

historical monuments so that there if no wastage of talent and the maximum use is made of the available talent and the resources.

SHRIMATI SHEILA KAUL: I wish to inform the hon. Member that we are thinking on those lines.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The question is:

"That the Bill be passed."

The motion was adopted.

THE ARMS (AMENDMENT) BILL, 1981.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, I beg to move:

"That the Bill further to amend the Arms Act, 1959, be taken into consideration."

श्री शिव चन्द्र शा (बिहार) : श्रीमन्, इसमें हमारा अमेन्डमेन्ट है।

उपसमाध्यक्ष (डा० रफीक जकरीया) : आपकी अमेन्डमेन्ट है। बाद में आया।

You want to speak yourself and you do not want others to speak.

SHRI SHIVA CHANDRA JHA: I want them to speak but they don't speak. What can I do?

SHRI YOGENDRA MAKWANA: Sir, may I continue?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes, please.

SHRI YOGENDRA MAKWANA: Sir, there is an increasing tendency in the crime situation in the country and the crime is increasing day by day. And the use of the fire arms in crimes is increasing, licensed as well as unlicensed arms. Sir, the Bureau of Police Investigation, Research & Development has made a survey of it and we have noticed that from 1972 to 1977 there is a double increase in the use of fire-arms. From 4.8 per cent for lakh of population in 1972 it has went up to 9.1 per cent for lakh of population in 1977. Now, this is the rate of increase in the crime situation and the use of fire-arms. The incid-

ence of cognizable crimes increased by nearly 17 per cent over the base year of 1972. The increase in crime using fire-arms in the corresponding period was about 29 per cent. Now, the involvement of the unlicensed arms has been on a much larger scale than the licensed arms. But even from 1972 to 1974 the use of licensed arms was up by 22.8 per cent and that of unlicensed arms by 28.6 per cent. In 1974, for every crime with a licensed arm, there were as many as five with unlicensed fire-arms. Therefore, it has become absolutely necessary to come with amendments in the Arms Act, 1959 so that we can make it more stringent and we can check the crimes with the use of licensed as well as unlicensed fire-arms. Some of the amendments which I propose in this Bill are as follows:

Sir, at present there is no ceiling on the possession of the fire-arms. Now, we propose to impose a ceiling of maximum three fire-arms for self-protection, crop protection, etc. Another amendment which I propose to bring about is that the present Act stipulates that a report is to be made to the District administration for the sale or transfer of arms and ammunition immediately after the transaction. He has to intimate of the transaction—sale, purchase, etc. But there is no time for the Administration to check up whether the licence is a fake licence or a genuine one, whether he is a genuine purchaser or not. So, we are now introducing an intimation of 45 days. Before disposing of the licence or transfer or sale or purchase, 45 days' notice should be given so that there will be sufficient time for the authorities to check. Then, Sir, at present a person of 16 years' of age is eligible for the possession of licence. Now we are increasing it to 21 years so that the number of licences also will decrease and more mature men will possess the licences. In the present Act...

SHRI RAMAKRISHNA HEGDE (Karnataka): How do you say that?

SHRI YOGENDRA MAKWANA: Because with age maturity also comes.

SHRI U. R. KRISHNAN (Tamil Nadu):
But for voting it is being lowered.

SHRI YOGENDRA MAKWANA; A person who has been sentenced on conviction for an offence of violence or moral turpitude to imprisonment for a term of not less than six months is debarred from the possession of a fire-arm for five years after the expiry of the sentence. Now, instead of this, we are going to remove the time-limit, Whosoever has committed the offence of moral turpitude or use of fire-arms offence, he will be debarred from the possession of fire-arms. Now, under the licensing authority, it is the district magistrate in the area, or in some areas, the Commissioner of Police, who can issue licences. Under the present Act it is not enjoined on him to necessarily call for a report from the police before deciding on the licence application though he is expected to make such inquiry as he may consider necessary. Now, this also, in view of the fact that licences have come to be issued to a number of persons without adequate screening, it is considered necessary to provide for a report to be obtained from the police which should be sent within a prescribed period. And now we need not prescribe the period. If it is not sent, then it will be given.

Then, another amendment is that the present penalties for offences under the Arms Act, 1959, are not considered deterrent. So, we want to make them deterrent. There are various sections under which penal punishments were prescribed. Now we have changed them and made them more stringent. Now, there is a reference to the Code of Criminal Procedure, 1898, and the Sea Customs Act, 1978. Both these Acts are amended, and the Code of Criminal Procedure, 1973, and the Sea Customs Act, 1962, are now in force. So, necessary changes have to be made in these enactments also. The word appearing in the Act for the expression 'magistrate' has been used in some of the provisions of the Arms

Act. Now, after the amendment to the Code of Criminal Procedure, 1973, as there are various types of magistrates, that has also to be properly described in the new Act, i.e., by this amendment.

These are the few amendments which we want to propose by way of this Bill, amending the Act itself. So for that purpose I have come before the House, and, Sir, I hope the hon. Members will support these amendments.

Some hon. Members may say that all these are procedural amendments and could be done by executive instructions. That, Sir, is not possible. Because in case of increase in the age, which is prescribed by the Act itself, which is stipulated in the Act, if we change the age-limit by executive instruction, that may be challenged. Then, Sir, the other reason is that at present there is no limit on the number of fire-arms that one wants to possess. We want to introduce a limit on the possession of fire-arms. If this is done by executive instructions, somebody may go to the court and also can prevail upon the licensing authority and can get more number of fire-arms. These are the few reasons for which I have come before the House for the amendment of this Arms Act, 1959, and I hope that the House will consent to it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA); Now, there is one amendment by Shri Shiva Chandra Jha.

SHRI SHIVA CHANDRA JHA; Sir, I move:

"That the Bill further to amend the Arms Act, 1959, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka
2. Shri S. W. Dhabe
3. Shri Hafekrushna Mallick

[Shri Shiva Chandra Jha]

4. Shri Biswa Goswami
5. Shri Kalraj Mishra
6. Shri Hukmdeo Narayan
Yadav
7. Shri Rameshwar Singh
8. Shri G. C. Bhattacharya
9. Prof. Sourendra Bhattachar-
jee
10. Shri Pattiam Rajan
11. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session of the Rajya Sabha."

The questions were proposed.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, the Bill and the Motion are open for discussion. I call upon Mr. Nanda to speak.

SHRI SHIVA CHANDRA JHA:
Point of order, Sir. यह बात मुझे साफ कर दीजिये । यह बात उस दिन भी उठी थी । इस पर बोलने का प्रावधान कब है । सब डिबेट खत्म हो जायगा, मंत्री जी के जवाब देने के पहले मैं बोलूंगा अथवा सब डिबेट खत्म हो जायगा और मंत्री जी जवाब दे देंगे ; मैं तब बोलूंगा और फिर मंत्री जी जवाब देंगे ? यह बात साफ कर दीजिये ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): There is no point of order. During the first reading, you make your general observations. When you move the amendment, it is your right to speak, nobody is denying that. But as I said, when the Business Advisory Committee decides on a particular time schedule, then everybody must co-operate to see that we adhere to that time schedule. If some Members have got three minutes to speak and they speak for 6 minutes, or 7 minutes and like that, there is general understanding is that: when we come to the second reading, the general understanding is that when you are speaking during the general

discussion, you will cover all those points of your amendments also. Now if your name is not given by your Chief Whip as one of the speakers, this is a matter which you have to take up with your own Chief Whip because the whole trouble, Mr. Jha, is that . . .

SHRI SHIVA CHANDRA JHA: The House should be clear, you should not confuse it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Please sit down.

SHRI SHIVA CHANDRA JHA: I have been in the Lok Sabha and every minute we were fighting in the Fourth Lok Sabha, you can see the proceedings. Every inch we have fought in the Lok Sabha. This is the democratic framework . . . (*Interruptions*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I have been in the legislature also for more than 25 years, that makes no difference.

