिक और सामाजिक समस्याएँ हैं जिनको हल करने में असफल रही है । जिसकी वजह से आतंकवाद और दूसरी तरह की समस्याएँ देश की तरफ बढ़ती जा रही हैं । हमारे देश के अन्दर हत्या के लिये मृत्यु दण्ड की सजा है । फिर भी देश के अन्दर हत्याएँ बढ़ती ही जाती हैं । इसलिये इस तरह के कानून में संशोधन करने से आतंकवाद या गैर-कानूनी हथियार जो देश के अन्दर

भरे पड़े हैं, उन पर रोक लग जायेगी, ऐसा बात नहीं जान पड़ती है। देखने को अब भी यह मिलता है कि देश के बहुतेरे हिस्सों में गैर कानूनी हथियार भरे पड़े हैं और वे भारी पैमाने पर इस्तेमाल हो रहे हैं। पहले तो इस देश के उत्तर पूर्वी हिस्से में गैर कानूनी हथियार इस्तेमाल होते थे। लेकिन अब पंजाब का नम्बर आया है और अभी कुछ दिन पहले दिल्ली के अन्दर ट्रांजिस्टर बम के रूप में गैर कानूनी हथियारों का इस्तेमाल देखने को मिला है। अब गुजरात में भी इस तरह की चीज देखने को मिल रही है जहाँ पर पुलिस और दूसरे गैर कानूनी हथियारों के कारण 125 लोगों की हत्या हो चुकी है। बिहार एक ऐसा स्टेट है जहाँ पर गैर कानूनी हथियारों के बारे में कई पाननोय सदस्यों ने भाषण किये हैं। हमारे पांच कम्युनिस्ट पार्टी के लोग इन गैर कानूनी हथियारों के द्वारा मारे जा चुके हैं और मुझे यह कहते हुए कोई हिचक नहीं है कि कुछ अखबारों में, नवभारत टाइम्स और टेलीग्राफ में यह आया है।*

उपसभापति : आप किसी मेम्बर का नाम नहीं ले सकते हैं।

Don't mentions names. You can not mention any name. It will not go on record.

श्री सूरज प्रसाद : यह अखबारों में चर्चा आई थी, इसलिये मैंने कहा। मैं यह कहना चाहता हूँ कि पांच भारतीय कम्युनिस्ट पार्टी के लोगों की हत्या की गई है। इस बात का कहते हुए एक माननीय सदस्य द्वारा यह कहा गया कि कम्युनिस्ट पार्टी के लोगों के द्वारा आठ आदमियों की हत्या की गई है। यह बात मरा-सर गलत है। हत्या जरूर हुई है, लेकिन यह इंडियन पीपुल्स फ्रंट के द्वारा हुई है उनके ऊपर कैसे भी चलाया गया है। दूसरी बात इस संबंध में यह कहना चाहता हूँ कि आज से एक दो महीने पहले बिहार के भागलपुर जिले में 14 आदिवासियों की हत्या गैर-कानूनी हथियारों के द्वारा की गयी है। बिहार के अन्दर अभी हाल ही में पार्लियामेंट

