

[Dr. B. Gopala Reddi.]
objection of Dr. Gour also is not quite correct.

With these remarks, Sir, I move.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill. There are no amendments.

Clauses 2 and 3 were added to the Bill.

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

DR. B. GOPALA REDDI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE ARMS BILL, 1959

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to arms and ammunition, as passed by the Lok Sabha, be taken into consideration."

Sir, as you are aware, this Bill had been referred to a Joint Select Committee which considered all the provisions of the Bill and made certain very valuable improvements which have been incorporated in the amended Bill. I am happy to make the motion that this amended Bill be taken into consideration.

Sir, a number of points were raised both before and after its reference in the other House. It is my duty briefly to make a reference first to the salient points of this Bill, and secondly to the improvements that have been effected therein by the members of the Joint Select Committee.

Sir, oftentimes whenever the question of arms was raised, an objection was taken to the provisions of this Bill saying that it ought to have been confined only to fire arms as it has been under normal circumstances. Some of the dissenting notes make a reference to the point that the Bill should not have been called an Arms Bill at all, but should be called a Fire Arms Bill. So far as this point is concerned, I pointed out to this honourable House at the time of the reference that we have made out an important improvement in this Bill to the extent that in normal circumstances, in ordinary circumstances, licences would be required only for the use or holding of fire arms and other arms are generally exempted. But there might be circumstances or an emergency where in the interest of the safety and the security of the nation it ought to be open to the Government to regulate the use of other arms also. For that purpose clause 4 has been specifically provided.

In this case, Sir, a point was raised before the Joint Select Committee that whenever action was proposed to be taken under clause 4, common people, who might have some of these arms, ought to be told what are the specific arms in respect of which similar conditions or restraints were likely to be laid down by the Government. Therefore, an amendment was made which was accepted by me. It was to the effect that whenever any emergency arises and Government considers it necessary to regulate also the use of arms, apart from the use of fire arms, a notification will be issued under clause 4. The notification would specifically mention the categories or the types of arms that are to be the subject matter of such a regulation.

Sir, you will find that a very important improvement. That will remove what was considered by some hon. Members as perhaps leading to some harassment to the people who may not know what the Government had proposed to regulate by the notification. That is a very important point made out by the Joint Select Committee and accepted by the Government.

May I also make it very clear that normally we would not take any action so far as the use or the exercise of arms is concerned, but in exceptional circumstances, as I have pointed out, in the interests of the security or the safety of the nation, there might be certain areas in India where the conditions may be far from satisfactory where anti-social elements are likely to use or abuse the use of such arms. Under such circumstances, Sir, in the interest of the security or the safety of the nation, as I pointed out, it ought to be open to Government to regulate the use of arms other than fire arms as well. That is a point which has to be considered not only from the point of view of an individual's right which we have recognised, but in exceptional circumstances there might be over-ruling reasons on account of which Government might be compelled to issue a notification for a certain period. During that period they would specify to the people concerned the types, the categories or the classifications of arms which they want to bring under regulation of clause 4. If that is taken into account, then the objection that is generally raised that the licence should be confined only to firearms and not to arms at all will have been met adequately and I submit to this House that normally licences are not required for arms except under certain circumstances of what can be called an emergency. If this point is fully appreciated, then the hon. Members will know the reason why we have called it the Arms Act because there might be certain circumstances, as I have pointed out, principally under clause 4 where it might be

necessary to regulate the use even of such arms in higher interest. That is one of the most important points that was often made by hon. Members and we have provided for it by adding a clause that the types of arms will have to be specified by the Government in their notification when action is sought to be taken under clause 4.

Then a number of hon. Members suggested that there ought to be a speedy grant of arms licences. The whole scheme of the Arms Act has been so designed as to make it possible for ordinary people, *bona fide* seekers of licences, to have them as early as possible. When I deal with the various clauses in respect of which improvements have been made, then I shall be pointing out to this House that this has been kept purposely very prominently in view and it is Government's desire that subject to the conditions laid down which are of a reasonable nature, naturally every man who desires to have arms will get them as early as possible. In certain cases we have laid down a positive rule that for crop protection or for certain other *bona fide* purposes the arms shall be granted. Therefore this point, if taken into account, will remove one of the usually made criticisms against the Arms Act that its provisions are not properly used and people are subjected to great delays in obtaining arms even when they have a very strong case therefor.