Now, the whole difficulty that arises Mr. Jha, is that there is not a Bill in which you do not come forward with an amendment. You are, therefore, doing a very hard work, there is no doubt about it. But the whole question is that if time is to be allotted to each party, then how is one to reconcile? This is a kind of situation where one Member wants to take away most of the time, all of the time. This is a matter which the House will have to consider. It is not a question that one wants to throttle your voice, it is not a question that the Chair does not want to give you the opportunity. But the question is, every Member here is anxious to speak, anxious to contribute. But every Member realises that we will have to make a co-operative effort to see that everybody gets a reasonable opportunity. And the reasonable opportunity can only be got when even hard working Members like Mr. Jha are prepared to sacrifice, and if you are not prepared to sacrifice, then what will happen is that you will have most of the time at the cost of others....

SHRI, SHIVA CHANDRA JHA: Have I taken anybody's time? Have I spoken at the cost of other people?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Of course, you do. Anyway, I do not want to enter into argument with you. I think it is obvious to every Member what I have said.

Now, Shri Nanda.

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Vice-Chairman, Sir, I raise a few fundamental questions while making my general observations on this Bill. Sir, we have a Law Commission in this country. Of course, for the last one year, the Law Commission has not been reconstituted. But the term of the last Law Commission expired, if I am correct, in August or September last. This has not so far been reconstituted. The Law Commission examines various laws enacted by the Central Government, and suggests improvements taking into consideration not only the defects in the laws, but also the social conditions prevailing at a particular point of time to meet particular situations. It has submitted as many as 86 reports. Government does not take into consideration the improvements suggested by the Law Commission. It comes forward with a Bill which is not thoroughly examined and the need for such a Bill, the justification for introduction of such a Bill or desirability to rush through such a Bill is not properly examined either by a Committee of Parliament or by the Ministry itself. Somebody in the Home Ministry prepares the Bill, prepares the grounds for getting the Bill introduced in the House, and the hon. Minister introduces the Bill and he also sees to it that the Bill is passed. I am unhappy with this system. Could we not think of some improvisation? Could we not think of some improvisation in the method of considering what kind of improvements should be effected in the Central Acts? The question is, whether this task should not be assigned to the

Law Commission, which rightfully belongs to the Law Commission?

Secondly, if a Bill is to be introduced, the question is, whether it should not come before a Select Committee of the House, before the Bill is introduced so that, any wrong provision made in the Bill is corrected by the Committee? I find, there is a growing tendency of by-passing any kind of scrutiny by any Parliamentary Committee and of rushing through various Bills. A proper balance has to be struck between this kind of anxiety exhibited by the Central Government and the proper framing and the passage of Bills. (*Interruptions*)

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Is there any statement to be made by the Finance Minister? (*Interruptions*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): They are surprised at your arrival.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): I have a roster to follow.

SHRI NARASINGHA PRASAD NANDA: Mr. Mathur, now, we are not on Mr. Antulay. We are on the Arms (Amendment) Bill.

श्री एन० के० पी० सहाय (महाराष्ट्र) :
कुछ और भी आपको दिखता है या नहीं ।

श्री रामेश्वर सिंह (उत्तर प्रदेश) :
मंत्री जी फाइल लेकर आये तो मालूम हुआ
कुछ बयान देंगे ।

SHRI NARASINGHA PRASAD NANDA: Sir, could we not work out a mechanism by which the Bills receive the serious attention of the House or they receive the attention of the Law Commission? Could we not evolve such a mechanism, instead of a particular Bill originating in the Ministry itself and the hon. Minister concerned trying to rush through the Bill on the floor of the House, supported

{Shri Narasingha Prasad Nanda]

by a massive majority? Shall I call them a sanctimonious humbug? No; I would not call them so.

Now, Sir, the main ground on which the hon. Minister has moved this Bill for consideration is that the Use of firearms in crimes is increasing. He has quoted some figures, from the research bureau's survey. I do not want to repeat them. There is no doubt that the use of firearms in crimes has been increasing. This is a fact and there is no denying this fact. But what is the solution? Why is there an increasing use of firearms in crimes? Why have the crimes become more sophisticated and more difficult to tackle? I would say, Sir, there are many reasons for this. There is the question of social tensions. In the course of the last few years, there have been so much of social tensions for various reasons. These tensions have often led to crimes. We were talking about the naxalite movement. We are talking about other movements, other kinds of violent political activities though we do not subscribe to the philosophy of politics of violence. They have a reason for which these things are happening in this country. Has the Home Ministry or the Research Bureau tried to find out why the use of firearms in crimes is on the increase, what kind of social tensions are there in the society, why the crimes are increasing! in the society? So, Sir, instead of going to the root of these things, i.e. why crime is committed, what is the reason for the increased use of firearms in crimes, what are the kinds of social tensions, they just come forward with a kind of treatment which can be palliative, but certainly not a cure. I would have been extremely happy if the hon. Home Minister had, instead of satisfying himself with the statistics furnished to him by the survey conducted by the Research Bureau, given up reasons for the increase in social tensions, the causes of those social tensions and the possible tension* that his Ministry is

thinking about. We always try to deal with situations and problems on peripheral basis, We never go deep into the root of the problem, we never try to examine how these crimes can be minimised, not just by force, by making laws, or by making a few provisions about fire-arms. Let us compare the situation with the socialist countries. Now there is a large area of the world which is dominated by socialist countries. What is the crime situation there? What is the use of firearms in commissioning Of crimes in those socialist countries? Sir, in those countries, the crimes are at the minimum, not that the crimes are not there, they are very few in number and, the use of firearms is also very little.

[The Vice-Chairman (Shri Dinesh Goswami) in the Chair]

Why is it so? Therefore, Mr. Minister, you have to think a little more deeply instead of coming forward with a Bill, making crriain stringent mea-rures, making the punishment mor" deterrent, as if by making the punishment more deterrent you are going to stop those crimes or stop the use of firearms in crimes. The only thing in which you may possibly succeed is that you may be able to fix a ceiling, you may now allow a person to be in legal possession Of not more than three firearms. Originally, there was no ceiling on the possession of firearms, but now you have fixed a ceiling. You may possibly succeed in that, but I am afraid, you may not succeed in that also. What is happening in Bihar? In Bihar all the landlords are in possession of innumerable legal and illegal firearms. Is the Government able to do anything with them? In West Bengal all the landlords are in possession of illegal firearms. What are you able to do with them? Is the Government having! statistics of illegal arms which are in possession of various people In this country? Please go to the North Eastern region, you will find that

every individual, even a boy of 12 • years of age, is also in possession of firearms. But is it only to commit crimes? Or is it because of certain social tensions in that particular region? Sir, I would not like to go into the details of these provisions, but I would like a re-orientation in thinking so far as Government working is concerned. We have been following! the same stereotype methods; we are pulled by our ears by the bureaucracy; whatever the bureaucracy says, we do it. We do not use our discretion. We have no time to analyse the proposals made by them. We accept them an^ whatever statement is prepared by them, the Government reads it on the floor of the House and adheres to it, and with the help of the majority the Government tries to get through that particular piece of legislation on the floor of the House. This very approach is wrong, this very attitude is wrong. Therefore, Sir, I would suggest some new approach, some new thinking to the problem of legislation. You are interested in taking a little more power for the Government. Take it by all means. But my question still remains unanswered, Mr. Minister. I am prepared to support this Bill provided it meets the requirements Of the situation. Today these arms are not in the possession¹ of merely anti-social elements. There are people who have started believing, particularly in the North-Eastern region—in Nagaland, in Mizoram, in Meghalaya, in Arunachal Pradesh—that without arms they cannot get their claims established. What is the position in Manipur? You find these illegal arms in the possession of almost every individual. Wherefrom these arms come? Who supplies them these arms? Why are they arming themselves? What are the social conditions there? Or are there other situations, to meet the requirements of which they are trying to possess arms? Afl these questions are there.

Then the economic aspect i* there which I r«!f«rr«d to with reference to

the Bihar landlords and others. The economic tensions, are there, the social tensions are there, the political tensions are there. And so long as you do not remove those tensions from society, you may arm yourself with any amount of legislative authority, you may arm yourself with any amount of power, that is not going to solve the problem. Therefore, Sir, I would submit that there should be a total re-thinking in the attitude and approach of the Government to the problems of this nature. I do not mind giving you a little more power so far as arms are concerned. Let us see how far you are able to remove the social tensions, the economic tensions and the political tensions from the society. Thank you, Sir.