और ऐसेम्बली के चुनाव हुए थे। इन चुनावों के दौरान गैर-कानूनी हथियारों का इस्तेमाल बहुत बड़े पैमाने पर हुआ। एक सौ आदमियों के द्वारा हत्याएँ हुई हैं। बिहार के अन्दर कुछ सेनायें गठित की गयी हैं। ये सेनायें बड़े-बड़े भू-स्वामियों के द्वारा और एक्स-लैण्ड लार्ड्स और कुछ सम्पन्न किसानों द्वारा गठित की गयी हैं। ये सेनायें अनेकों नामों से पुकारी जाती हैं। कुछ भू-स्वामियों की सेनायें हैं और कुछ क्रांतिकारी सेना के नाम से प्रचलित हैं। ये सब सेनायें गैर-कानूनी हथियार रखती हैं। किसानों और खेतिहर मजदूरों के आंदोलन को दबाने के लिये इन सेनाओं का इस्तेमाल किया जाता है। पश्चिमी चम्पारन दूसरा चम्बल बन चुका है जहाँ पर डाकुओं का राज चलता है। यहाँ पर हजारों की सख्या में गैर-कानूनी हथियार हैं और इनके द्वारा हत्याएँ की जाती हैं। मुझे ये कहने में कोई हिचक नहीं है कि ये गैर-कानूनी हथियार उन लोगों के पास हैं जो समाज में सम्पन्न लोग हैं जो एक्स-लैण्ड लार्ड्स हैं या बड़े भू-स्वामी हैं। उनके पास गैर-कानूनी हथियार भरे पड़े हैं। इसलिये मैं सरकार से कहना चाहूंगा कि इन गैर-कानूनी हथियारों को जप्त करने के लिये शीघ्र कुछ कारगर कदम उठाये जाने चाहिये। हिंदुस्तान के अन्दर गैर-कानूनी हथियार बढ़ते जा रहे हैं। आज पंजाब के अन्दर जो हथियार पकड़े गये हैं उनमें विदेशी निशान पाये गये हैं। यह भी कहा जाता है कि ये हथियार पाकिस्तान की रफ से आए हैं। मैं सरकार से यह जान-ना चाहता हूँ कि क्या सरकार जो पंजाब का सीमा पाकिस्तान से मिली हुई है उस सीमा को सील करेगी ताकि जो गैर-कानूनी हथियार देश के अन्दर आ रहे हैं, वे न आ सकें? अन्त में मैं यह कहना चाहता हूँ कि पंजाब के अन्दर जो आतंकवाद चल रहा है उस समस्या का समाधान राजनैतिक तौर पर ढूँढ़ा जाना चाहिये। जब तक सरकार इस समस्या का समाधान राजनैतिक तौर पर नहीं करेगी तब तक पंजाब की समस्या का समाधान नहीं हो सकता है और आतंकवाद पर काबू नहीं पाया जा सकता है। अंत में बिहार के बारे में कहना चाहूंगा कि सरकार जल्दी से जल्दी

[श्री सूरज प्रसाद]

ऐसे कदम उठाये जिससे बिहार के अंदर जो गैर कानूनी हथियार भरे पड़े हैं, भूस्वामियों के पास, बड़े-बड़े लैंड लॉर्ड्स के पास उनको जप्त किया जा सके ताकि बिहार के अंदर शांति स्थापना में मदद मिल सके।

श्री राम नरेश कुशवाहा (उत्तर प्रदेश) : माननीय उपसभापति महोदया, जब हम लोग छोटे-छोटे थे तो गांवों में चोरियां ही जाती थी लेकिन डकैती नहीं। ... (व्यवधान) ... अब बड़े हो गये, आप लोग भी करते हैं, हम भी करते हैं आप ऐसा मानते हैं तो ठीक है। डकैती इसलिए नहीं होती थी क्योंकि जो हथियार डकैतों के पास थे वही हथियार गांव के लोगों के पास भी थे, चाकू, भाला, बछी। आज डकैत राइफल लेकर आते हैं, स्टेन गन लेकर आते हैं, बम लेकर आते हैं और गांव में अगर आपकी जाती का थानेदार नहीं है और आप पैसे वाले नहीं हैं तो चार इंच की छुरी भी सज्जी काटने के लिए आपके पास नहीं रहेगी। तो पहले डकैती इसलिए नहीं होती थी क्योंकि गांव के लोग डकैतों का मुकाबला करते थे लेकिन आज क्या वे उनका मुकाबला चाकू और ब्लैंड से करेंगे? महोदया, यह सरकार कानून और व्यवस्था के मामले में बिल्कुल ईमानदार नहीं है। मान्यवर, मैं आपसे कहना चाहता हूँ कि हथियार किसके पास है? किन लोगों को आपने हथियार दिये हैं। अपनी आत्मरक्षा का अधिकार किसको है? यह केवल उनको है जो धनी हैं, केवल बड़ी जति के लोगों को है, 90 प्रतिशत इन लोगों को है। 10 प्रतिशत छोटी जति वालों को मिला होगा लेकिन जातिवाद के चलते भ्रष्टाचार के चलते केवल सामन्तों, बड़े लोगों और पैसे वालों को ही हथियार मिलते हैं, गरीब आदिमियों को नहीं मिलते। आत्मरक्षा का अधिकार सब को है। लेकिन बाकी लोगों को आपने आत्मरक्षा का अधिकार क्या दे रखा है, कैसे आप उनकी रक्षा करेंगे? मैं आपसे कहना चाहता हूँ कि जो कच्ची मंड गन हैं या

