

friend, Mr. Rajnarain, would like to hear from Mrs. Gandhi. I would be satisfied if the Minister of External Affairs comes and makes a statement. Mr. Chandra Shekhar for whom I have almost limitless regard generally does not confuse the issues. But this time, for reasons known or unknown, he preferred to be confused himself.

SHRI CHANDRA SHEKHAR : I am making this statement with known reasons. I am not influenced by either American or Kremlin statements : I am influenced only by the statement made by the Government of India. The Government of India have made their position quite clear that they are not going to be pressurised by anybody. Unless there is proof to the contrary, I stand by it...

(Interruptions).

SHRI A. P. CHATTERJEE (West Bengal) : It is put there.

SHRI BHUPESH GUPTA : I am not talking about Mr. Chandra Shekhar's Government. Whether he likes that Government or dislikes it, it is a different matter.

SHRI A. P. CHATTERJEE : You do not understand, Mr. Chandra Shekhar.

(Interruptions)

SHRI BHUPESH GUPTA : I am not questioning Mr. Chandra Shekhar's statement. I have brought to your notice what the State Department's spokesman has said. Surely, this needs to be met immediately. Mr. Chandra Shekhar said about somebody coming. Let them come. Their leaders come, visitors come, sex pervers come, hippies come. But here it is a question of an official American team coming with certain specific assignments, the announcement having been followed by a statement by the State Department which makes it clear that the issue is between India and Pakistan and that they would like to privately help. Therefore, Sir, this mission takes on a very serious character. It is not a study team of experts. It is not a team of experts coming from the Harvard University to study the Bangla Desh problem, it is well understood by all.

SHRI CHANDRA SHEKHAR : What is to be agitated? The Government of India has made the position clear. What you are trying to make...

SHRI BHUPESH GUPTA : Mr. Chandra Shekhar is developing very great faith in the Government of India.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Please do not both carry on. Mr. Bhupesh Gupta, you are a good parliamentarian. I have said already that these are very important points. They are to be answered. They may not be answered immediately just at this moment. A debate is coming on the points made...

SHRI BHUPESH GUPTA : A debate is coming? When is it coming?

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Friday.

SHRI BHUPESH GUPTA : Tomorrow and the day after.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : I would even suggest that a proper motion be tabled by you.

SHRI BHUPESH GUPTA : We have given Calling Attention Notices. We have given them.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : This a matter on which the Government must make its position clear so that all of us know where the Government stands.

SHRI BHUPESH GUPTA : All right.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : I want you to raise the question of Bangla Desh and so on when the motion comes up, and let us not enter into a discussion now.

Now, I call upon Mr. Ram Niwas Mirdha to move his Bill.

THE ARMS (AMENDMENT) BILL,
1971

THE DEPUTY MINISTER IN
THE MINISTRY OF HOME AFFAIRS

(SHRI F. H. MOHSIN). Sir, on behalf of Shri Ram Niwas Mirdha, I beg to move.

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

Sir, this Bill is a very simple one. This is intended only to enlarge the scope of the definition of the wording 'district magistrate' contained in Section 2 (d). According to the definition in the parent Act, only the Commissioner of Police of the presidency-town or the city of Hyderabad can exercise the powers of the district magistrate. But since the passing of this Act in 1959, Commissioners of Police have been appointed in certain other cities also, besides the presidency-towns and the city of Hyderabad. 3 P. M. So it is possible that the Commissioners of Police may be appointed in future also in some more towns and cities. In view of the changed set-up, Sir, it has not been possible for the Commissioners of Police in cities other than Presidency town and the city of Hyderabad to exercise powers of the District Magistrate under this Act. So this Bill has been introduced in the House to enable the Commissioners of Police to exercise such powers. In the big cities, besides the Commissioners of Police, there is possibility of Deputy Commissioner of Police being appointed. This Bill gives power to the State Governments to specify that any of the Deputy Commissioners of Police could also exercise such powers. It is only with this limited purpose that this Bill has been introduced in this House.

“THE VICE-CHAIRMAN (SHRI A. D. MANI); This Bill comes in deference to the recommendation of the Law Commission.

SHRI F. H. MOHSIN: No. We have brought it on our own because Commissioners of Police have been appointed in some more cities where they could not exercise the powers exercised by the Commissioners of Police in Presidency towns and the city of Hyderabad. It is only to remove this difficulty that this Bill has been introduced.

The question was proposed.

श्री जगदीश प्रसाद माथुर (राजस्थान) :

उपसभाध्यक्ष महोदय, जहाँ तक कि इस विधेयक में जो संशोधन प्रस्तुत किया गया है उसका संबंध है उसके संबंध में मुझे कोई आपत्ति नहीं है लेकिन इस कानून के कारण में जो कठिनाइयाँ उत्पन्न हो रही हैं और जिसकी ओर सरकार का बार बार ध्यान आकर्षित किया गया है उस दृष्टि से अगर इस कानून में सरकार कुछ और परिवर्तन लाती तो मैं समझता हूँ कि इस कानून का और ज्यादा उपयोग होता।

विशेष तौर से मुझे अपने प्रदेश का अनुभव है कि ये जो टोपीदार बन्दूकें होती हैं इन टोपीदार बन्दूकों के लाइसेंस को जा प्रक्रिया सरकार ने प्रारम्भ की है और जो कि चर रही है उससे बड़ी कठिनाई है। कुछ ऐसे इलाके हैं जहाँ कि कभी बाढ़ आती है और कभी अकाल पड़ना है और हमारे प्रान्त में तो पिछली बार लगभग 8 साल तक अकाल पड़ा। तो वहाँ अकाल पड़ने के कारण लोग इस प्रकार की बन्दूकों के लाइसेंस रिन्यु नहीं करवा पाये। अब अगर कोई लाइसेंस को रिन्यु करवाना चाहता है तो उसके ऊपर इस कानून के मुताबिक 50 रुपये का जुर्माना होता है जबकि बन्दूक की कीमत भी 50 रुपये नहीं है। अगर कोई अपना लाइसेंस रिन्यु करवाये तो उसको 50 रुपये का जुर्माना देना पड़ेगा जो कि कोई पसन्द नहीं करेगा कि वह यह जुर्माना दे। तो इस नाते से सरकार के पास बार बार यह सुझाव भेजा गया कि जो टोपीदार बन्दूकें हैं कम से कम उनको तो लाइसेंस से मुक्त कर दिया जाय क्योंकि इसकी कीमत ज्यादा नहीं है। जहाँ इस प्रकार की स्थितियाँ आ रही हैं कि बाढ़ आ गई या इसी प्रकार की कैमिटी हो गई और लोग उसका लाइसेंस रिन्यु नहीं करवा पाये वहाँ जो यह कानून है कि अगर रिन्यु करवाये तो 50 रुपये का जुर्माना देना पड़ेगा यह ठीक नहीं है। जुर्माना देना पड़ेगा इस कारण से वह लाइसेंस

नहीं करवाने और यही करते हैं कि हथियारों को छिपावो। तो इस ओर सरकार को ध्यान देना चाहिये।