SHRI RAJENDRA SINGH ISHWAR SINGH (Madhya Pradesh): Mr. Vice-Chairman, sir, the question of licensing the possession of arms has always been one which has been considered a necessary thing so far as our country is concerned. We have seen in the United States where there is no licensing of arms, to what tragedies and disasters people have been subjected and even in that country the administration is thinking in terms of licensing arms even though it is considered one of the very valuable rights which have come to them from the time the founding fathers of the American Constitution laid down that it will be necessary to have arms. I find it difficult to appreciate the hon Member's statement that by this amendment Government is seeking to acquire more powers for itself. I wish my friend, Mr. Nanda, had told us as to in which manner this ~ invests the Government with greater powers. My complaint is that the Government has not acquired sufficient powers to deal with this very great menace. It is true that in this country there are large numbers of unlicensed firearms. In fact, it is quite likely that unlicensed firearms far exceed licensed firearms. Any of us who has occasion to deal with crime, in law courts Is

[Shri Rajendra Singh Ishwar Singh] horrified by the variety and sophistication of the arms which are produced in villages. Now I find it very difficult to accept that it is not possible for our police machinery to be aware of the fact as to where and by whom this kind of arms are being manufactured. There is hardly a dacoity—*t any rate in m_v part of the country, in Madhya Pradesh—in which fire arms have not been used. Firearms get into the hands of school and college boys, and in little disputes arising out of union elections and things like that firearms have been used. Use of firearms in other offences of violence, for instance, rioting, is not very evident. Use of firearms as a means of committing murder is also not very much. Therefore, from these analyses one finds that firearms are being used by persons who are the very core of antisocial element in the society and those people who are seeking to create trouble and violence for the sake of robberies, for the sake of dacoities and for the sake of large-scale rioting. Now, if that be so, I for one find it extremely difficult as to why any Member from either side of the House should have any objection to the suggestions that have been placed before us by the Hon. Minister. As I said earlier, I find that they are really minor and procedural and really do not go far enough.

What is it that is sought to be amended by this Bill? Most of the things are of procedure. For instance, you take the amendment that before the transfer of firearms by one person to another, the District* magistrate or the licensing authority has to be informed. What is wrong with it? As a matter of fact, the district authorities do get informed when the transfers are registered. In this case a further precaution has been taken that, for instance, before the transfer the district authorities are to be informed.

Then¹, there should be a ceiling on weapons—not more than three weapons*. This seems to be a very reason-

able restriction. One may have a small firearm like a pistol or a revolver. One may have a 12-bore gun if one has an inclination for sports and, similarly, one may have a rifle if again one has an inclination for sports. But what we find today is that some old families, especially those whom we call "royal families" or any old aristocracy, have magazines of firearms. Instances have been known—I know it in matters with which I deal professionally—that these arms do get taken out and do get used for purposes other than for which they are issued. And invariably the reply that comes from the owner of the licence is that it is not possible for him to keep the secure check that is necessary. Why does a man want more firearms, at all? Why does my learned friend object to an amendment of this particular type?

Similarly, raising the age limit from 16 to 21 is an extremely logical amendment. In fact, speaking for myself, I am surprised that the age limit was only 16. I wasn't even aware of that. Sixteen¹ is such an immature age to make use of firearms. On the one hand, we consider anybody up to the age of 16 as a child. You know that so far as the various Acts are concerned, under them, anyone up to the age of 16 is considered as a child and we do not punish him, we do not send him to prison. We say that he does not have sufficient mental awakening; he did not know what he was doing. On the other hand, we let a little boy or a little girl handle such a devastating thing as a firearm. Therefore, it is very right indeed that the age limit should be increased from 16 to 21. There again, there could be no possible objection.

Now, Sir, there is one clause that the hon. Minister has introduced, i.e. when a person has been convicted of an offence involving violence or moral turpitude, he will be de-licensed for all times to come. So far as violence is concerned, I would certainly support him. But moral turpitude is such a vast and vague term

that I at least find it extremely difficult to reconcile myself to the view that a man who is involved in it should get the same treatment because it is not violence. After all, we are protecting the society from the fire-arms used in violence. Forgery is moral turpitude; acceptance of bribe is moral turpitude. But surely these may not be persons who may have used fire-arms for any bad purpose. Therefore, offence of moral turpitude may not be included. Offence of violence, most certainly; offence of criminal intimidation, certainly. May I respectfully suggest to our hon. Minister that he may consider even criminal intimidation to be included. A person gets punished for criminally intimidating a man. That is one trauma. He has not used violence; he has not shot at anyone. Yet he has threatened another person with a fire-arm. Now that is again a person whose licence ought to be taken away. Now, may I suggest to the hon. Minister that, while he is dealing with the fire-arms, why not consider prohibition of possession of what are known as dangerous articles? This provision exists in England. We do not have it. Our college boy may not possess a fountain-pen, but surely he has a knife. A boy sitting in the examination hall will warn the invigilator by putting a knife there if the invigilator has been a little more vigilant. We know a lot of our youngsters go about with bicycle chains, which are dangerous articles to hit with; people carry sticks in the bazaar, which is certainly not a playground and where they are not going to be used. Therefore, may I suggest to our hon. Minister, though not strictly under the Arms Act, to consider it? And if he so likes, I will find out for him the relevant provisions in the British law which has been there for nearly 10—12 years. Anyone who is found in possession of a cosh or, as a matter of fact, knuckle-duster, anybody who is found in possession of articles which could be used for the purpose of causing injury, for which he has no justification at that particular point

of time, is liable to punishment. This may be considered on the same lines as we are considering our Arms Act.

Then licensing. Again, there is a provision which again, I must confess, I find a little difficult to understand. For instance, there is a provision that when anybody applies for a licence, his application is given to the licensing authority, which in many cases is the District Magistrate or the Police Commissioner, who then sends it to the Station House Officer of that area from where the application is received. And it is said that if a report has not been received within a period—the period is stipulated; I think it is one month or two months—the licensing authority can proceed without such a report. I am astounded at it. Why should not the report be received. When a person of the rank of the District Magistrate or the Police Commissioner sends for a report from the police sub-inspector or the police station, how can you imagine that such a report will not be received? If that be the case, certainly it is a matter for proceeding against the delinquent police officer who has not sent the report. I would respectfully submit that the licensing should not be done unless and until the report has come. It is not like an application that one makes to the municipal authorities for building a house, in which case, if there is no objection, let us say within six months, one can build the house. That is entirely a different thing. But allowing a person to possess dangerous articles like firearms without any investigation about his antecedents, about his where withal, about his lots of other things that become necessary while licensing, ought not to be done merely because a report has not come. On the other hand, you may take action against the police officer who has not sent the report. So I will respectfully submit again to the hon. Minister that there may be a review and rethinking on that proviso. Firearms under no circumstances should be allowed to a

[Sh. Rajendra Singh Ishwar Singh]

person unless he has been cleared by the police. ¹*** they say that the person is fit to be granted firearms.

I am in total agreement with my learned friend, Mr. Nanda when he says that there is a large-scale private and illicit manufacture of firearms. That is a matter that the hon. Minister knows about. It is not that we are giving him any information about it. I consider it a matter of great anxiety that our police should pretend not to know about it. Sir, I, for one, refuse to believe that our police people do not know where and how these firearms are made. Some reference was made by Mr. Nanda that people are getting firearms on account of social tensions. Now, so far as the rest of the country is concerned, it does not seem that social tensions are really the reasons why people are keeping firearms. It may be so in the north-eastern region. I am not alive to that situation. Mr. Nanda could have told us what those social tensions are for which firearms are being maintained. But I do know that in some parts of the country, the security of life has become so hazardous that an average citizen finds it very difficult to expect that he will be properly protected if he goes out, especially after sunset. Maybe for that reason some people acquire firearms—to protect themselves. That possibility is certainly there. And that again is a matter of better policing. It is an unfortunate state of affairs that our ratio of police to citizens in our country happens to be very inadequate. "We spend a lot of money on many, many things. But law and order is one situation, in which no compromise ought ever, to have been made. And yet there is one police constable to about 8,000 to 10,000 people, whereas in advanced countries, there is a police constable to every 100 or 150 citizens for the purpose of looking after and giving them necessary safety and protection. Now that we are talking about firearms, we might as well ² think about whether it is not neces-

sary to increase the police forces. I know that this can be interpreted ³ my friends on the other side to say that the Government is again trying to acquire more and more powers. But if you go to the rural areas, there is the complaint of the average villager that there is not sufficient police force. When a crime gets reported, by the time the police comes to the spot, so much water flows down the river that it is very difficult to unearth the crime. Most of the problems in the village come from section 145 proceedings and quarrels about crops. And by the time the police comes on the scene ⁴ the damage is done. (Time-bell rings). So, Mr. Vice-Chairman, while supporting this Bill, I would request the hon. Minister to pay attention to the things that I have drawn his attention to. I would submit that it is a very well-thought-out Bill and we need not really spend any more time in submitting it to a Select Committee because nothing is likely to come out of it. What the Bill seeks "to introduce or amend is so" rudimentary and basic that the earlier we do it, the better for us.