जो भी हथियार गांव में बन सकते हैं उन पर बिल्कुल प्रतिबन्ध मत लगाइए, उसको बिल्कुल फ्री छोड़ दीजिए, इस पर सजा देने की बात छोड़िये क्योंकि अगर आज रूस और अमेरिका, दोनों के पास परमाणु बम न होते तो विश्व युद्ध कभी का हो गया होता। लेकिन शक्ति सन्तुलन के कारण विश्व युद्ध नहीं हो रहा है। इसलिए जब तक आप गांवों में भी शक्ति सन्तुलन का हिसाब नहीं रखेंगे तब तक गांवों में गरीबों की रक्षा नहीं हो सकती, चोरी और डकैतियां बंद नहीं होंगी। आज जो डकैत गांवों में जाते हैं तो जिसके पास हथियार का लाइसेंस है उससे मिल जाते हैं, नहीं तो उसको चार आदमी घेर लेते हैं और पूरे गांव को आराम से लूटते हैं क्योंकि उनको पड़ा है कि एक ही आदमी है, जिसके पास हथियार हैं और किसी के पास नहीं है। इसी तरह से गुंडा चौराहे पर चलता है और किसी को भी मार देता है क्योंकि वह जानता है कि मेरे पास हथियार है और किसी के पास नहीं है। इसलिए मेरा निवेदन है कि आप हथियार रखना फ्री कर दीजिए। अगर आप ऐसा करेंगे तो ऐसे लोगों को भय होगा कि अगर मैं मारूंगा तो दूसरा भी मार देगा। इससे गुंडागर्दी बन्द हो जायेगी, चोरी-डकैतियां बन्द हो जायेंगी और गरीबों को सताना बन्द हो जायेगा। मान्यवर, अभी मैं अहमदाबाद से आया हूँ। मान्यवर, पुलिस ने वहां आठ सौ, बारह सौ मुसलमानों के घर लूटे, फूके और लुटवाये हैं, पांच सौ हरिजनों के घर लूटे गये हैं, फूक गये हैं और लुटवाये गये हैं, पुलिस की मौजूदगी में। अगर उनके पास आत्म रक्षा के लिए कोई चीज होती तो क्या इतने बड़े पैमाने पर यह अन्याय हो सकता है। मैं आपसे कहना चाहता हूँ कि अगर सचमुच में आप ईमानदार हैं या ला एंड आर्डर के मामले में, शांति और व्यवस्था के मामले में तो फिर छोटे हथियारों को फ्री कीजिए। पुलिस और सेना के जो हथियार हैं उन पर भले ही प्रतिबन्ध लगा दे और न इनको देने की जरूरत है, उनको आप अपने कारखानों में बनवाइये और यह देखिए