एक और बहुत गम्भीर परिस्थिति हमारे यहां है और उस ओर मैं सरकार का ध्यान आकर्षित करना चाहता हूँ। स्थिति यह है कि आपने बन्दूकों के लाइसेंस तो दे दिये हैं लेकिन उन बन्दूकों में जो कारतूसों का उपयोग होता है उसमें कोई व्यवस्था नहीं की है। आज कारतूस की मार्केट में जो कीमत है वह 5 रुपये से 8 रुपये तक प्रति कारतूस है और उस कीमत पर लोग कारतूस खरीद नहीं सकते हैं। इस नाते से मेरा सुझाव है कि जो खास तौर से बांडेर एरियाज हैं, सीमावर्ती इलाके हैं वहां पर जो इस प्रकार की बन्दूकें हैं और जो लोग वहाँ, नागरिक सीमा सुरक्षा का काम करते हैं—जैसे कि हमारे यहां पिछली बार पाकिस्तान के एग्जेशन के समय उन्होंने पाकिस्तान से लड़ाई में हिस्सा लिया - तो कम से कम ऐसे लोगों को सरकार एम्प्लुशन समेत दामों पर या लागत कीमत पर दे दे। यदि इस एक्ट के अन्तर्गत कोई इसकी व्यवस्था करके वह उपलब्ध नहीं कराते हैं तो फिर आज जिनके पास बन्दूकें हैं वे बेकार हैं। एक और नयी परिस्थिति उपसभाध्यक्ष महोदय, पैदा हुई है। 1965 की लड़ाई के अंदर, जो पाकिस्तान के साथ हुई थी, हमारी गवर्नमेंट ने कानून में संशोधन किया था कि जितने भी प्रोहिबिटेड वॉर थे उन सबके लिए सरकार ने लाइसेंस की व्यवस्था कर दी थी और लड़ाई खत्म होने के बाद सरकार ने लाइसेंस की व्यवस्था को रद्द कर दिया और जितने भी प्रोहिबिटेड वॉर थे सरकार के पास जमा हो गए। अब एक स्थिति पैदा हो गई है कि ऐसे लोगों के लिए जिनको 1965 में आपने लाइसेंस दिए, जिनके पास प्रोहिबिटेड वॉर थे, उनके लाइसेंस को जप्त कर लिया था उनको वर्तमान परिस्थिति में उनके हथियार वापस किए जाए। आज जिस प्रकार से एक एमरजेंसी का पीरियड

है उसमें सरकार को कहना चाहिए कि जिनके पास अनलाइसेन्स्ड हथियार हैं, बड़ी मात्रा में ऐसे हथियार हैं, उनका उपयोग रोजाना कलकत्ता या बंगाल में होता है, आपस की लड़ाई में होता है और उसको आप रोक नहीं पाते, तो जिन लोगों के पास अनलाइसेन्स्ड हथियार हैं सरकार को चाहिए कि...

THE VICE-CHAIRMAN (SHRI A. D. MANI): Mr. Mathur, you are making very good points about the Arms Act, but in order to see that this Bill goes into proper focus. :

SHRI JAGDISH PRASAD MATHUR : I want that these changes should be incorporated. The Government should take note of these suggestions. Otherwise, this amendment means nothing.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : I want you to say that.

SHRI JAGDISH PRASAD MATHUR : I have said that. I have supported it. But I want something more to be incorporated in it.

तो 1965 के समय जो स्थिति थी, उसके बाद उपसभाध्यक्ष महोदय, आज स्थिति ऐसी है कि लोगों के पास बड़ी मात्रा में हथियार हैं, जो छुपा कर रखे हुए हैं, और आज अगर सरकार उनका लाइसेंस भर दे जिस प्रकार 1965 में सरकार ने छूट दी थी, वैसे ही एक बार फिर कानून के अन्तर्गत छूट दे दें तो बड़ी मात्रा में लोग लाइसेंस करवाएंगे, सरकार को उससे आमदनी भी होगी और अगर लड़ाई जैसी स्थिति समाप्त हो जाती है तो जैसे पिछली बार कदम उठाया था वैसे ही उसके बाद फिर प्राहिबिट कर दे, गवर्नमेंट फिर उन हथियारों को जमा करवा ले। उसमें हमें आपत्ति नहीं होगी। अगर हथियारों को बाहर नहीं निकलवाया और उनका त्रिमित्य कामों के लिए

उपयोग हुआ तो सरकार को उसका पता नहीं लगेगा, जो कि उसी काम में ज्यादा आता है।

एक बात में और भी कहना चाहूँगा कि वार्डर डिसट्रिक्ट्स में सरकार को इस कानून के अन्तर्गत कुछ रियायत करना चाहिए। पिछली बार भी हमारे नागरिकों ने बड़ी बहादुरी से पाकिस्तान की सेनाओं के साथ लड़ते हुए हमारी सेनाओं का साथ दिया, अपने हथियार लेकर लड़े। इस बार भी नागरिकों को स्थिति का सामना करने के लिए हथियार चाहिए और उसके लिए जो सरकार ने बन्दिश लगा रखी है—जैसा कि मैंने कहा, अगर लोगों के पास हथियार चोरी छिपे रह गए, लोग उनका दुरुपयोग करें; और जिनके पास हथियार है वे दुरुपयोग कर रहे हैं बड़ी मात्रा में, सरकार को पता नहीं है—तो इस प्रकार के जो प्राबलम्स हैं देश के विभिन्न भागों में, उसको हल करने के लिए कदम उठाए।

इसके साथ, जो डिस्ट्रिक्ट मजिस्ट्रेट की बजाए पुलिस कमिश्नर को आपने पावर्स दी हैं, मेरी समझ में नहीं आता यह पावर आपने एस० डी० एम० को क्यों नहीं दी? डिपुटी सुपरिन्टेन्डेंट, सुपरिन्टेन्डेंट आफ पुलिस को देना चाहते हो तो उसके बाद अगर आप एस० डी० एम० को...

श्री एफ० एच० मोहसिन : ऐसा नहीं है। डिपुटी सुपरिन्टेन्डेंट आफ पुलिस नहीं है, डिपुटी कमिश्नर आफ पुलिस है।

श्री जगदीश प्रसाद माथुर : हम चाहते हैं कि ये पावर्स आप एस० डी० एम० को दें। ऐसा कानून के अन्दर प्राविजन करे तो लोगों को ज्यादा सहूलियत होगी। आखिर ला एन्ड आर्बर की जरूरत होगी तो—पुलिस विल टेक इट्स ओन ऐक्शन। लोगों को सहूलियत देने के लिए—Even the SDM can be authorised by this Act to issue these licences. यह मेरा सुझाव

है कि इसको आप इम्कापॉरेंट करें। तो मैं माननीय मन्त्रीजी से निवेदन करूँगा कि आज जो स्थिति विशेष रूप से वार्डर में पैदा हुई है, उसको देखते हुए आप लाइसेन्स देने के संबंध में अवश्य विचार करें कि किस प्रकार से उन लोगों को राहत मिल सकती है और वह छिपा हुआ हथियार बाहर निकाल सकते हैं और इस समय जो स्थिति देश में पैदा हुई है, उसमें देश की सुरक्षा की दृष्टि से नागरिकों से ज्यादा से ज्यादा ऐसे हथियार प्राप्त कर सकें, इस संबंध में आपको कोई रास्ता निकालना चाहिए। मेरा इस विधेयक के संबंध में बस यही निवेदन है।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Chatterjee. Are you speaking on this Bill? You have given your name.