SHRI SYED SHAHAMRIDDIN (Bihar): Mr. Vice-Chairman, Sir, may I remind you that the original Arms Act of 1878, promulgated at the heyday of imperialist power in India, was objected to consistently by our nationalist movement. Then we re-framed it in 1950. Today we are introducing some very important procedural changes in it. As a matter of principle, I would like to record that derogation from the right of a citizen to carry arms should not persist in a democracy. And yet, Sir, I shall not stand with you or with the hon. Minister for the repeal of the Arms Act. I think our social situation demands it.

I am glad to note that the hon. Minister has quoted statistics of the rise in the incidence of crime and the rise in the use of firearms for the period 1971—1977. I hope he is not paying a tribute to the glorious period

of our history when Mrs. Indira Gandhi has been the Prime Minister—the dynamic decade. I just leave it at that.

The problem is well known. There is large scale unauthorised manufacture and use of arms; there is large scale illicit possession, there is illegal traffic in arms. All that is a well-known fact, though I do not think any definite estimates are available on this point. Therefore, while I agree with the motivation of the Government in bringing about this legislation, I have to point out a few matters of principle, because I consider that the measures that are being suggested would perhaps prove to be ineffective in trying to obtain the results that the Minister has in mind.

As for the manufacture, I am of the view that the law should not keep it open that private parties may manufacture the arms. That was an exception to the 1956 Industrial Policy Resolution. I think that this loophole should be closed. The manufacture of fire arms should be an exclusive monopoly of the State. It should remain wholly in the public sector.

As for the sale and possession, as I submitted, I have my doubts that the Bill would prove effective because the social malaise, as my distinguished colleague, Mr. Nanda, pointed out, has not been analysed, has not been taken into consideration. What is it that in our society creates the demand for illicit arms or for so many arms licences? I am not trying to justify illicit arms. But the fact is that arms licensing today depends upon money and influence. It depends upon acquaintance with the politicians or with the administrators. It depends upon wholesale, large-scale, corruption. It depends upon donations to funds and trusts. And that is why the fire arms are restricted to a particular class of people.

And the second social fact that we must take into account is that »«r

society is in a transition. Our society is a diverse, heterogeneous, plural society. Its economy is an economy of scarcity. Its politics has unfortunately become a politics of confrontation. And the result is what we see today—social violence and political violence, booth capturing, restricting voters from exercising their franchise at the time of election, attempts to curb the aspirations and expectations of the downtrodden masses. The atrocities are becoming more and more frequent against the weaker sections, against the Harijans, against the Giri-jans, against the minorities, against the landless labour. It is not only unfortunately the stronger sections of the society which indulge in this violence, it is today the ingroups as a collectivity, which engage in this violence. It is today sometimes the State which is on the side of the ingroups which indulge in this violence. It is those who hold the power, they exercise violence; it is those who have already a place in the sun, who hold the keys of the kingdom, who exercise violence; it is those who have the police force on their side, who are in a position to command the resources of the police force, it is they who commit violence. And this brings about a response. It is a natural response. There is an assertiveness, nobody shall take this violence lying down. And therefore we are unfortunately caught up in a spiral of violence which leads to an increasing accumulation of illicit arms on both sides of the fence, Government and the classes which the Government supports, and those who are outside the pale. I do not have to remind you, when I spoke about administrative violence, of the firing in Moradabad, of the Windings of Bhagalpur and of the limb-breaking in Varanasi. An Urdu journalist friend of mine very beautifully put it. He said, 'Today we have a *'Ankh Phod-sarkaar* and *f tang tod sarkaar*'. There is no defence against this State *zulum*. There is no protection against these police atrocities. There is no defence against administrative partiality, against tht*

[Sh. Syed Shahabuddin]

lack of neutrality on the part of administration. That is how the weaker sections also indulge in this game because they have lost confidence, they have lost trust and, therefore, they take their own steps to arm themselves, to defend themselves and to protect themselves, if it is necessary.

Unless the ingroups are disarmed, unless the landlords, the capitalists and the chauvinists are disarmed and unless the weaker sections are provided with means of protection as was done in Bihar during the Janata Party Government led by Shri Karpuri Thakur, and unless the search and seizure authority of the Police is not exercised against any particular class or group of people, unless they exercise their power impartially—we know that when the Police exercise this authority against one section of the people, they wing at the accumulation of arms by the other—this spiral of arms cannot be controlled and whatever laws you promulgate, Mr. Minister, you shall not be able to control this illicit manufacture of arms and illicit traffic in arms.

Mr. Vice-Chairman, there is yet another point I want to point out in this connection. We know by our national experience that controls do not work in our country. Checks do not work. They become yet another source of growing corruption in our society. Therefore, mere control will not do.

Now, with your permission, I will submit some suggestions for the consideration of the hon. Minister. There should be a selective liberalisation of licensing policy.

Secondly, every day we hear about thefts of arms from the arms and ammunition depots. These arms go to reinforce the arms in the hands of anti-social elements. Therefore, these depots should be safeguarded and the

Government should be more vigilant about their security.

Thirdly, I feel that the ceiling of three arms per person that has been ended by the distinguished speaker who preceded me is, to my mind, atrociously generous. Suppose there is a family of five, a father and four sons, what are 15 arms needed for? I think the ceiling should apply on a family and not on an individual.

Finally, as I have already mentioned, the Government should adopt a policy of licensing arms to the weaker sections who need protection. The Government should also see to it that the weaker sections are adequately represented, in accordance with the manifesto of the ruling party, in the law and order machinery so that their confidence and their trust in the law and order machinery and in its neutrality and impartiality are restored which is what is needed in our country.

In the end, and this is my last point, the hon. Member who spoke before me said that the strength of the police force per capita in India is very, very low. Sir the Police has expanded ten times since Independence. We know that in the British' times peace was maintained in the rural country side with very minimal force. It is not dependent on the strength of the force. It is the dignity of the Government, it is the Raub' of the Government and it is if the impartiality with which the people associate the Government, that controls the law and order situation. If the people think that the Government is unjust, that the Government is unfair, that the Government is on the side of the exploiting classes and the marauding classes, then there shall not be peace.