कि इनकी तस्करी न हो । लेकिन जो हथियार गांव में बनते हैं उन पर आप प्रतिबन्ध हटा दीजिए । अधिक से अधिक वहां के थाने में उनका लाइसेंस लगवा दीजिए कि इस के लिए 2 या 4 या 10 रुपया जमा करा दें । अगर आप ऐसा नहीं करेंगे तो हरिजन और गरीब आदमी अपनी आत्म-रक्षा के लिए हथियार नहीं खरीद पायेगा । लेकिन सस्ते हथियार गांव गांव में हैं और वे इतने ज्यादा है कि कोई भी सरकार उसको नहीं रोक सकती । कल अगर मुझे गृह मंत्री के पद पर बिठा दें तो मैं भी उनको नहीं रोक सकता हूं । इसलिए मैं आपसे कहना चाहता हूं कि आप हथियारों को फ्री कर दीजिए । छोटे छोटे हथियार गांवों में बन रहे है । जब रोक नहीं सकते तो सब का हथियार धरवा लीजिए । सब से पहले लाइसेंसी हथियार सब का, चाहे वह गृह मंत्री हों, चाहे कुशवाहा हो या राजा साहब हों, कोई भी हो, इन सबके हथियार रखवा लीजिए । और उसके बाद उनका भी रखवा लीजिए, तब तो कुछ होगा । या तो बिल्कुल हथियार जमा कराइये या फिर सब को हथियार दीजिए, तब तो कोई व्यवस्था चलेगी, तब आप गरीबों की रक्षा कर पायेंगे, तब आप गरीबों के घर और गृहस्थी की रक्षा कर पायेंगे और उनके सम्मान की रक्षा कर पायेंगे, वरना कोई रक्षा नहीं कर पायेंगे । क्या कानून नहीं था ? यह तमाम आई० सी० सी० बना हुआ है, महोदया, आतंकवादियों से निपटने के लिए इसी के बल पर अंग्रेजों ने आतंकवादियों से निपटा था । यह धारा 121, 122, 123 145 और 148... (व्यवधान) तथा धारा 153, ये सारी धाराएं हैं, जिनसे उन्होंने निपटा था । और आपने हिम्मत के साथ और मन के साथ रोकने के लिए कोई कार्यवाही नहीं की और यह सारा पुलिदा ले करके क्या करेंगे ? महोदया, जब कमजोर आदमी होता है, मर्द बाहर मार खाता है तो वह घर में आ कर अपनी औरत को मारता है और औरत जब मार खाती है तो वह अपने बच्चों को मारती है । उसी तरह से जब वे लोग आतंकवाद का डंडा खा रहे हैं तो गरीबों को मारने के लिए

कानून ला रहे हैं । लेकिन सारा कानून रहते हुए भी इन लोगों ने कोई कार्यवाही नहीं की, सारा आतंकवाद बढ़ने दिया और एक तरफा गरीबों को पिटवाने के लिए सारा काम कर रहे हैं । वह रत्तीभर भी अगर गांधी जी के प्रति वफादार हों, नेहरू जी के समाज के प्रति वफादार हों और इस देश में गरीबों की रक्षा करने के लिए और शांति और सुरक्षा व्यवस्था को कायम रखने के लिए थोड़ी सी भी आपकी मंसा हो तो निश्चित रूप से इस देश में शक्ति संतुलन के आधार पर ये सारे हथियार फ्री कर दीजिए और दो, चार, दस रुपया लाइसेंस के लिए और रजिस्ट्रेशन के लिए कर दीजिए और देखिये कल से सारी व्यवस्था ठीक हो जायेगी । इन शब्दों के साथ मैं आपसे विदा लेता हूं ।

THE DEPUTY CHAIRMAN: Shri P. Radhakrishna—please take only two minutes.

SHRI PUTTAPAGA RADHAKRISHNA: Madam, how can I finish in two minutes? It hardly matters if I support the Bill or oppose the Bill. But there are a few points that are important and needed to be discussed.

Madam, the Home Minister, while introducing the Bill was explaining to the House that the primary object of the Bill is to meet the requirement from the point of terrorist activities. But just now the House has passed an anti-terrorist activities Bill and there is no need to move this Bill and get it passed by this House. Secondly, there are sufficient number of Acts in the criminal law in the Government store. And why do they need another arm in their store without any proper use? More particularly, the amendment is meant only to extend the term of imprisonment. When one is prepared to undergo one year imprisonment, he does not mind undergoing three years' imprisonment. If one is prepared to undergo five years' imprisonment, he does not mind undergoing seven years' imprisonment. What is the difference in the length of an imprisonment? Particularly, Madam, the very proviso to Section 25 of

[Shri Puttapaga Radhakrishna]

this Act keeps the discretion open to the court to give even less than six months' imprisonment. The very discretion itself defeats the object of the Bill when it is made into an Act. And when it is put into practice, the professional criminals will escape from the punishment since they know the loopholes in the law. Only the innocent people will be involved in this. When we put it into practice, there will be some more difficulties. The jurisdiction of the courts in the criminal law is demarcated by the length of punishment. Hitherto, the punishment under the Arms Act was triable by the First Class Judicial Magistrate. When it is made seven years of rigorous imprisonment, it comes under the jurisdiction of either the Assistant Sessions Judge or the District Sessions Judge. Then, in some provision of the Act, permission of the Government or the District Collector is required for prosecution. When the offence involves some such permission by the Government, the procedure becomes more cumbersome and it delays the prosecution and when the prosecution is delayed naturally the evidence is tampered with and all such things take place and as we generally say, if justice is delayed, justice is denied. That is why there is no need of such a Bill and it is better for the hon. Minister to withdraw the Bill.