SHRI A. P. CHATERJEE : Yes, but I never thought I would be called so soon.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : But you can speak at any time on any subject. All right, I will call Mr. Lakshmana Gowda. You may speak after him.

SHRI U. K. LAKSHMANA GOWDA (Mysore) : Mr. Vice-Chairman, I do not know whether by this amendment the Home Minister is going to make the Arms Act more strict or liberal. All that is proposed to be done now is to give powers of the District Magistrate to the Deputy Commissioner and Commissioner of Police in certain circumstances so far as the Arms Act is concerned. So far as this is concerned, I have no objection. This is after all a very small matter. What I would like to say is that the government, with all its protestations and all that it claims to have achieved after independence and with all the progress, has not thought of repealing this Act which was foisted on us during the British regime. In order to keep this country under their control, they did not want people of this country to arm themselves. So, they brought forward this measure. I expected the Minister to come forward with a measure repealing the Arms Act and making it so liberal that every able-bodied citizen of India above the age of eighteen is able to buy arms, provided he is not a criminal or mentally

unsound. In other countries, people simply take permits for possession of arms. Here one has to go through several processes and my friend Shri Mathur has given in detail the difficulties and harassment which the people have to face. I come from an area where people use arms in large numbers. People living in hilly areas have to take licences at least for crop protection. Supposing a peasant or tenant or cultivator applies for licence. The difficulties he has to go through are enormous. First he has to go to his landlord and get a certificate saying that he is a tenant and is cultivating the land. Then he has to get a certificate from the Revenue Inspector. He applies to the Tahsildar. He refers it back to the police outpost. There you know what happens. An enquiry takes place. At least there is a delay of one year. There is corruption also at that level. Before the licensee gets his licence, at least two years will elapse. In the first instance, licence is issued for one year. For the next year he has to renew it. So, he gives it back. It will not be returned in many cases till the next December. This is from my personal knowledge. This is the kind of harassment that goes on, I do not know why there should be any restriction for the issue of crop protection licences? My friend has detailed the difficulties of people living in border areas. There is every necessity for keeping the people in the border areas fully armed. It is not correct to say that if you make the Arms Act liberal, arms will be used by anti-social elements. Anti-social elements will anyhow make use of them. In West Bengal there is a strict Arms Act. Still, are they not using weapons? It is very pertinent to point out that in Coorg which is part of Mysore there is no Arms Act because the people there helped the British in olden days to quell rebellions, etc. They were, therefore, exempt from the Arms Act. Because of that, are there more crimes in that district than elsewhere? So, that argument is not correct. It is simply degrading to ourselves that instead of repealing the Arms Act, you are going to make these things more difficult by giving powers of District Magistrate to Deputy Commissioner, Assistant Commissioner, etc.. How is it going to help the people? What is the purpose? It might solve some administrative difficulties. But this is not the thing which should be done in a country like India which is independent. One pertinent point to be

noted is that before independence our leaders always used to say from public platforms that one of the greatest ignominies of India was this Arms Act which was foisted on us by the Britishers. For the last 23 years we are free. But we have not made any effort to make this Act at least more liberal.

Sir, my point is this: I would request the Minister to think clearly and come out with a legislation which will repeal the present Arms Act, make it into a form of permits for all able-bodied persons and also make it a right for all persons above the age of 18 to own a weapon and whatever other restrictions you want to have you can have. In the meantime, Sir, before this is done, I would request the Minister to see that the process of issuing the licences, at least for the sake of crop protection, should be more liberal and there should not be any such red-tapism for which I can quote facts and figures showing what actually happens. It is all right for the wealthier people who can go and speak to the Deputy Commissioner or the Superintendent of Police and then the licence is issued to them. But what about the peasants? For them it is a terrible harassment. I would like the hon. Minister to find out from the records of the different States the number of applications which have been made by the peasants for crop protection and the number of licences issued and I say, he would be astonished himself. So, Sir, what I would like to stress is that if it cannot be repealed straightaway, it must at least be thorough, liberalised and if a person, without any qualification of owning any land or the qualification of being a tenant or a landlord, above the age of 18 and if he applies for an arms licence, he must be in a position to get it.

SHRI MAHAVIR TYAGI (Uttar Pradesh): What about the Naxalites?

SHRI U. K. LAKSHMANA GOWDA: Mr. Tyagi, I cannot understand this mentality. You yourself have said in the past that we must fight against the Arms Act. Do you mean to say that the Naxalites get arms only if the Act is made liberal? People above the age of 18 are getting arms. They are getting arms anyhow and they are even now getting them from outside the country also.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Tyagi, you should speak when you have your turn.

SHRI U. K. LAKSHMANA GOWDA : Sir, I will expect Mr. Tyagi to come out and say, "Scrap the Arms Act and allow the people to arm themselves", This is what I would like to say, Sir.

Then, renewal must be made very easy. You see, Sir, this difficulty of going to the police station and to the tehsildar to get the licence renewed should be stopped and once a licence crop protection licence, is issued, it must be valid for a period of 5 years. Otherwise, what happens ? As I told you earlier, by the time you get the licence the time comes for its renewal and again you have to go for renewal and it will be the month of December or so. So, Sir, it should be valid for a period of five years and the Act should be made more liberal so far as licence for crop protection is concerned and there should not be any restriction on the ground of a person not holding any property or not having education or any such thing This is what I would request the Minister to look into and come out with an amending Bill that liberalises the Arms Act rather than makes it more restrictive So far as these things are concerned, I have no objection and I support the Bill.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Chatterjee, are you now ready ?

SHRI A. P. CHATTERJEE (West Bengal) : Mr. Vice-Chairman, Sir, as far as this Bill is concerned, it took me also by surprise because when I learnt that the Arms Act Amending Bill was going to be moved in the Rajya Sabha, I thought that it might be something more than this two-clause or three-clause or even one-clause Bill which they are going to introduce now

Sir, I do not understand this also After all, the time of the House is precious and money is also spent for this, for every Session and I also recall with a little bit of irony and also a kind of, well, displeasure your own observations some time ago, some minutes ago, when you said that as far as Bangla Desh is concerned, the question of

bringing in the mission from the US to see that the Bangla Desh . . .

(*Interruptions*)

THE VICE-CHAIRMAN (SHRI A. D. MANI) Do not make any irrelevant points.