I would make a brief reference to one of the very important clauses that we introduced in the Arms Bill and which has now found approval of the Joint Select Committee. Formerly property considerations always weighed with the authorities who had to grant or refuse the grant of arms. Now we have removed that condition altogether.

SHRI H. P. SAKSENA (Uttar Pradesh): Excepting the word 'sufficient'.

SHRI B. N. DATAR: I shall explain the word 'sufficient' shortly if my hon. friend needs. The word has been put

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in for meeting a former objection. Under the present Act you will find that a man might not get a licence unless he has sufficient property. Now the word 'sufficient' was there and the property that the man had must be of such a character as to enable the society to call him an estate-holder. Now that we have removed. May I point out to my elderly friend that the word 'sufficient' meets with the requirements of the case he has in view. It is quite likely as I pointed out in the other House, that a man may have some property. You cannot conceive of a man having no property altogether. He will be at least having his own wearing apparel worth a few annas even. So you cannot conceive of a case where a man will have no property whatsoever. There might be beggars, there might be others, pseudo beggars, where they would try to pass themselves off as having no property at all. If that is the case, then they would not require the arms at all. What is most important is, not, having property but having sufficient property. Now we have made it clear that merely because a man has not sufficient property, sufficient according to the ideas of the licensing authorities, the licence shall not be refused to him. That is the reason why we have maintained the word 'sufficient'. It meets with the requirements that my hon. friend has in view. It does not derogate from the great advantage or benefit that is being extended to people in whose cases property considerations should not be taken into account. Formerly property considerations were an overriding consideration. As I have put it, a man in order to be an estate-holder, must have sufficient property, not that he has some property. He must have sufficient property in the eyes of or according to the opinion of the licensing authority. That has been removed. Therefore I would point out to my hon. friend that the existence of the word 'sufficient' which is a legal expression and which is always used,

will not come in the way of obtaining a licence by any person *bona fide* for his normal requirements. Therefore that word need not be fought shy of my hon. friend.

AN HON. MEMBER: They may be persons who have got no property.

SHRI B. N. DATAR: If a man has no property, then he would not ask for a licence at all. A man who has absolutely no property will not require arms or ammunition at all.

SHRI B. D. KHOBARAGADE (Bombay): He may want to protect himself.

SHRI B. N. DATAR: As my hon. friend is aware as a Member of the Joint Select Committee, this question was considered at great length and it was pointed out that the retention of this expression, which, as I have pointed out, is a legal expression commonly used in many a law, will not come in the way of *bona fide* seekers of licences.

I would point out that oftentimes misapprehensions are raised by many on account of their not having appreciated the three categories of arms with which we have to deal. For that purpose I would invite the attention of this House to certain types of arms. They might or might not be called arms. There is for example a knife which can be used for domestic purposes or a sickle which can be used for agricultural purposes or similar ones. In such cases whenever such instruments are to be used either for agricultural purposes or for domestic purposes, they will be entirely exempt from the provisions of the Arms Act. This point has not been appreciated by a number of hon. Members. That is the reason why I should like to read what is stated there:

"'Arms' include.....but does not include articles designed solely for domestic or agricultural uses."

This may be kindly noted. When this question was considered in the other

House, in order to leave no scope for doubt whatsoever, the Lok Sabha introduced an amendment at my instance which was accepted and therein it has been stated:

“designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick”.

That was purposely put in to remove all doubts and misgivings. Therefore I submit that so far as weapons or instruments used for domestic or agricultural purposes are concerned, they are entirely out of the purview of the Arms Act. This is point one. Then we have got the firearms on the other side and most of the hon. Members agreed that in respect of firearms, there ought to be a provision for the licensing of such firearms. The dispute is not about them. In between come the arms. So far as arms are concerned, I would like to repeat what we have already stated, that normally no licence would be necessary, except under special circumstances like an emergency. This Bill deals principally with firearms, in exceptional circumstances with ordinary arms and does not deal at all with domestic or agricultural instruments. If this point is appreciated, much of the criticisms that were levelled against the provisions of this Bill would be properly met.