श्री उपसभाध्यक्ष (श्री विनोद गोस्वामी):
श्री हरी शंकर भाभड़ा ।

श्री हरी शंकर भाभड़ा (राजस्थान):
श्रीमन्, मेरा कितना टाइम होगा ।

उपसभाध्यक्ष (श्री विनेश गोस्वामी :
आपका 7 मिनट का टाइम है।

श्री हरी शंकर भाभड़ा : उपसभाध्यक्ष महोदय, सबसे पहले तो मुझे गृह मंत्री जी से प्रति सह-नुमति प्रकट करनी होगी कि वे सब कुछ जानते हुए भी आज कल उनके सामने फायर आर्म्स का दुरुपयोग हो रहा है, आराध बढ़ रहे हैं, लेकिन वे सिवाय कानून को और कड़ा बनाने के और कुछ नहीं कर सकते। मेरे अनेक मित्रों ने कहा कि आप चाहे कितने भी कानून बना लीजिये, इसका फायदा जो आप चाहते हैं वह नहीं होगा। उसके पीछे कारण यही है कि होम मिनिस्ट्री और कर भी क्या सकती है। पार्लियामेंट के सामने, अगर उसको लगता कि आराध बढ़ रहे हैं तो और कड़े कानून, कड़ी सजा का प्रावधान पेश कर देगी और क्या करेगी। असल में जो मशीनरी इन कानूनों को लागू करती है वह मशीनरी कैसी है, वह उन कानूनों का पालन करवा पाती है कि नहीं, उसको ठीक करने का अधिकार उसके पास नहीं है, साधन नहीं हैं सामाजिक टेंशन को कम करने के लिये तो होम मिनिस्ट्री क्या करे। समाज के बिकर-सेक्शन और जो गुंडा गंदी करने वाले लोग हैं उनके लिये होम मिनिस्ट्री कानून बना सकती है। लेकिन कानून बनाने के बाद उसके अन्दर पकड़े जाने वाले लोगों के खिलाफ जो इस्तगसा होता है उसमें अधिकांश लूप होल्स होते हैं। पहले तो जो पावर फुल क्रिमिनल होभा पुलिस उसको पकड़ नहीं पायेगी, पकड़ना चाहेगी भी नहीं। मान लीजिये कि किसी सोर्स से या किसी दबाव से पकड़ना पड़ा तो वह मुकदमा इस तरह का होगा, इस्तगसा जिसे कहते हैं उसमें उसको बेनीफिट आफ डाउट मिल ही जायेगा। इसलिये अगर होम मिनिस्ट्री इस मामले में अगर कुछ करना

चाहती है तो पहले उसको अपने पैटर्न को ही बदलना पड़ेगा। कानून जो बने हुए हैं, जितने बने हुए हैं उन कानूनों को अगर सफलता पूर्वक लागू करेंगे और उसमें हर साल यह देखेंगे कि उन कानूनों के अनुसार उनकी मशीनरी काम करती है या नहीं, उस पर नजर रखेंगे तो यह काम हो सकता है। परन्तु यह तो होम मिनिस्ट्री कर नहीं पाती। कानून वह बनाती है लेकिन जो कानून बनते हैं होम मिनिस्ट्री साहब ने कानून का ड्राफ्ट नहीं बनाया है। मैं धारा 6 की तरफ आपका ध्यान आकर्षित करना चाहता हूँ जिससे साफ जाहिर होता है कि किस तरह से आप कानून को हाफ हाटेडली बनाते हैं। इस कानून के अन्तर्गत आपने अपनी कमजोरी साबित कर दी है। उसमें आपने प्रावधान बनाया है कि पुलिस रिपोर्ट आने के बाद लाइसेंसिंग आथॉरिटी लाइसेंस जारी करेगी। लेकिन अन्त में कह दिया है कि :

"Provided that where the officer in charge of the nearest police station does not send his report on the application within the prescribed time, the licensing authority may if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report."

समझ में नहीं आता कि पुलिस को रिपोर्ट करनी है और पुलिस रिपोर्ट नहीं करेगी और आप उसकी बात की चर्चा भी नहीं करेंगे कि उस पुलिस इंचार्ज ने रिपोर्ट बिंद इन टाइम क्यों नहीं दी।

What action are you going to take against the police officer? Have you thought over it? No; you have never thought over that. The loophole is there. It is left to the police officer to decide whether he should send the

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report or not and he would get scot-free even after not reporting within the prescribed time and the licensing authorities will be helpless and they will have to exercise their own discretion and they will not be able to take any action against the police officer nor will you be able to take any action against the police officer. So, this is the state of affairs. You are enacting laws. But you are creating such loopholes and then you expect that this will succeed in its aims and objects. I do not think it will.

तो गृह मंत्री महोदय कानून बनने के पहले आप इन बातों को भी देखें। इसके अलावा एक और बात है। जैसे मान लीजिये आपने लाइसेंस दे दिया। वह आदमी कन्विकट हुआ और आपने उसका लाइसेंस हमेशा के लिये जब्त कर लिया। यह बात समझ में आई। लेकिन किन परिस्थितियों में लाइसेंस दिये गये हैं, खासकर आप किसी को आत्म रक्षा के लिये लाइसेंस देते हैं तो यदि वह व्यक्ति आपकी रक्षा करने में एक्सीड कर जाए।

Even then he will be convicted because the court will say that he has exceeded.

यद्यपि आर्म्स का आत्म रक्षा करने में उपयोग हो रहा है, लेकिन उसको उसका एक्सेस के कारण परिणाम भुगताना पड़ेगा। मैं यह पूछना चाहता हूँ कि उस लाइसेंसिंग अथॉरिटी के ऊपर आपका क्या अंकुश है जो जानबूझकर बदमाशों को लाइसेंस देगी जब कि उनको पता है कि ये गूंडे हैं और ये इसका दुरुपयोग करेंगे, वीकर सेक्शन के खिलाफ में इनका प्रयोग किया जायेगा या जो कमजोर हैं उनको दबायेंगे, आर्म्स के बल पर अपना रोब बढ़ायेंगे। तो क्या ऐसे लाइसेंसिंग अथॉरिटी के खिलाफ आपके पास ऐक्शन लेने के लिये कोई अधिकार है? यह अधिकार आपको लेना चाहिए। आखिर केवल जस्टिस करने की बात नहीं है।

It should also appear that Justice is being done.

जो आप कानून बनाते हैं उसके बारे में जनता को मालूम होना चाहिए कि यदि हम उन कानूनों का दुरुपयोग करेंगे तो हमको दंड मिलेगा। लेकिन इस कानून का पालन करने वाले भी दुरुपयोग करेंगे तो वे भी दंडनीय होंगे और इस प्रकार के दंड के आंकड़े आपके पास हैं? क्या ऐसा कोई है कि किसी ने जानबूझ कर ऐसे व्यक्ति को जिसके बारे में यह पता है कि यह आदमी नोटोरियस है उसको लाइसेंस नहीं मिलना चाहिए मगर लाइसेंसिंग अथॉरिटी के करप्शन के कारण, ब्राइव ले कर, दबाव में आ कर या दोस्ती के कारण किसी प्रकार से भी आऊट आफ दी वे जा कर दिया है। जहाँ तक पुलिस की रिपोर्ट का प्रश्न है आज के युग को आप क्यों भूल जाते हैं। भले ही आपके दिमाग में यह बात होगी कि आपके हैंडज और लेगज पुलिस हैं लेकिन जो हालत पुलिस प्रशासन की है जैसी स्थिति पुलिस की है उस पुलिस से क्या आप यह अपेक्षा कर सकते हैं कि वह जो रिपोर्ट देगी वह ठीक ही होगी जबकि कमोबेश वे लाइसेंसिंग अथॉरिटी की अपनी रिपोर्ट से बांध देंगे। पुलिस वालों को पता है कि किस के पास इलीसिट आर्म्स हैं। पंजाब में मुझे एक ऐसे व्यक्ति का पता है जिसके घर में तोपें हैं, मशीनगनों हैं।

Police cannot enter his house. They dare not enter his house. He is being protected by the Police force there. I have seen yesterday on the T.V. that on the declared Bengal Bandh day on 11th, they have recovered so many arms in Calcutta and they have showed them on T.V. This shows that the Police knew about it. It is within the knowledge of the Police.

कहाँ कौन क्या करता है, यह पुलिसवालों को पता रहता है। उसके बावजूद भी सब होता जा रहा है इसको चेक करने के लिए क्या आप कोई कदम उठा रहे हैं? असली काम तो यह करने का है कि

आप अपनी मशीनरी को ठीक करिये। क्योंकि आम्स का कोई दोष नहीं है। किसी के पास आम्स होने से वह किसी आदमी को मार नहीं देता है। यह आदमी की मॉटेलिटी पर निर्भर करता है। आप उसको किस तरह से प्रयोग करते हैं। इसी प्रकार से मशीनरी का प्रयोग आप किस प्रकार से करते हैं इस पर इस कानून और सारे कानूनों को आप किस प्रकार से प्रयोग करते हैं, इस पर भारत वर्ष का ला एंड आर्डर की स्थिति निर्भर करती है। यह सब कुछ आपकी मशीनरी, आप के काम करने के तरीकों पर, इंटेंशन, मॉटिव पर इस सब पर निर्भर करता है। बहुत सी बातें मेरे मित्र श्री गणबुद्धिन जी ने बताई हैं वे सही हैं। जब तक आप इम्प्लीमेंट को काम नहीं करेंगे तब तक हिंसा को बढ़काने का काम करेंगे तथा इस प्रकार से आपके कानून का कोई महत्व नहीं है। इसके विपरीत कानून का प्रयोग बेगुनाहों के विरुद्ध होता है जो जोर जबरदस्ती करने वाले हैं उनके लिए कानून नहीं है। इसलिए कानून जब आप पेश करें तो छोटी मोटी ड्राफ्टिंग की बातें खुद भी देख लिया करें। इसलिए कंट्रोवर्सी पैदा हो सकती है। इतना कह कर मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

श्री रामेश्वर सिंह : उपसभाध्यक्ष महोदय,...