SHRI A. P. CHATTERJEE : I am not making irrelevant points, Sir, I am not irrelevant at all. Kindly listen to me, I am saying that when this question was raised, you said, "Let us proceed with the agenda" That is what you said. Now, when you look at the agenda, what is on it ? It is said that the Arms (Amendment) Bill is there. What I am submitting is this : Is this a Bill with which our time is to be trifled with ? Is this a Bill with which the precious time of the House is to be trifled with ? What is the purpose of this Bill ? I do not understand the stupidity, not even going further deep into this. What is the purpose of this Bill ? The purpose of this Bill is this that as far as the Police Commissioners are concerned, there are certain Police Commissioners also in other towns except the Presidency towns, except the Presidency town like Hyderabad, they should also be given powers which have been vested in the District Magistrate and the Police Commissioner of Presidency town. This is a subject on which a Bill should be brought when other important things are hanging fire and when other burning issues should have been discussed on the floor of this House.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Chatterjee, please come to the point.

SHRI A. P. CHATTERJEE : I am talking on the Bill and I am saying that this Bill is a big joke which is being played upon the Members of this House in the name of the Arms (Amendment) Bill. A particular clause is being sought to be introduced into the Arms Act which clause even if it were not there would not have caused any mischief to anybody and would not have caused any gap anywhere. Yet this has been brought before this House and our time is being trifled with and when we talk about other important business, then we have to hear that there is other business on the agenda and when we look at the agenda, we find that mountain

has been in labour and the product is the proverbial mouse or the rat. Now this is a kind of rat which gives smell. Now Sir, as far as this Act is concerned, I would like to say that this Bill should not have been brought forward and this Bill should be withdrawn by the Minister. Instead, the Minister should bring forward more comprehensive Arms (Amendment) Bill. Sir, your experience is hoary. Sir, you know, you have got a hoary experience and I am appealing to your experience

SHRI SHEEL BHADRA YAJEE (Bihar) : Don't speak like this. He is the Chair. Don't speak***.

SHRI A. P. CHATTERJEE : What is this ? Why are you always talking irrelevant things ? I know that you are a paid clown of the Government, but it does not pay always.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Please, Mr. Chatterjee..

(Interruptions)

SHRI A. P. CHATTERJEE : You are a person who always speaks*** ; everybody knows that. I know that.

SHRI SHEEL BHADRA YAJEE : That is the difficulty.

SHRI A. P. CHATTERJEE : Why are you shouting in that manner ?

SHRI SHEEL BHADRA YAJEE : No, certainly not...

SHRI A. P. CHATTERJEE : Don't shout.

SHRI SHEEL BHADRA YAJEE : You don't shout.

SHRI A. P. CHATTERJEE : You are***. Will you please sit down ?

SHRI SHEEL BHADRA YAJEE : You are. You must sit down.

SHRI A. P. CHATTERJEE : You are an ***. You are ***

THE VICE-CHAIRMAN (SHRI A. D. MANI) : All this has to be struck down.

*** Expunged as ordered by the Chair.

श्री राजनारायण : श्रीमान्, मेरा एक प्वाइंट आक आइडर है। श्री ए० पी० चटर्जी को आप कंट्रोल करेंगे या याजी जी कंट्रोल करेंगे।

(Interruptions)

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Sheel Bhadra Yajee, you please sit down. Mr. Chatterjee, please.

Mr. Sheel Bhadra Yajee, he is making reference to me. I will very respectfully suggest to you that I am strong enough to take care of myself. Mr. Chatterjee is known to be a very good humorous person. What he has said is a joke and let him keep up this jocular spirit and why enter into this controversy ? I would request you to bear in mind that the Chair is not a 'person'. A person who sits in the Chair is nobody, but he occupies the Chair only. Whether he has got the experience or not, do not make references to him. I know that you always mean well and because you are a good humorous person, I am telling you to proceed with the Bill and with the other points. The first point made by you was that the Bill was a joke.

SHRI A. P. CHATTERJEE : Mr. Vice-Chairman, Sir, although I do not agree with the Chair, your ruling will of course be binding upon us. It is just for example that I referred to the experience of the Chair, and...

THE VICE-CHAIRMAN (SHRI A. D. MANI) : It is quite all right.

SHRI A. P. CHATTERJEE : ...I do not know whether it is parliamentary or not.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Very parliamentary.

SHRI A. P. CHATTERJEE : It is parliamentary or not ? Let me have a ruling on this.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Very parliamentary. You can say so.

SHRI A. P. CHATTERJEE : If it is not unparliamentary, then why should an interruption be made from that bench and why should you not stop this nonsense ? You control him.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr Chatterjee, you know this is a free House. Everybody is subject to various moods and various tempers. Mr. Sheel Bhadra Yajee made certain reference. Please forget it after I have said that you are a good humoured person. I want you to proceed in the spirit of jocularly. I want you to continue with your speech.

SHRI A. P. CHATTERJEE : All right, Sir, but I have had to say all these things because you said that I had not to make any reference to the Chair, and that was why I wanted a ruling from you. If I refer to the experience of the Chair, is it parliamentary or unparliamentary ?

THE VICE-CHAIRMAN (SHRI A. D. MANI) : It is parliamentary,

SHRI A. P. CHATTERJEE : If it is unparliamentary, . . .

THE VICE-CHAIRMAN (SHRI A. D. MANI) : I have given my ruling that it is parliamentary.

SHRI A. P. CHATTERJEE : So there is nothing wrong in what I am saying, and I am appealing to the experience of the Chair, the hoary experience of the Chair. I said that and I repeat it because it is not unparliamentary.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : All right; you come to make your points on the basis of my hoary experience.

SHRI A. P. CHATTERJEE : I was going to say, Sir, that I appeal not only to the experience of the Chair but also to the experience of all Members here who are knowledgeable that during the freedom movement one of the essential demands was this that, as far as this Arms Act is concerned, it is an imperialist Act and it has to be changed lock, stock and barrel, it has to be amended, it has to be amended drastically if not repealed." Now, Sir, this was a demand which was raised during the independence movement. I do not understand why after twenty-four years of independence the Government did not ever think, or has not ever thought of amending this Arms Act drastically. Sir, this Arms Act bears on it the imprint of imperialism because the original Arms Act is

an Act which was brought into being by the imperialists. Therefore, it has all the evil spirit, all the evil features of an imperialist act, and I say, because it has all the evil features of an imperialist act, therefore it is time that the Government looked into it and the Government saw to it that this Act was properly and correctly amended. Sir It may be said—and of course some of what I am going to say has already been anticipated by a learned Member of this House ; so I shall make my point as briefly as possible because this is also a brief Act—.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : All right. Please make the third point now.

SHRI A. P. CHATTERJEE : Sir, why are you interrupting me in this fashion ?

THE VICE-CHAIRMAN (SHRI A. D. MANI) : I am saying so in order that we may go on with the debate...

SHRI A. P. CHATTERJEE : If I repeat a point, you tell me, "This point you have already made. You are repeating it." If I do not repeat myself, then you please do not interrupt me.