Next I would deal with the various improvements that have been effected by the Joint Select Committee. Let us take the Act as it is, the copy supplied by the Joint Select Committee and presented to this House. There you will find that many things have been changed. But so far as clause 2 is concerned, the only change is that the expression “ammunition” should include rockets, bombs, grenades, shells and other like missiles, that is to say articles which are capable of being used with dangerous results. So, naturally they have to be specified and they have to be prohibited arms or as the case may be, prohibited ammunition.

Then I would pass on to what may be called the operative part of the

Arms Bill and I would like to invite the attention of hon. Members to clause 3 which has been kept as it was, subject to certain amplifications of the purposes for which arms can be had and certain words, namely, “for the purpose of sport” have been removed. You will find it was stated in the proviso to clause 3:

“Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of licence for repair or for renewal of the licence or for use by such holder for purposes of sport.”

The words “for purposes of sport” naturally would confine the use of it to certain definite purposes connected with sport. So these words, you will find, have been removed altogether so that if there are any other *bona fide* purposes, they would naturally come within the proviso and a man may get a licence even apart from the question of the use for sport. So the deletion of these words would be of great use.

Then I would pass on to other clauses where changes have been made. Clause 4, as I have already pointed out, is a very important clause covering certain emergencies and the improvement that I have pointed out has been effected here. I would read it out for the purpose of making the position quite clear. It says:

“If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition,”

—You will note that the prevailing circumstances and the public interest are the governing factors for any action that the Government might take under clause 4—

“possession or carrying of arms other than firearms should also be regulated, it may by notification in the Official Gazette, direct that this

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section shall apply to the area specified in the notification,"

—So the area will be specified. That again is a restraint put in—

"and thereupon no person shall acquire, have in his possession or carry in that area arms of such class"

—These words have been introduced by the Joint Select Committee so that all arms would not come within the mischief of the notification under clause 4—

"or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder."

So you will find that the specification of the types or class or description will be made and this will meet the important objection raised by certain hon. Members.

In clause 5 all that has been done is to add the word "conversion". The conversion of the instrument from one type to another might lead to dangerous results. So in the clause dealing with manufacture, sale, etc. it was considered advisable by the Joint Select Committee that conversion also ought to be provided. This is the case not only in respect of clause 5 but in the case of other clauses also wherever these categories of arms are dealt with. That is an important change made in clause 5. In the proviso to this clause we have also provided for the transfer of any "firearm or ammunition in respect of which a licence is required under section 3 or any arms in respect of which a licence is required under section 4". Except this change, no further change of importance has been introduced.

Next I pass on to clause 8. So far as clause 8 is concerned, the period has been increased. This is in res-

pect of placing identification marks. The House would agree that it is absolutely essential that identification marks should be on the various arms used by a holder and therefore, a certain period was laid down. As this was introduced, it was considered necessary that people should have due notice and that due notice that was given in the original Bill was six months. That has now been raised to one year. Beyond this, no particular change has been effected in clause 8.

Then I come to clause 9. So far as clause 9 is concerned, some hon. Members have made a reference in their dissenting note, to the age that has been mentioned here. I would point out here that originally in sub-clause 9(1) (a), we had put in the words "eighteen years". As you are aware, eighteen is the ordinary age of majority and therefore, it was considered that a man who had attained the age of majority ought to be in a position to possess arms. Then it was pointed out by some hon. Members that eighteen years was a very long period and that sixteen was the ordinary period when a man could be presumed to be able to hold arms and to use them properly and without any abuse on the ground of what could be called immaturity of understanding. Therefore, at the instance of the hon. Members of the Joint Select Committee we have brought down the age to sixteen years. My hon. friend over there has suggested that it ought to be brought down to twelve years, that any boy or girl of twelve years ought to be entitled to hold arms, and to ask for a licence.

SHRI B. D. KHOBARAGADE: That is for target practice only, under the guidance of elders.

SHRI B. N. DATAR: I am glad to hear that. I think sixteen is the normal age when a man can hold arms. So far as the question of target practice is concerned, we have provided for it by a new clause accepted by

the Joint Select Committee and that is in sub-clause (2).