THE DEPUTY CHAIRMAN: Shri Bhuvanesh Chaturvedi, not here. Shri Dharam Chander Prashant, not here. The Minister now.

SHRI S. B. CHAVAN: Madam Deputy Chairman, I am really very happy that this Bill should evoke so much interest of the Members; it is a very innocuous and very simple Bill but large number of things have been said by most of the hon. Members who probably did not get an opportunity on the previous Bill.

SHRIMATI MARGARET ALVA (Karnataka): That is the secret.

SHRI S. B. CHAVAN: And that is why most probably they thought that this was the proper time when they could possibly participate in the discussion and

give vent to the feelings which they wanted to give in the earlier Bill.

There can be no point of dispute about several things which the hon. Members have stated here, whether we are able to tackle some of the problems, the areas of zamindars and other areas; certainly these are matters which the State Government should naturally look into. Nobody is here to justify any kind of thing which is to be perpetrated anywhere. But it will be difficult for me to justify or to refute any of the allegations which the hon. Members have made here. I don't think the Members mean that Central Government should take over the responsibility which normally is supposed to be the jurisdiction of the State Governments. So they had their say and I don't think it will be possible for me either to explain or to refute what the hon. Members have stated. I can see the point that arms smuggling is there and in different manner, arms are being smuggled into the country. There are surreptitious ways in which this is being done and the Government is very alert to the problem; we are trying our level best to see that we are able to at least minimise it. I don't know whether it will be possible for us to totally stop it but at least bring it to the bare minimum so that we are able to tackle this problem in more effective manner. There seems to be some misunderstanding: I don't know which hon. Member said it that it would have been better if the provisions could have been made applicable to Gujarat. I don't know if the hon. Member had read the Bill. This is applicable to entire country and there is no question of any State being left out. But special provision has been made only in case of areas which are notified as disturbed areas where punishment is more deterrent than in case of normal areas. That is the only distinction made. I assure the House that here is no question of leaving out any area.

One point was made that if punishment is enhanced from 5 to 7 years, probably Additional Sessions Judge or Sessions Judge will be required to try the case. Another issue was about problem of the

State Government. Both these issues are such in which I don't think that Government itself is very much interested. The State Governments also are equally interested in seeing that provisions of the Bills are implemented in the spirit in which they are enacted here. So nobody is interested in encouraging any kind of terrorist activity. So the State Governments will delegate the powers so far protection part is concerned, to the Deputy Commissioners, and they will expedite all the cases. I do not think I need to say anything more. I thank all the hon. Members for sitting so late and for evincing so much interest in this Bill.

THE DEPUTY CHAIRMAN: I shall now put the motion for consideration 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 DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill. We shall first take up clause 2. There is one amendment by Shri Satya Prakash Malviya. He is not here. I shall now put clause 2 to vote.

The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI S. B. CHAVAN: Madam, I beg to move:

"That the Bill be passed."

The question was proposed

SHRI LAL K. ADVANI: (Madhya Pradesh): Madam Deputy Chairman, I rise to support this Bill. But I support this Bill not because of its content, but because of its objective. The objective is a matter