Well, I am saying this that it may be said, as far as the Arms Act is concerned, that, if this Arms Act is liberalised, then many people will get the arms for themselves and they may create a law and order situation in the country. Sir, apart from what has already been said on this point, what I am saying is this that we have found in our experience that two classes of persons, well, they get easily the arms, namely, the very rich, and the anti-socials who are at the bottom scale of society. When these anti-socials want to get arms, they do not get into any difficulty in getting the arms. Well, they get the arms and they strike terror in society. We have found it, for example, in the various communal riots in the country. And in the course of the communal riots we found that the *goondas* or the hooligans, they never were found wanting in arms with which to kill others, kill members of the other community whom they wanted to attack. This is one thing, Sir. Secondly, as far as the present situation is concerned, what we find is this. Communal riots as such are no longer

prevailing in the country, but as far as the present situation is concerned, we are finding a very piquant situation in different parts of the country, particularly in my state. I come from the State of West Bengal and every day you are reading in the papers about my State, and every day some mention is being made on the floor of the House also, either of that House or this House. I do not know whether it is unparliamentary to refer to that House. So, I may refer to this House only. Every day some mention is being made on the floor of this House that certain anti-social elements, some hooligans, they are using arms and killing other persons.

I may also refer you to the speech of Mr. Siddhartha Shankar Ray. If it is incorrect reporting, I may be corrected. But, as far as I know, he made a speech—the hon. Minister of Education, Mr. Siddhartha Shankar Ray, who was a Minister also in charge of West Bengal for sometime. I think he is still in charge of the portfolio of West Bengal. I have, of course, never thought that a State can be a portfolio as such but, in any event, the Prime Minister has caused West Bengal to be made a portfolio. So, Mr. Siddhartha Shankar Ray, the Minister in charge of the portfolio of West Bengal, is reported to have addressed a meeting in Jalpaiguri, and in that meeting he said: “Well, do not bother about arms. We shall supply all kinds of arms to you. Go ahead with your work; go ahead with your campaign.” This is what he is reported to have said. Now I am saying this on the floor of the House. Mr. Om Mehta objects. If it is wrong, if it is an incorrect report, let there be a denial on the part of the Government. But I have read that and that is the report. In any event, the point is this: Certain Ministers, certain bigwigs, certain political personalities, they are going about the State of West Bengal, from district to district, from village to village, inciting certain people to carry arms, to secure arms, to procure arms in order to kill their political opponents, particularly us. I am referring to the Congress (R) politicians, Ministers and political personalities belonging to that party, I talk this in connection with this Bill because what we find is that the persons who need to defend themselves do not get arms because of these provisions of this Arms Act. But the Arms Act is also

silent on the question of anti-social elements and on the question of the members of the ruling party trying to kill members of the opposition parties. Therefore, what I am telling you is this: This apprehension, this feeling about the abolition of the Arms Act is there and has been created from day to day, in different periods that this Act is being abused, that this Act is abused by anti-social elements and by all ruling parties. If this is the position, the ruling party can justify its professed utterances before independence, if they bring an all-comprehensive Arms Act, and in that all-comprehensive Act they must see to it that the citizens are also given the right to carry arms so that they can defend themselves against hoodlums, hooligans, antisocial elements and also certain persons who are instigated by the ruling party.

SHRI PRANAB KUMAR MUKHERJEE (West Bengal). Mr. Vice-Chairman, Sir, when I listened to the introductory speech of the hon. Minister, I expected that he would clarify the position in bringing in this amendment. Even in the Statement of Objects and Reasons it is not very clear. It does not matter if it is meant to lessen harassment to those people who wish to secure arms. Had it been so, I do not understand why the definition of ‘District Magistrate’ should be extended to cover Commissioners of Police and Deputy Commissioners. By extending this definition, how can you specifically lessen the harassment to those people who want to secure arms? Had it not been so, even the District Officers and Divisional officers also as suggested by Mr. Mathur, should have been brought within the purview of this Act.

Secondly, Sir, it has been very correctly pointed out by some hon. Members on the floor of this House that the Bill itself is antiquated and backdated and when the Arms Act was enacted, if I remember correctly, it was in 1878. The British Government had brought that Act and this Act was repealed by an Act in 1959 by the Government of India. When the parent Act was brought of which this amendment now the Minister is piloting today on the floor of this House and on the floor of the other House, it was pointed out by various speakers that the conception of the Arms Act itself is antiquated and backdated and the Government should give a serious thought over the provisions of the

[Shri Pranab Kumar Mukherjee]

Arms Act itself. When the British Government brought this Act, they had an idea of demilitarising the people of India because they had their own vested interests. They were in a position to do so. Mr. Vice-Chairman, Sir some hon. Members have already mentioned it that 'freedom struggle' was the salient point. One of the premier political association of India, the Indian Association which was established in 1876, launched a political agitation against the Arms Act itself and it was naturally accepted when the Government and the political liberation came to the people of India. It was accepted that people will be allowed to have arms and restrictions and stringency on the use of arms securing of arms would be done away with. But even after good many years, the Government is bringing some piecemeal minor amendments. I would like to suggest the hon. Minister to consult the Law Commission on the very necessity of the Bill itself, of the Act itself of imposing restrictions and making it stringent to use the arms. It is no use saying that if imposition and restriction on use of arms is lifted, all arms will go against the social elements. In many other countries there is no Arms Act. In many European countries there is no restriction on the use of arms and if we go through the list of crimes and if you make a comparative study of the crimes committed in those countries and in this country, you will find that the number of crimes in our country is not less. Therefore, it is no argument to say that if there is an unfettered use of arms, people would be criminals and they will utilize these arms for their anti-social activities.

Therefore, it is high time for the Government of India to consider whether the Arms Act itself is a necessity. Nowadays we are passing through a crisis. Government are taking certain measures of civil defence. People of the border area and border States are to be equipped with arms. I do not understand, Mr. Vice-Chairman, if there is such a stringent Arms Act, how you can militarise people, how you can equip people in the border States with the arms, to fight against the enemy, to fight against the aggressor. Therefore, it is high time for the Government of India not to bring piecemeal minor legislation like this. They should consult the Law Commission whether this Act itself, which repealed the Act of 1878 in 1959,

is necessary in the present political and social situation of this country and the whole Act should be sent to the Law Commission for their opinion. In view of that I would request the hon. Minister to withdraw this amending Bill.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : The hon. Minister. I would like the hon. Minister to reply to small points that have been made during this debate by the hon. Members, because that will complete the discussion.

SHRI F. H. MOHSIN : Mr. Vice-Chairman, I have heard the various points made in this House by the different hon. Members. One of the main points that was made was that there is no necessity of the Arms Act at all. This cuts at the very root of the Act itself. We are only considering a small amendment to the definition of the District Magistrate as mentioned in section 2 of the Arms Act. But a very vital point has been made that India is a free country and everyone should have the right to possess arms and there is no need of putting any restrictions on the possession of such arms, and there is no need of the Arms Act itself. This is not a new point and all these points were made at the time when the Arms Act, 1959 was brought before the Parliament. Sir, the Arms Act, 1959 is not the old Act which was in the British regime. After the Constitution has come into force, this House and the other House have passed the Arms Act of 1959 and that has become an enactment with the consent of all the Members.