It reads as follows:

"Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such firearms as may be prescribed in the course of his training in the use of such firearms:

Provided that different age-limits may be prescribed in relation to different types of firearms."

This particular question was raised by the Rifle Association and they pointed out that so far as training was concerned, there ought not to be the same age and that different age-limits should be laid down according to the weapon used. That is the reason why, Sir, we have put in this particular provision. The word "prescribed" has been purposely put in there because rules will have to be made so far as different ages are concerned. That I presume will meet the objection of my hon. friend.

Coming to clause 10, all that we have done is to facilitate the process of obtaining or retaining the arms, especially in the interests of the tourists. The proviso (b) to sub-clause (1) of clause 10 makes this very clear. It says:

"... a person being a *bona fide* tourist belonging to any such country as the Central Government may by notification in the Official Gazette, specify, who is not prohibited by the laws of that country from having in his possession any arms or ammunition, may, without a licence under this section but in accordance with such conditions as may be prescribed, bring with him into India arms and ammunition in reasonable quantities for use by him for purposes only of sport and for no other purpose;"

When he comes here, Sir, naturally he comes for sport and he has been

allowed to bring in such quantities of arms and ammunition for that purpose. The explanation to this proviso makes it very clear that ordinarily the period would be six months—not exceeding six months; that is how it has been put in.

I pass on then to Chapter III which is very important. In particular, I would invite the attention of hon. Members to the opening clause, clause 13. In sub-clause (3) of clause 13, it has been made clear that the licensing authority shall grant—you will kindly note the peremptory nature of the direction contained in this clause; this, I hope, will meet and remove some of the objections that a licence may or may not be granted—a licence and whenever he refuses, he will have to mention the grounds therefor. Normally, the rule is that he would grant the licence provided it comes under clause 13. During the discussion at the Reference to the Joint Committee stage, it was pointed out in both the Houses that a muzzle-loading gun with a barrel length of twenty inches which of course could be licensed may not be sufficient for purposes of crop protection. Sub-clause (3)(a)(i) which reads as follows has been retained:

"The licensing authority shall grant—

(a) a licence under section 3 where the licence is required—

(i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection."

It might normally be found by experience that a muzzle-loading gun is sufficient for effective crop protection but in the course of the deliberations of the Joint Committee, as also on the floors of both the Houses, a point was made by a number of hon. Members that this would not be sufficient in

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certain areas where ravages by wild animals is likely to be more, especially in the hilly areas. After taking into consideration the points made in this connection, the Joint Committee provided that something more, in addition to a muzzle-loading gun, can be given for crop protection provided the licensing authority feels that it is necessary for effective crop protection. That was why the following proviso came to be added to this sub-clause:

"Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle-loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection".

For target practice, something more is to be given.

I now pass on to other items. You will find, Sir, that clause 13 meets a number of objections that the hon. Members had. In clause 14(1) (b) (ii) along with the words "public peace" the words "public safety" have been put in on the suggestion of hon. Members so that both these words will be of use in avoiding any danger that is likely to arise.

Some hon. Members complained that sub-clause (3) of clause 14 confers wide powers on the licensing authorities and that these powers are likely to be used arbitrarily. May I point out in this connection, in order to meet the point of those hon. Members who would like to bring forward this objection, that there is a similar provision in the U.K. Arms Act but in India we have taken a further protection. Under the British Act, it is the principal police officer who is entitled to issue licences but here, as you are aware, it is the District Magistrate who can issue the licence and only in exceptional cases will a Sub-Divisional Officer, or a Tehsildar

in remote, far off places, issue a licence, and this too only certain types of licences. As you will see, Sir, we have given the authority of issuing a licence to a Magistrate as against a police officer in the United Kingdom

With regard to clause 15, some hon. Members said that the period of three years should be reduced while some others contended that it should be increased. The Joint Committee thought that the period of three years, in place of the period of one year that we have under the present Arms Act, was a reasonable period.

I now come to clause 19, Chapter IV. We have said here that the power of seizure should not be allowed to be used arbitrarily or promiscuously. For that purpose, we have made it possible for the officer, or any officer specially empowered in this behalf, to call for the name and address of the person who is holding arms or ammunition without any authority or licence from the licensing authority.