श्री कल्पनाथ राय (उत्तर प्रदेश) : हाफ एन आवर है क्या ?

श्री रामेश्वर सिंह : यह भी हमारा है, ध्वराइये मत। (व्यवधान) श्रीमन्, मैंने अपने साथियों का भाषण नहीं विचार सुने। वे विचार रखते हैं। क्योंकि भाषण तो रोज हम लोग देते हैं और मंत्री जी भाषण देते हैं। इनका भी टी०वी० पर आता है और इन लोगों का कहीं टी०वी० पर आने का सवाल ही पैदा नहीं होता।

श्री योगेन्द्र मकवाना : आज जूरा आएगा

श्री रामेश्वर सिंह : श्रीमन्, मैं... (व्यवधान)

श्री कल्पनाथ राय : हम आपका सार-गर्भित भाषण सुनने के लिए बैठे हैं।

श्री रामेश्वर सिंह : बैठे हैं न उसका असर भी कुछ होना चाहिए। श्रीमन्, मैं कुछ सवाल उठाना चाहता हूँ। मैं जानना चाहता हूँ यह जो कानून बनाया जा रहा है क्या कारण है कि 30 वर्षों से लगातार कानून बन रहे हैं। 2, 4, 5, 10 सालों में कोई ऐसा साल नहीं पांचवीं, छठी पंचवर्षीय योजना कोई ऐसी नहीं जिस में कानून न बने हों। हम समझते हैं कि कानून (व्यवधान) कल्पनाथ जी जब तक रहेंगे तो रोज रोज बनेंगे (व्यवधान)

श्री कल्पनाथ राय : मेरा व्यवस्था का प्रश्न है। रामेश्वर सिंह जी ने कहा है कानून रोज रोज बने हैं। यह जानते हैं जब सरकार होगी, पार्टी होगी, दल होगा तो रोज रोज कानून होगा। यह कौन सी नयी बात कह रहे हैं।

श्री रामेश्वर सिंह : तो श्रीमन्, मे चाहुंगा कि ये लोग हमको पांच-दस मिनट डिस्टर्ब न करे।

उपसभाध्यक्ष (श्री दिनेश गोस्वामी) : आप उधर मत देखिये आप को लगता है बाहर से कुछ कन्सल्टेंसी करके आते हैं।

श्री रामेश्वर सिंह : मैं आप ही की तरफ देखूंगा।

श्रीमन्, मैं सवाल पूछना चाहता हूँ कि आप यह जो कानून बनाते हैं और आपने जो रिपोर्ट दी है पिछले दिनों वृहस के दौरान उनसे भी लगता है कि कानून और व्यवस्था की स्थिति दिन प्रतिदिन बिगड़ती जा रही है और उसी की वजह से आप यह कानून बना रहे हैं। आप इस बात को मान रहे

[श्री रामेश्वर सिंह]

हैं अमी जो अर्म्स की, लाइसेन्सुदा अर्म्स की तथा इलीगल अर्म्स को भी बात आप कर रहे हैं। तो इसके लिए जिम्मेदारी किसकी है। मैं पूछना चाहता हूँ, आपसे जानना चाहता हूँ कि क्या कारण है कि इस पर सरकार अमी तक अंकुश नहीं लगा पायी है। मैं समझता हूँ कि जब सरकारो पक्ष खुद इसका इस्तेमाल करेगा— खुद जब क्रिमिनलों को प्रश्रय देगा इनकी पुलिस जब खुद क्रिमिनलों को आश्रय देगी, इनकी पुलिस खुद अर्म्स को तैयार करेगी, इलीगल तारीके से अर्म्स बनायेगी, आपने अखबार में पढ़ा होगा कि इनका मुरादाबाद में पुलिस स्टेशन है, ट्रेनिंग स्कूल है वहाँ पर ट्रेनिंग स्कूल के भीतर कारखाना पकड़ा गया अर्म्स बनाने का कारखाना पकड़ा गया। यही नहीं आप और पांच कदम आगे चलेंगे तो आप देखेंगे आगरा, जो यहाँ से कोई दूर नहीं है वहाँ मिलिटरी की छावनी से मिलिटरी के कम्पस से, कस्टडी से अर्म्स बाहर आये हैं पकड़े गये हैं। खालियर में आपने पढ़ा होगा कि वहाँ एक लड़का 750 कारतूस लेकर जा रहा था वे मिलिटरी के थे वह पकड़ा गया। अब कानून यह बनाया गया कि रामेश्वर सिंह के पास केवल तीन अर्म्स रहेंगे। तो जब मिलिटरी के लोगों से आपके कम्पस से, कारखाने से यह हथियार निकलते हैं क्या यह समस्या का समाधान है, इससे क्या समस्या का समाधान होता है? ओमन् नहीं। मैं बुनियादी बात पर थोड़ी बहस करना चाहता हूँ। हम लोग बुद्ध और गांधी के देश के रहने वाले लोग हैं। हम यकीन करते हैं कि जब हथियार बनेगा तो उसका इस्तेमाल कहीं ना कहीं होगा। हथियार जब आप तैयार करेंगे तो वह हथियार निश्चित रूप से स्वाभाविक है कि इस्तेमाल होगा चाहे चिड़िया के ऊपर होगा, शेर के ऊपर

होगा या आदमी के ऊपर होगा। यह बात मान करके हम चले। अब मैं भूली महोदय का थोड़ा ध्यान हटकर दिलाना चाहता हूँ और मैं बताना चाहता हूँ कि आप कानून बना रहे हैं कि कोई भी आदमी अर्म्सस्त्र तीन से ज्यादा नहीं पायेगा। लेकिन मैं एक घटना की तरफ छोटी सी घटना है, जो आप नोट कर लें तो बड़ी क़या होगी। दिलाना चाहता हूँ कि इन हथियारों का इस्तेमाल कैसे होता है। भाले का इस्तेमाल कैसे होता है, गड़ासे का इस्तेमाल कैसे होता है चाकू का इस्तेमाल कैसे होता है। चाकू से भी इन्सान को मार दिया जाता है। बल्लम से भी इन्सान को फेंक कर मार दिया जाता है गड़ासे से भी इन्सान को मार दिया जाता है। तो पहला सवाल है श्रीमन् जो मैं थोड़ा पढ़ना चाहता हूँ क्योंकि आप होम मिनिस्टर हैं और होम मिनिस्टर के साथ साथ हमारे अच्छे मित्र हैं कभी आप इस कुर्सी पर थे मैं उधर था और आप अब इधर हो गये हैं मैं इधर हो गया हूँ तथा यह फिर बदलेगा। यह लगा रहेगा इसकी चिन्ता न आप करें न मैं कर्ना। मुझको यकीन है कि यह उलट पलट होता रहेगा, चाहे आज हो कल हो, पाँच-दस साल में हो। क्योंकि आप उस रास्ते पर हैं और उस रास्ते को आप जब ब्लाक कर देंगे (व्यवधान) लेकिन जब ब्लाक कर दोगे तो नहीं होगा। जिस रास्ते पर आप मुल्क को ले जाना चाहते हैं, अगर वहाँ चले जाओगे तो शायद नहीं होगा।

श्रीमन्, मैं एक घटना की तरफ ध्यान दिलाना चाहता हूँ। श्री शिव पूजन कुमार जो आपके मित्र, यानी हमारे मित्र रहे हैं, मिर्जापुर जिले में, नोट कर लीजिए, मिर्जा जिले के थाना मड़िहान, सरसों ग्राम में उनकी हत्या कर दी गई, करीब दस-पंद्रह वर्ष पहले, जब हम लोग वहाँ रहते थे, बीस बीघा जमीन

को लेकर। रात में सोए थे और बल्लम से मारा और गंडासा से काट दिया और पुलिस वाले दो दिन तक लाश वहां छोड़े रखे और फिर पुलिस वाले ले जाकर, उठा कर के लाश को प्रवाहित कर दिया और इनका घर वहां से 200 मोल की दूरी पर है, जहां इनका गांव बल्लिया जिले में है। किसी पुलिस अधिकारी ने यह नहीं सोचा कि वहां खबर करो और उनको बुला कर के उनको लाश को उनको हैड ओवर कर दें। पुलिस ने खुद इस काम को कर दिया। जब उनके परिवार, वाले आते हैं, तो पुलिस ने मना कर दिया कि उस गांव में मत जाओ, सोधे तुम बल्लिया चले जाओ। यह मैंने आपको सुना दिया किस लिये कि आप करना क्या चाहते हैं देश में?