All these points were discussed, whether we should have such an Arms Act at all but after discussing the various points it was decided that the time has not come to dispense with the Act. I would be very glad if such a time comes when every free citizen of India should be able to possess arms but as our friends know the arms are not used by all the persons in a proper manner. Some arms are illegally acquired and they are misused and the security of the people at large is always jeopardised. It is only to deal with such things that the Arms Act was passed in the year 1959. If such misuse of arms by unsocial elements and hooligans comes to an end then will be the time when the Government can consider giving licences liberally or even repealing the Arms Act itself. Let us wait and hope that such a time would come soon.

My friend, Mr. Chatterjee, called this amendment a big joke because this is a very minor amendment. Whether it is a minor or major amendment, it is an amendment of the Act and I do not see any other way of getting it done than by bringing before this House even if it is a very minor amendment. I do not know, if Mr. Chatterjee's Government comes into power it may not bring any amendment before the House for any enactment but would get it enacted in some other manner but our party which has got great faith in democracy cannot find any other way of amending the enactment except by bringing it before the House. It may be a small amendment but when there is a necessity to bring an amendment that has to be done in a proper manner, in a constitutional manner and all the necessary formalities will have to be gone through. It may be that he has not understood the difficulty experienced by the Government. The Government of West Bengal reported that the term 'Presidency town' in Calcutta covers only the areas in the original civil jurisdiction of the Calcutta High Court whereas the Commissioner of Police Calcutta, has administrative jurisdiction over the suburbs of Calcutta but he is unable to exercise the powers of the District Magistrate under the Arms Act in the suburbs of Calcutta.

SHRI A. P. CHATTERJEE : The District Magistrate is there.

SHRI F. H. MOHSIN : In the original Act 'District Magistrate' in relation to a presidency town or the city of Hyderabad means the Commissioner of Police thereof, but when the suburbs were included there was necessity to amend this definition of the term 'District Magistrate'. It was ascertained that in other places like Tamil Nadu, Maharashtra, etc. they did not have this difficulty. Further, Sir, Rule, 2 (b) (v) of Arms Rules, 1962 lays down that the Commissioner of Police and the Deputy Commissioner of Police, Calcutta, nominated by the State Government in this behalf shall exercise the powers of the District Magistrate. For the reason stated above it was felt that the provision would not be effective unless the term 'District Magistrate' was suitably amended. Also in certain States along with the Police Commissioners there are Deputy Commissioners also appointed and the State Governments might think of giving such powers to the Deputy Commissioners as well.

When the Act was enacted in 1959 only the Presidency towns and the City of Hyderabad had the posts of Commissioners of Police. Now, as many as seven towns have got the post of Commissioner of Police. Even under these circumstances the amendment is quite necessary to cover such areas where Commissioners of Police have been appointed or are going to be appointed in future.

Another point that was made is that the muzzle-loading guns should be kept away from the purview of the Arms Act. It is true that muzzle-loading guns are used by agriculturists for agricultural purposes. This was considered several times before and it was not found feasible to exempt it from the operation of the act.

SHRI U. K. LAKSHMANA GOWDA : At least you liberalise the issuing of the licences and make the procedure easy.

SHRI F. H. MOHSIN : Instructions have been issued to liberalise the issuing of licences to *bona fide* users of these guns for agricultural purposes. Sufficient provisions are there in the present Act itself. It is only in exceptional cases that licences will be required for possessing or carrying arms other than fire-arms of specified description in an area to be specified by notification in the official Gazette. This provision has been made to cope with emergencies or conditions in specially dangerous spots where greater security measures may be necessary in the public interest (Sec. 4). In case of an emergency licences will be liberalised. In 1965 also that liberalisation had taken place. If such an emergency arises, the Government will consider the liberalisation of the issuing of licences. Licences shall be granted, unless there is any objection, for smooth bore guns, for M. L. guns for crop protection to *bona fide* agriculturists and for .22 bore rifles to members of licensed or recognised rifle clubs and associations. Greater discretion is allowed to licensing authorities with regard to grant of licences for more powerful weapons like revolvers and rifles (Sec. 13). There are also other provisions. Under section 14 a licence cannot be refused merely on the ground that the applicant does not have sufficient property. Even those who have no property can possess arms. There are sufficient provisions to liberalise the

[Shri F. H. Mohsin]

grant of licences and if any injustice is done or if any harassment takes place, Government can certainly intervene in such cases. Some complaints were made about hardships. Of course, there have been complaints and wherever complaints have been made the Government has taken prompt action to remove the hardships. Looking into the views expressed by hon. Member, I have not seen any opposition to the present amending Bill. There were very good suggestions also. They will be kept in mind. Whenever we bring forward any legislation, these amendments will be certainly borne in mind. I again appeal to the House to accept this measure. Thank you.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : The question is :

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

The motion was adopted.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : We shall now take up the clause-by-clause consideration of the Bill. There are no amendments.

Clause 2 was added to the Bill.

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

SHRI F. H. MOHSIN : Sir, I move :

"That the Bill be passed."

The question was proposed.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमान्, मैं समझता था कि इस सरकार पर हमारे दो सदस्यों के भाषण का असर पड़ेगा, एक तो लक्ष्मणजी के भाषण का और दूसरे ए० पी० चटर्जी के भाषण का। मगर सरकार जिस प्रकार की आग चल रही है वह अपनी जगह से टस से मस होना नहीं चाहती। चाहे उसको कितना ही तर्क दिया जाय मगर वह अपने कुतर्क पर ही अड़े रहना चाहती है मैं यह जानना चाहता हूँ कि यह सरकार किस की है। यह सरकार जनता की है या यह सरकार बड़े-बड़े