For such cases this particular provision has been introduced so that if the holder's name and address are known, then naturally in normal cases it need not be actually seized. Therefore I invite the attention of this House to the amendment made in sub-clause (2) of clause 19. The officer concerned may require him to give his name and address and if such officer considers it necessary, then he may seize. Therefore in between the act of discovery and the categorical seizure a procedure has been laid down according to which it would be open to the officer to call upon such a person to give his name and address and even then it will be found that the officer has to use his discretion properly, because it is said here, 'if such officer considers it necessary'. These words have been purposely put in so as to avoid the use of arbitrary powers. Sir, this is so far as clause 19 is concerned.

Then in sub-clause (4) of clause 21 all that has been done is in place of 15 days, 30 days have been provided.

So far as Chapter V is concerned, it has been mostly retained, except that the word 'conversion' has been used. And you will find that there are different types of punishments according as the offence committed under this measure is a grave one, or a simple one or a technical one. Therefore all these circumstances are to be taken into account. The highest penalty that has been provided will be found in clause 26 where it is said that it will be seven years or fine or both. Sir, in the other House an objection was taken and that objection was again a two-fold objection. On the one hand it was contended that this period of seven years was very severe while on the other hand it was contended that it ought to be more than seven years. We have adopted the golden mean in this respect. A sentence, as I have pointed out, should be commensurate with and should have a direct relation to the gravity or seriousness of the offence concerned. That is why in graver cases it is seven years; otherwise it is less. Therefore no particular change was made by the Select Committee in this respect.

Then I would pass on to Chapter VI and make a specific mention of clause 35. So far as this clause is concerned, I would read out the original clause so that the House will be in a position to appreciate the changes that have been made in this clause. The original clause, as it stood in the Bill as it was introduced in the Lok Sabha, read as follows:

"Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises or other place in the joint occupation or under the joint control of several persons . . ."

So there is either a house or premises or, as we have used certain other expressions like ship or vehicle, and when there is joint occupation or when it is under the control of more persons than one, in such cases if

there is an offence committed, there is a procedure to be followed because the question is, who are to be considered responsible therefor? The original provision said:

"...each of such persons shall, unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone."

That means every person who is in joint occupation or had joint control of the premises was liable. It was likely to be called vicarious liability but now a safeguard has been introduced. Originally each of such persons who had joint control or were in joint occupation, even though they were not aware of the offence, would be liable on the basis of joint liability or vicarious liability unless the contrary is proved. All that was originally intended was that there ought to be what can be called a presumption against him which it would be open to him to rebut by leading such evidence. In other words the burden was thrown upon him of showing that in spite of joint occupation or control, he was not liable therefor. Now the Joint Select Committee considered that the original provision was likely to lead to some harassment, if not some injustice, to one or other of such joint occupants. Therefore certain very important words have been introduced. I would read clause 35 as it has now been amended by the Joint Select Committee:

"Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons . . ."

And here has been introduced a particular safeguard and the person who is going to take action under this clause will have to use his discretion. It says here:

"...in respect of whom there is reason to believe that he was

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aware of the existence of the arms or ammunition in the premises..."

That is, the officer who is taking action under clause 35 has to come to a conclusion that such a joint occupant or holder was aware of the existence of the arms or ammunition. That would show that the authority is not to be arbitrarily exercised and the officer must have reasonable grounds for coming to this particular conclusion. Therefore there has been intercepted, between the discovery and the action that the officer has to take, a particular provision the effect of which is to compel that officer to use his discretion before taking any action. The officer has to come to a conclusion that there are reasonable grounds to believe that the person concerned was aware of the existence of arms or ammunition and this particular safeguard has been introduced in order to prevent harassment or injustice. The general defence in such cases is one of ignorance of the fact of these things being there in the premises. I need not deal with the various offences that are committed but if they are done in the joint premises, then ordinarily every joint occupant ought to be held liable and inasmuch as it is a criminal liability, the burden has been thrown on the officer to find out whether there are reasons for coming to the conclusion that the person was aware of these particular things being done in the premises. These are very important words that have been introduced. They constitute what can be called a reasonable safeguard. It says here: "... in respect of whom there is reason to believe that he was aware of the existence of the arms or ammunition in the premises, vehicle or other place ..." Again, the words "unless the contrary is proved" have been maintained. It reads:

"... unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone".