आप, श्रीमन् महात्मा गांधी को भूल चुके हैं। गांधी का रास्ता आप छोड़ चुके हैं। इसलिए आप कानून बनाते चले जा रहे हैं। गांधी जी के रास्ते पर अगर आप चलते, खादो कपड़ा आप पहनते, धोती-कुर्ता पहन करके रहते, आप फैशन का जमाना नहीं लाते, देश में गरीबी की तरफ लोग नहीं जाते, लोगों के अंदर सहनशीलता का भाव जगता। भगवान बुद्ध के भाव को आप जगाए होते, ईश्वर मसीह के भाव को आप जगाए होते, गांधी जी की भावना को आप गांव-गांव में जगाए होते, तो यह स्थिति थायद नहीं होती।

मैंने अभी आधे घंटे पहले जब जिक्र हो रहा था, जब बहस हो रही थी, मैंने उसमें हिस्सा लिया था कि जब आपके मंत्रिमण्डल का सहयोगी, साथी खुद एक क्रिमिनल को कहता है कि यह कांग्रेस (आई) का सक्रिय कार्यकर्ता है,

जब खुद कैबिनेट का आदमी मंत्री स्तर का आदमी कहता है कि यह क्रिमिनल नहीं है, बल्कि कांग्रेस (आई) का सदस्य है और जिस दिन कहता है, एस० पी० है और कलैक्टर के दरवाजे पर जाकर बल्लिया में भोजन करता है और उसी रात में वह डकेती करने जाता है और वहां वह मार दिया जाता है और उसके साथ और दो डाकू मारे जाते हैं। एक डकेत मार दिया जाता है, श्रीमन्, यह कितनी गम्भीर बात है। क्या आप मुल्क में करना चाहते हैं? आप मुल्क को रसातल की तरफ नहीं, बल्कि मुल्क को आप अग्नि की ज्वाला में झोंकना चाहते हो।

अब आप नक्सलाइट्स को मार रहे हैं। सोच नहीं रहे कि नक्सलाइट क्या हैं? मैं जानता हूँ, व्यक्तिगत तौर पर नक्सलाइट को, उनमें ऐसे-ऐसे लड़के पैदा हुए हैं जिनसे मेरा निकट का बहुत घनिष्ठ संबंध रहा है और आज भी है, जो हम समझते हैं कि आपको रूलिंग पार्टी में उन लड़कों जैसे बहुत कम लोग हैं जो उनका मुकाबला कर सकेंगे। उनमें एम० बी० बी० एस०, फ्लैट क्लास इंजीनियर्स, गोलड मैडलिस्ट लड़के नक्सलाइट होते चले जा रहे हैं। क्यों? उनके मन में आपके प्रति घृणा की भावना जग रही है।

यह मंत्री जी आपको मालूम है कि सिपाही जवान जब जाता है छवि राम डाकू को पकड़ने के लिए एटा में, पूरी की पूरी पुलिस को काट दिया। छवि राम के गिराह ने। आपकी पुलिस ने खबर दी और यह लोग इमदद पहुंचाने नहीं गये। आधे घाने के लोग डकेतों से मिले हैं और आधे घाने के आदमी जाते हैं अपना कर्तव्य करने, झूठी का पालन करने के

[श्री रामेश्वर सिंह]

लिए, छवि राम गिरोह से लड़ने के लिए और आधे पुलिस वाले उसको खबर करते हैं कि जा रहे हैं, तुम सावधान हो जाओ। वे बेचारे जाते हैं और रात को नौ-दस पुलिस के जवान काट दिये जाते हैं।

आपको शर्म नहीं आती है इस विधेयक को लाने में, कानून बनाने में। कानून के द्वारा अगर आप चाहते हैं कि इसको रोका जा सके, तो मैं कहना चाहता हूँ कि हरगिज-हरगिज कानून नहीं रोक सकता। उपसभाध्यक्ष महोदय, कानून का हाथ इतना लम्बा है कि जो कानून अभी है, मौजूदा समय में, इस कानून के द्वारा आप पनिश कर सकते हैं। आप कानून की व्यवस्था के मूलाविक अगर मर्यादित ढंग से चुनाव कराते हैं मैं चुनाव का जिक्र थोड़ा कर देना चाहता हूँ क्योंकि एक क्रिमिनल मॉडेलिटो से चुनाव जुड़ा हुआ है... (समय की घंटी) ... उपसभाध्यक्ष महोदय, दो मिनट हमें दे दीजिए।

उपसभाध्यक्ष (श्री विनेश गोस्वामी) : ठीक है; ठीक दो मिनट।

श्री रामेश्वर सिंह : श्रीमान उपसभाध्यक्ष महोदय, मैं चुनाव से थोड़ा जोड़ना चाहता हूँ। श्रमन, हो क्या रहा है? हर पांच साल में चुनाव हो रहा है लोक सभा, विधान सभा का। लोक सभा को, विधान सभा को छोड़ दीजिए, गांव पंचायत का चुनाव और म्यूनिसिपलिटि का चुनाव कारपोरेशन का चुनाव और सही नहीं हर साल युनिवर्सिटियों में चुनाव आ रहा है। मेरा भी छात्र जीवन राजनीति से संबंधित रहा, मैं भी छात्र राजनीति में रुचि रखता हूँ। मैं मानता हूँ, कल इस मुल्क के छात्र को मर्यादित नहीं रखा जाएगा, तो आने वाली जो पीढ़ी है यह एक न एक दिन बुकेगी

इसलिए नयी पीढ़ी को चेतना दिलाने के लिए नयी पीढ़ी को सही रास्ते पर चलने के लिए; मर्यादित ढंग पर रखने के लिए, मैं यकीन करता हूँ कि यूथ आर्गनाइजेशन होना चाहिए मगर कैसा यूथ आर्गनाइजेशन होना चाहिए? वही गांधी जी के रास्ते से—कंधे पर गमछा, हाथ में डंडा और कमर में लंगोटी बांध कर जब हम इस देश में चलेंगे तब यह देश मर्यादित बनेगा। कानून बना कर नहीं हो सकता है। आप कौन से रास्ते ले जा रहे हो? आप ले जा रहे हो यूथ कैम्पिंग के रास्ते पर, आप ले जा रहे हो गांधी जी को भुला कर हत्या के रास्ते पर, और चाहते हो गद्दी पर बैठना। कल तुम्हारी धारी भी आएगी, तुम्हारे ऊपर कोई गोली चलाएगा, कल नक्सलाइट गोली चलाएगा। यह तो चुनाव की बात हुई, दूसरी तरफ़ रोटो और रोजी की समस्या है। 30 वर्षों में भी, आप हरिजन का नाम लेते हो, मकवाना साहब, खुद आप हरिजन घर में, दलित वर्ग में पैदा हुए हो, तुम्हारे ऊपर हमारी अपार हमदर्दी है, तुम्हारी हमदर्दी उनके साथ दिखावटो है, हमारी हमदर्दी प्रीक्टिकल है। हम कहते हैं 100 से कम नहीं हजार से ज्यादा नहीं। जैसा 100 से कम किसी को खर्च करने का हक मिलना चाहिए, तो हजार से ज्यादा किसी को खर्च करने की इजाजत नहीं मिलनी चाहिए। आपने क्या कर रखा है इस देश में? एक तरफ़ चार आना छः आना पैसे रोजी पर बीस-पच्चीस करोड़ की जनता भूखों मरती हो और दूसरी तुम्हारी मालकिन के ऊपर 3-4 लाख रुपए खर्चा हो, यह नहीं चल सकता है; एक तरफ़ बिड़ला की रोजाना आमदनी 3 लाख हो और दूसरी तरफ़ 27 करोड़ की जनता की आमदनी पांच आना, छः आना, आठ आना की हो, अगर इस तरह की गैर बराबरी हो तो क्या बिना लाइसेंस हथियार आप रख सकते हो? बिना लाइसेंस का हथियार हर घर में, हर जनता के हाथ में आप दे दोगे चाहे वह लाइसेंस-शुदा हथियार हो चाहे वह बगैर लाइसेंस शुदा हथियार हो। किसी भी तरह का हथियार हथियार होता है। इस