पूँजीपतियों की है; गुण्डों की है, पुलिस की है या पलटन की है। आज ये आयुध किसके पास है ! अस्त्रशस्त्र किम के पास हैं। आयुध में अस्त्र और शस्त्र दोनों आ जायेंगे। आज सरकार की जो पलटन है या पुलिस है उसके पास हथियार हैं या पैसै वालों के पास हथियार हैं या गुण्डों और बदमाशों के पास हथियार हैं, सामान्य नागरिक आज जो अपने देश का है उसके पास हथियार नहीं है। तो मैं यह पूछना चाहता हूँ कि यह सरकार किसकी है। (Interruptions) मंत्री जी ने इन लोगों के तर्कों का उत्तर नहीं दिया कि आखिर 15 अगस्त, 1947 के बाद आज सन् 1971 हो रहा है, चौबीसवाँ साल हो रहा है, इस अवधि में यह सरकार इस देश की जनता को कितना पूर्णत्व की ओर ले गई है और क्या यहाँ की जनता आगे बढ़ रही है या पीछे जा रही है। क्या जबरन है कि हम इस तरह का कानून रखें। क्यों न हम पूर्णरूपेण इसको स्क्रैप कर दें, इसको हटा दें ताकि यह स्टेट्यूट बुक पर रहे ही नहीं। जो भोषित, पीड़ित लोग हैं जो मेहनत कश लोग हैं, जो दौलत पैदा करने वाले लोग हैं, जो कमाने वाले लोग हैं, उनके पास हथियार नहीं हैं। आज जिस ढंग से जो चाहें उनको पीट दे, और हथियारों का जितना नाजायज इस्तेमाल करना चाहे उतना इस्तेमाल कर ले। इसलिये चाहे मुस्लिम युग का कानून हो, चाहे अंग्रेजी साम्राज्यवादी युग का कानून हो इस आयुध ऐक्ट में 1959 में थोड़ा-सा परिवर्तन हुआ, लेकिन इसमें कोई मौलिक परिवर्तन नहीं हुआ। इसलिये मैं चाहता था कि मैं सरकार से यह कहूँ कि सरकार इसको प्रेस न करे और सदन इसको पास न करे। क्योंकि सख्यामुर उनके पास है। अगर चाहेंगे तो सख्यामुर के बल पर वे इसको पास करा लेंगे, मगर मैं चाहता हूँ कि सरकार अपना बुद्धि का प्रयोग करे और अपनी बुद्धि को लगा कर इस तथ्य तक पहुँचे कि हमारे देश में आज जो भी प्रौढ़ हो और खराब दिमाग का न हो उसको हथियार उपलब्ध होना चाहिए। क्योंकि यह सरकार उन लोगों को रोक नहीं पा रही

है जिनको सरकार कहेंगी कि वे बैंड एलीमेंट है, जो असामाजिक तत्व है उनको आज यह सरकार रोक नहीं पा रही है। हमारे मित्र श्री ए०पी० चटर्जी साहब चन गये, आज हमारे पास पश्चिमी बंगाल से और आसनसोल से कुछ चिट्ठियाँ आयी। वहाँ खुल कर बम का प्रयोग हो रहा है। सत्ताबद्ध कांग्रेस, पुलिस और गुण्डे, यह तीनों मिल कर हमारी यूनियन पर वहाँ कब्जा कर रहे हैं। पहले जो सी० पी० आई० (एम) करती थी, वही काम इस समय स्वतः सत्ताधारी कांग्रेस गुण्डों के साथ मिल कर करा रही है। और मैं आपको एक अजीबोगरीब बात बताऊँ कि इन के जो बंगाल के नेता हैं उन्होंने हमारी यूनियन के सेक्रेटरी को एक चिट्ठी लिखी और उसमें उनको लिखा कि 8 तारीख को वे बर्दवान में उनसे मिलें और उसमें उनको कहा कि वे सब मामला ठीक कर लेंगे और साठगांठ करके उन्होंने कहा कि सारे संगठन को तुम हमारे संगठन में मिला दो, बाकी का सारा मामला वे दे लेंगे। लेकिन हुआ क्या। आज सुबह हमारे पास टेलीफोन आया कि ये लोग जबरदस्ती कर रहे हैं। उनके साथ पुलिस रहती है, उनके साथ हथियार रहते हैं और जो असामाजिक तत्व हैं वे उनके साथ रहते हैं और उनके पास बम रहते हैं और वे लोग हमारे संगठन पर वहाँ कब्जा कर रहे हैं और जो टी०एन० शुक्ला साहब हमारी यूनियन के सेक्रेटरी थे वह अब एलिंग कांग्रेस की तरफ चले गये...

श्री प्रतुल चन्द्र मित्र (बिहार) : आपकी यूनियन भी एलिंग कांग्रेस में चली आयी या नहीं ?

श्री अकबर अली खान : ऐसी बातें नहीं कहनी चाहिए।

श्री राजनारायण : हाँ, ऐसा हुआ है। हम कोई चीज छिपाते नहीं। श्रीमन्, अभी-अभी

जो हमारे हिन्द मजदूर पंचायत के आठ इंडिया के चेयरमैन हैं, श्री प्रभुनारायण सिंह, उन्होंने श्री खाडिलकर को एक पत्र लिखा। वह पत्र उन्होंने बंगाल से लिखा और चूँकि अंग्रेजी में लिखा है इसलिए उसको पढ़ने के बाद मैं उस की हिन्दी कर दूँगा। उन्होंने लिखा है।

“Shri Prabhu Narain Singh, former Revenue Minister, U. P., and all-India Chairman, Hind Mazdoor Panchayat, has in a statement said :

“In trade union politics integrity and honesty should be the hard core. In the absence of these two things no trade union organisation or individual can serve the purpose of the trade union movement.”

यानी हमारे जो टी०एन० शुक्ला हैं, उनको आज पश्चिमी बंगाल की संगठन कांग्रेस अपना सर्वोच्च नेता मान रही है। हमारे अखाड़े के जो लतमरुवा हैं वह इंदिरा कांग्रेस के पहलवान बन रहे हैं।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : You are a very eminent parliamentarian. I do not want to interrupt you. But this Bill is about the Arms Act, There are a number of subjects on which many Members would like to express their views particularly with regard to the question of West Bengal or what has happened somewhere which has been occupied.

श्री निरंजन वर्मा (मध्य प्रदेश) : वह आप की भाषा को समझ नहीं रहे हैं।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : At the third reading stage, as you know, the parliamentary tradition is that the speeches are brief and to the point. Those who could not make a speech but they would like to mention something by way of advice or caution speak at this time. I would request you to confine yourself to the provisions of the Bill. These are very interesting matters which you have brought before the House which can be brought on a later occasion.

SHRI CHITTA BASU (West Bengal) : Are you interested in the matters that he has brought before the House ?

श्री राजनारायण : श्रीमन्, मेरी मुसीबत और आपकी मुसीबत, दोनों की मुसीबत है। क्योंकि न तो आप हिन्दुस्तानी ठीक से समझ पाते हैं और न मैं आपको अंग्रेजी को समझ पाता हूँ।

उपसभाध्यक्ष (श्री ए० डी० मणि) : मैं जानता हूँ, समझ पाता हूँ।

श्री राजनारायण : मैं शुद्ध शुद्ध जो विधेयक है उसकी परिधि में हूँ। मैं विधेयक की परिधि के बाहर जा ही नहीं रहा हूँ। यह गोखले साहब बैठे हैं यहाँ, वे इस बात को समझ रहे हैं। 4 P.M. में आपको यह बताना चाहता था कि आप यह पता लगायें कि एक साउथ प्रशिया कोलियरी और एक निमचा कोलियरी है इन दोनों के मजदूरों के झगड़े में मालिकों ने मिल कर के बकायदा एग्रीमेंट कर लिया और जब मजदूरों ने कहा कि हम इस एग्रीमेंट को नहीं मानते तो जबरदस्ती भाला, बन्दूक और बम्ब को ला कर उसे मनवाया। अब हमारे पास भाला नहीं हैं, हमारे पास बम्ब नहीं हैं, हमारे पास बन्दूक नहीं है। अब हमको कौन देगा ? हमको बताया जाये। आप हमको बतायें। हमारे पास पैसा नहीं है तो इस देश का जो मेहनतकश है, इस देश का जो ईमानदार नागरिक है जो कि अपनी मेहनत की कमाई खाना चाहता है उसके लिये अपने रक्षार्थ इन चीजों की कोई व्यवस्था सरकार करने जा रही है या नहीं करने जा रही है। मैं आपके द्वारा पूछना चाहता हूँ हमारे पास शस्त्र कहां हैं। आप जाकर पश्चिम बंगाल में देखें, श्री चित्त बसु जानते होंगे कि बाकायदा वजन के साथ बम्ब मिलता है। आप जाइये और तुलना लीजिये। सब जगह गलियों में मिलता है 50 रुपया, 40 रुपया या 60 रुपया किलो या आधा किलो।