about the entire House is concerned. The Bill itself refers to the growth of terrorism, in Punjab and Chandigarh specifically. I believe, terrorism has reached a phase today hope my apprehensions prove wrong that it is likely to become a protected guerilla war, guerilla battle, with certain elements of the society who have become committed to a kind of disruptive movement. However, I feel that the rationale is not very convincing. Penologists the world over have been expressing the view that merely by increasing the punishment from six months to one year, one year to three years, five years to seven years you do not make a law deterrent. Deterrent is dependent not on the adequacy of the sentence, as much as it is upon the effectiveness of the intelligence mechanism and of the law enforcement machinery. In regard to these three different aspects, which together cause deterrent, namely the law, the intelligence apparatus and then the law enforcement machinery, I hold that it is the duty of the executive, to pay much more attention to the last two, than it has been paying to the making of laws. I heard the speeches here. I heard Mr. Ramanand Yadav from the Congress Party. Whatever he said was perfectly right. Merely by increasing the sentence, you are not going to curb terrorism; you must make the intelligence set-up more effective; you must make the police administration more effective. Madam, we will be adjourning today. After a couple of months, we will be meeting again.

SHRI S. W. DHABE (Maharashtra): There is one more Bill.

SHRI LAL K. ADVANI: I said, we will be adjourning today. I did not say that we will be adjourning after this Bill is passed. We will be adjoining today certainly, before 12 P.M.

So far as Parliament is concerned, whatever you have asked for from Parliament during the last two years, in so far as laws are concerned, Parliament has given it to you. This is the last such law in respect of terrorism. We would like to see that the Government deals with this problem, this menace, effectively, because, as I said, the other day, it is not a problem

merely for the Government, it is a problem for the whole country. We should accept the challenge. Parliament has accepted the challenge and has armed you with all the powers that you have asked for even when we disagreed with the specific request. As I said, I do not agree with the rationale advance for this Bill. But you are the best judge, you are the executive, you have to implement it. Therefore, when you have asked for it, we have given it to you. Now, prove your worth. The ball is in your court.

THE DEPUTY CHAIRMAN: Now, the question is:

"That the Bill be passed."

The motion was adopted.

THE SECURITIES CONTRACTS (REGULATION) AMENDMENT BILL, 1985

THE DEPUTY CHAIRMAN: May I make a request? We have one more Bill, Securities Contracts (Regulation) Amendment Bill. It is not personal security; it is financial security. We have been discussing quite a lot throughout the whole day. We have been discussing very important Bills. If the House so feels, we can pass this Bill without any discussion. There is nothing much in it.

SHRI S. W. DHABE (Maharashtra): This is an important Bill.

THE DEPUTY CHAIRMAN: Everything we discuss in Parliament is important.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Madam, I beg to move:

"That the Bill further to amend the Securities Contracts (Regulation) Act, 1956, as passed by the Lok Sabha, be taken into consideration."

THE DEPUTY CHAIRMAN: I think the hon. Members will please sit down and listen.

SHRI JANARDHAN POOJARI: As the hon. Members are aware, the Securities Contracts (Regulation) Act 1956...

THE DEPUTY CHAIRMAN: The Bill is going to be passed. Everybody has agreed. You just move the motion.

SHRI R. RAMAKRISHNAN (Tamil Nadu): No, no, let him move the Bill. It is a very important Bill. No bill can be rushed through. We will be brief and to the point.

THE DEPUTY CHAIRMAN: Okay, only he will speak. Everybody else has agreed.

SHRI JANARDHAN POOJARI:..... deals with stock exchanges and trading in industrial securities of public limited companies. The stock exchanges and trading in industrial securities are essential for raising finance for industrial and other projects and for providing liquidity and marketability to investors who are largely small investors. Such investors are spread all over the country. Madam, under the existing law and Articles of Association of most of the companies, the Board of Directors of the companies have power to refuse registration of transfer of securities without assigning any reason. Though the aggrieved persons can appeal to the Company Law Board against such refusal, it place an undue burden on them. Besides, in most of the countries in the world which depend on the capital markets for raising resources for companies, free transferability of securities is ensured. To eliminate hardships to the investors, particularly to the small investors, and to modernise the system of transfer of securities in our country, it is proposed to amend the Securities Contracts (Regulation) Act 1956 to provide for free transferability of securities listed in the stock exchanges. I would, however, add here that suitable safeguards to prevent take-over bids have also been incorporated in the amendment. Another significant feature of this Bill is that Bill is that instead of the investor, the company has to make a reference to the Company Law Board in case of refusal.