लिए मकवाना साहब, धरती पर आ जाओ, ज़रा धरातल पर आओ। अगर कानून बनाओगे तो तुम्हारे कानून के द्वारा हो सकता है तुम्हारी पुलिस कह दे कि इन को भी इन काउंटर करना होगा। तुम्हारे पुलिस कहीं इन काउंटर का रास्ता अख्तियार नहीं कर ले। उपसभाध्यक्ष महोदय, आप इस कुर्सी पर बैठे हैं, कुर्सी से उठ कर जब सदन के बाहर जाएंगे तो आप से भी कह दिया जाएगा असम का नक्सलवादो है, असम में गढ़बड़ो करता है, इस की भोले जा कर गोली मार दो। श्रीमन्, मैं सरकार का ध्यान इस तरफ दिलाना चाहता हूँ...

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): You wanted two minutes, I gave you more than that.

श्री रामेश्वर सिंह : मैं इधर पूरे सेशन कभी बोलानहीं हूँ। मकवाना साहब, थोड़ा समय दिन बाइए क्योंकि तुम्हारे हक की बात कहता हूँ।

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): You must conclude by six o'clock.

श्री रामेश्वर सिंह : मैं मकवाना साहब से पूछता हूँ क्या आपने हरिजनों को समस्या कभी हल की है? बोस-तोस कर डेहरिजन इस देश में हैं जा दलित हैं। मैं पूछना चाहता हूँ आप को सरकार से, आज भी बिहार और उत्तर प्रदेश में पांच-दस हजार एकड़ जमीन पर कुछ लोग बैठे हुए हैं, आज भी एक-एक आदमी के पास 20-20 और 50-50 मकान बने हुए हैं और एक-एक मकान में एक कमरे में बोलियों आदमी जोवन बसर करते हैं। एक हठो घर में 4 पाटन लगे हैं, एक पाटन में लड़का है, बोच में छोटी वाली लड़की है, फिर एक लड़की है, फिर नीचे मां और बाप, नीचे चारपाई है। यह हालत है। जिस देश में एक कमरे में बोल लोग रहते हैं और वहीं एक आदमी के पास तोस-तोस चालीस मकान हैं, क्या आप नहीं जा रहे हो गलत रास्ते पर? **बोच अबकुला ने अगर बेटे को अपना उत्तरा-**

धिकारी बना दिया जब श्रीमती इन्दिरा गांधी अपने बेटे को बनाना चाहती हैं, कमलापति अपने बेटे को बनाना चाहते हैं . . . (ब्यवधान)

6 P.M.

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN): Sir, on a point of order. The hon. Member has no business to refer to the Prime Minister. This should be expunged. What the hon. Member has said is not relevant to the present discussion. The rules are, a notice has to be given first, it has to be approved by you and only then, the hon. Member can cast an aspersion...

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Are you raising a point of order?

SHRI VIKRAM MAHAJAN: I have raised! a point of order. My point of order is, before any aspersion is cast on any hon. Member of this hon. House, the procedure is that, an intimation has to be sent to the Chairman, prior intimation has to be sent, and permission is sought then only, the point can be raised. Here, I would like to know whether permission was sought, firstly, whether permission was sought, firstly. Secondly, if permission was not sought, then, whatever the hon. Member has said regarding the Prime Minister should be expunged from the proceedings of the House.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I will look into it.

श्री रामेश्वर सिंह : प्राइम मिनिस्टर रेस्पॉसिबिल हैं, मकवाना रेस्पॉसिबिल है, अगर मकवाना फेशनैबिल गांधी में चलेंगे . . .

SHRI VIKRAM MAHAJAN.. <?ft, what about my point of order?

THE VICE-CHAIRMAN (SHRI DESTESH GOSWAMI): I have not been able to follow. I will look into it.

श्री रामेश्वर सिंह में फिनिश हो कर
रहा हूँ, समाप्त कर रहा हूँ।

एक माननीय सदस्य : बात अच्छी हो तो
सुने

THE VICE-CHAIRMAN (SHRI DINESH
GOSWAMI): Please conclude, Mr.
Rameshwar Singh.

श्री रामेश्वर सिंह : हमारे मित्र कहते हैं
कि बात अच्छी हो तो सुनें। हमारी बात अच्छी
नहीं है तो किस को अच्छी है . .

THE VICE-CHAIRMAN (SHRI DINESH
GOSWAMI): Nothing is going on record
now.

SHRI RAMESHWAR SINGH: *

THE VICE-CHAIRMAN (SHRI DINESH
GOSWAMI): Mr. Rameshwar Singh,
nothing is going on record. We take up the
next item, the Half-an-hour discussion.

Mr. Rameshwar Singh, please.

SHRI SYED SHAHEDULLAH
(West Bengal): Sir, what about my name?

THE VICE-CHAIRMAN (SHRI DINESH
GOSWAMI): You will speak tomorrow. The
discussion on this Bill will be continued
tomorrow. Now, we take up this discussion,
the Half-an-hour discussion.

Before this, I would like to make one thing
clear. The last few lines of Jirhat Mr.
Rameshwar Singh has said have not gone on
record, because, we have to take up the Half-
an-hour discussion at 6 PM. The hon.
Member has spoken beyond 5 PM. We
cannot take the subject matter beyond 6 PM,
because, the Half-an-hour discussion is
scheduled for 6 PM. Hence, the last few lines
of what Mr. Rameshwar Singh has said have
not gone on re-

•Not recorded.

I have made the position clear because some
hon. Member may raise the point tomorrow.

SHRI RAJENDRA SINGH ISHWAR
SINGH; Mr. Vice-Chairman, Sir, even before
6 PM, many things which the hon. Member
has said were not relevant to the issue. For
instance, he has said something about Sheikh
Abdullah. May I respectfully suggest that you
may consider taking them also off the record?

THE VICE-CHAIRMAN (SHRI DINESH
GOSWAMI): The problem is, so far as
relevancy is concerned, if only relevancy is to
be taken into consideration, probably, we
have to delete two-thirds of the debate of this
House. But the point is that if an hon.
Member speaks for half a minute or one
minute more, we cannot become very strict.
But if an hon. Member goes on speaking, in
spite of the fact that we have to take up this
subject at 6 PM, namely, the half-an-hour
discussion, the Chair would exercise its own
right and only from that moment I have said
*Nothing will go on record'. I cannot expunge
the previous remarks because this will not be
a parliamentary practice, except the objection
taken by Shri Vikram Mahajan,, which I will
look into, whether it comes under any of the
prohibitive rules.

Now we take up Half-an-hour Discussion.
Yes, Mr. Rameshwar Singh.

**HALF-AN HOUR DISCUSSION ON
POINTS ARISING OUT OF TIDC
ANSWER GIVEN IN THE RAJYA
SABHA ON THE 18TH AUGUST, 1981
TO STARRED QUESTION 3
REGARDING SUPPLY OF COAL, TO
PUBLIC SECTOR POWER HOUSES
AND FERTILIZER PLANTS**

श्री रामेश्वर सिंह (उत्तर प्रदेश) :
श्रीमान्, मैंने जो प्रश्न पूछा था संख्या 3,
18 तारीख को उस में मुझे जो उत्तर दिया गया