श्री चित्तबासु : भाव भी बढ़ जाता है।

श्री राजनारायण : यह भाव भी घटता बढ़ता रहता है। तो जिनके पास पैसा है, जिनके पास साधन है वह हथियार ला रहे हैं चाहे लायसेंस हो चाहे लायसेंस न हो। तो मैं यह कहना चाहता हूँ कि जिनके पास पैसा है वह तो लायसेंस ले हो लते हैं, उनको क्लेक्टर भी देगा, उनको पुलिस कमिश्नर भी देगा, उनको डिप्टी कमिश्नर भी देगा मगर जो गरीब हैं उनको न तो क्लेक्टर देगा, न तो पुलिस कमिश्नर देगा। तो कोई ऐसी व्यवस्था हो कि जिसके तहत इस देश का प्रत्येक नागरिक हथियार रखने का हकदार हो। कुछ राज्यों में आप देखेंगे कि भाला रखने की छूट दे दी गई है तो अगर भाला रखने की छूट है तो दूसरे अस्त्रों को रखने की छूट क्यों न हो। उनको बिना लायसेंस रख सकते हैं, इसकी व्यवस्था होनी चाहिये।

इसलिये मैं सदन का समय नहीं लेना चाहता मैं यह ही कहना चाहता हूँ कि आज 24 साल व्यतीत हो रहे हैं मगर सही मानों में क्या इस देश के जो लोग हैं, इस देश की जो जनता है, इस देश के जो गरीब हैं वह समझ रहे हैं कि हम आजाद हैं जब तक कि गरीब न समझे कि आजाद हुए तब तक गोखले साहब, मणि साहब और चटर्जी साहब की आजादी इस देश जनता की आजादी नहीं होती। इसलिये इस देश की जनता को आजाद बनाइये। मैं तो हैरत में पड़ा हुआ हूँ कि जहां भी अंगुली रखो, हाथ रखो, वहां ही गड़बा है, चाहे वह ला-विभाग हो, चाहे होम-विभाग हो, चाहे एग्रीकल्चर विभाग हो, चाहे वह आपके राज्य सभा का चेयरमेन और डिप्टी चेयरमेन विभाग हो, सब जगह जहां रखिये अंगुली, हाथ, वहां पूरा गड़बा में चला जाता है। एक आदमी जो बैठ गया उसका मामा, नाना, फूफा, ससुर सब आ गये, कहीं गवर्नमेंट का वकील बन जायगा, कहीं किसी कमिशन में चला जायगा, कहीं किसी बोर्ड

में चला जायगा। तो हर जगह भ्रष्टाचार, हर जगह चोर-बाजारी, हर जगह तिकड़म आज हमारे समाज में समायी हुई है। तो कम से कम हथियार के मामले में तो मैं सरकार से कहना चाहता हूँ कि तिकड़म न रहे। जो सामान्यतः हूब-पूब है, हथियार का प्रयोग कर सकता है, अपनी रक्षा के लिये, देश की रक्षा के लिये, सीमा की रक्षा के लिये वह हथियार का इस्तेमाल करे और वह हथियार उसको मिले। इस तरह के कानून को रखने की कोई आवश्यकता नहीं है। इसलिये इस अवसर पर मैं मांग करता हूँ कि बेहूदा कानून है, यह कानून जनतंत्र विरोधी है, यह गरीबों का दुश्मन कानून है, इस कानून को बिल्फुल हटाया जाय और फ्री लायसेंस दिया जाय, जो भी लायसेंस लेना चाहे उसे लायसेंस दिया जाय। मेरी यह पूर्णरूपेण मांग है।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Minister, would you like to say something ?

SHRI F. H. MOHSIN : I have already replied to the points made by Mr. Rajnarain. But I have also to point out to him that there is provision already in the Act licences cannot be refused merely on the ground that the applicant does not have sufficient property: that is section 14.

श्री राजनारायण : एक हजार रुपया पहले दो तो लायसेंस मिलता है, चाहे किसी फण्ड में दो।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : The Minister is replying.

SHRI F. H. MOHSIN : Only one point more. The hon. Member has made some irrelevant refernces to the party workers. I will not go into them except that I will refute all the allegations made against my Party and Party leaders.

श्री राजनारायण : श्रीमान्, प्वाइन्ट आफ आर्डर। मैं आपसे यह कहना चाहता हूँ कि एक परम्परा आज की यह भ्रष्ट सरकार बना रही

है। जिस मंत्री को विषय की कोई जानकारी नहीं है वह खाली यह कहने के लिए कि हमने रेफ्यूट कर दिया है, प्रधान मंत्री जब पूछेंगी तो कह देंगे, देखिए साहब, जो राजनारायण ने कहा हमने रेफ्यूट कर दिया, कि जितने एलीगेंस हैं हम सबको रेफ्यूट करते हैं। यह गुलाम मनोवृत्ति से जो मंत्री बोल रहा है उसे आप सदन की कार्यवाही से निकाल दीजिए और आप डांटिए कि मंत्री महोदय, राजनारायण ने जो खत पढ़ा उसके बारे में जब आपने जानकारी नहीं की तो उसको रेफ्यूट कैसे कर दिया ?

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Before I put the question, I would ask the Minister to look into all the relevant points made here. This is what the wants and for that matter every Member wants.

The question is :

"That the Bill be passed."

The motion was adopted.

THE UTTAR PRADESH CANTONMENTS (CONTROL OF RENT AND EVICTION) [(REPEAL) BILL, 1971.

THE MINISTER OF STATE
(DEFENCE PRODUCTION) IN THE
MINISTRY OF DEFENCE (SHRI VIDYA
CHARAN SHUKLA) : Sir, I beg to move :

That the Bill to provide for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, be taken into consideration.

As the House might be aware, under Article 246 of the Constitution read with Entry 3 of the Union List I in the Seventh Schedule, the power to make laws in respect of rent control in cantonment areas was vested exclusively in Parliament. In most of the States, State Rent Control Acts have been promulgated and the buildings in cantonment areas also are subject to the State Rent Control Acts by the extension of state law to cantonment areas. But in Uttar Pradesh an amending Act was passed before the Constitution came into force and this excluded the extension of the particular Act