On this point there was considerable discussion in the Joint Select Committee. They stated that some such safeguard should be introduced or some such restriction should be there under which it will be the bounden duty of the officer to find out whether there is any reason for his presumption that the man was aware of all these things. That has been introduced and that meets, as I have stated, such cases where the man has to come to his own conclusion that such a joint holder was ignorant. And if he was ignorant, then naturally no action was to be taken. If he has reasonably come to the conclusion that the man was not ignorant, then naturally action will have to be taken. Even there, again the words are "unless the contrary is proved" and that contrary has to be proved before a court of law. Then, he is held to be liable to have committed the offence, as has been stated, and then the contrary can be proved. In legal terminology the inference or the presumption can be rebutted by leading effective evidence. Therefore, an additional burden has been thrown upon the officer, namely, to take action and to find out whether there are any proper reasons in this respect. This is in respect of clause 35.

Then, Sir, we come to clause 44. In clause 44, as you are aware, a new practice has been evolved in both the Houses of Parliament, according to which the rules that are made have to be placed before both Houses and the period need not be completed in one session, but can be completed in two sessions. Otherwise, sometimes as you are aware, if for example ten documents were placed on the Table of the House, the normal period of thirty days could not be gone into because the House might go into recess earlier than thirty days after the documents had been placed. Therefore, we had, under the advice of the Law Ministry, to re-lay the documents on the Table of the House. That particular inconvenience has been removed and it is open to hon.

Members to take objection, for modifying or cancelling, etc., any rule made by Government in this respect either in the same session in which the document has been placed on the Table of the House or in the next session. That is a rule which has been evolved with a view to enabling hon. Members to take objection or to raise the matter either in the same session or in the ensuing session. I would read that, because it is very important. It lays down a very salutary principle of practice in this respect, so far as the laying of the rules on the Table is concerned. Sub-clause (3) reads:

"Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days . . ."

"The words 'total period' have been put in. It goes on:

" . . . which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

That is quite normal. So, this has been introduced purposely.

Then, I would pass on to clause 45. We have added in sub-clause (iii):

" . . . or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify,".

When there are other forces, apart from the National Cadet Corps, etc., then they also can be brought in for the purpose of getting arms and

licences under clause 45 and they will have to be specifically mentioned in this behalf.

Then, Sir, about clause 46, only a saving clause has been put in, namely, that whatever has been done would continue. It says:

" . . . every licence granted or renewed . . . shall, unless sooner revoked, continue in force after such commencement for the unexpired portion of the period for which it has been granted or renewed".

So, these are the various important points on which improvements were proposed by the Joint Select Committee and accepted by Government, because it was the object of Government to make the provisions as liberal as possible consistent with overriding considerations governed by public security or public safety or to prevent the going of such arms into anti-social hands. That naturally has to be taken into account and that is the reason why these rules have been made as liberal as possible, consistent with the requirements that I have just now pointed out. We shall thus agree that on the one hand it is a legitimate desire of every citizen of India, according to these principles, to hold arms. Then, there are also, as I have stated, overriding considerations as to why he should not be allowed, on account of his own action in this behalf or whatever it is, to hold arms in the interests of the country as a whole. Both these considerations are of equal importance. Naturally you will agree that the latter consideration, consideration of the nation's interests, is such that it might take precedence over the right of an individual member of the nation to hold arms. They have been taken into account and an attempt has been made to find a satisfactory *via media* so far as arms are concerned.

Then, Sir, with regard to the dissenting minutes—it is not necessary for me to point out—may I say that we have met almost all the grounds,

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except where it was not possible to accept the views of a particular hon. Member. I have already made a reference to inordinate delays and I have spoken about the need to avoid all inordinate delays. Some hon. Members have pointed out that the restrictions are unnecessary. My reply is that the restrictions have been brought down to the minimum and, therefore, they cannot be called restrictions. They can be called salutary restraints in the interests of the nation.

Then, Sir, regarding the definition of "arms", I have already elucidated how the definition is necessary in view of the framework of the present Arms Bill.

Then, Sir, some hon. Members have stated that when the licensing authority refuses to grant licence, then in all such cases the grounds for rejection ought to be mentioned. Now, in such cases the view that the Government take, and the Joint Select Committee have agreed to, is that normally the grounds of rejection ought to be made available to the person whose application has been refused. But there might be considerations, higher considerations in the public interest, where it would not be proper to disclose those grounds. Only in such cases, may I point out, that it has been laid down that the reasons need not be disclosed—not because in the particular case they are against the man, but in the public interest it has been specifically provided for. In all other cases naturally they would be disclosed. Some hon. Members have suggested that the sentence ought to be deterrent. Now I would agree that the sentences ought to be deterrent, but they should not be such as to be considered absolutely inhuman. We have taken that into account and we have maintained deterrent punishments wherever they are necessary and to the extent that they are necessary.

Lastly, we have introduced one clause which is to this effect. If the

same offence is repeated a second time, then naturally the punishment would be double of what is laid down for the particular offence. Therefore, the repetition of an offence involves what can be called a conduct which is absolutely wrong. Even after receiving punishment if the man insists or persists in doing a particular thing, then he ought to be subject to a greater penalty, and a specific clause has been put in in this particular case, that is clause 31.

Sir, I have dealt with almost all the questions and I commend this improved Bill to the support of hon. Members.

The question was proposed.

SHRI AKHTAR HUSAIN (Uttar Pradesh): Mr. Deputy Chairman, after the exhaustive and illuminating speech of the hon. Minister it is not necessary for me to deal at any length with the provisions of the Bill, and I will content myself by dealing with some important aspects of the measure.

This Bill seeks to replace the existing law about which it has been said that it was a law enacted for the purpose of disarming the Indian citizens. That Act was passed in 1878. Whatever may be said about that law, we are repealing it now and replacing it by a new one, but the fact remains that that law served us well. Peace and the maintenance of law and order were so adequately secured under the provisions of that law that in the pre-independence era people could think that they can rest peacefully at night or travel with safety without being either assaulted or molested by persons in possession of unauthorised or unlicensed arms.

SHRI H. P. SAKSENA: That is, people could travel quite easily with their bosoms full of gold, with their person full of gold.

SHRI AKHTAR HUSAIN: I was not thinking of the rich people who could

travel with lots of gold. I was thinking of the average man, the poor man, who could travel without being killed or attacked in the hope that the attacker or the dacoit or the robber would be able to find something of value. I had in my mind before, Mr. Saksena intervened, the case of the helpless travellers travelling in the railway train and being attacked. There was one unfortunate woman recently travelling and she was attacked.

Then, there are large numbers of people who get into a compartment and attack the whole lot of passengers in that compartment. All that is going on now. While that old Act is still in force nominally, the point that I was trying to make out by mentioning that Act was that it all depends on the way in which the existing law is enforced. It is the enforcement of the law that makes all the difference. If that was a bad Act, still in the pre-independence era it used to be enforced and enforced efficiently. Now the lack of enforcement of the Act is stated by many people to be the main reason for the deterioration in the law and order situation of our country. Be that as it may, we are going to replace it by a new enactment which would be more in consonance and in conformity with our independent status, and we welcome this new measure because it assures us and secures for us an adequate measure of safety and removes as well those galling restrictions about which there used to be complaints by many people. We therefore hope that the new enactment will liberalise the issue of licences for the use of arms while protecting the lives of the people and the safety of their property and preventing the unlicensed and illegal arms from being utilised for the purpose of harassment of peaceful citizens. I have used the word 'harassment', a very mild word, but having regard to the large number of murders that are being committed and also the dacoities particularly somewhere in the Chambal area and in the ravines there and in many parts of the

country, I hope the Home Ministry will take this fact into consideration that whatever the law may be, it is the enforcement of the particular provisions of that law that will make all the difference. While this new enactment will secure for us our due place as an independent nation, we have to see that the restrictions against the use of unlicensed arms are suitably enforced. There is one provision which purports to be more stringent than the law we are going to repeal, and that one relates to air guns and air pistols. The Select Committee and the other House have both determined that these are very dangerous weapons and that the use of these should not be permitted without a proper licence. There are not many cases in which it has been reported that with the aid of these air guns and toy pistols, which boys and children use and which enable them to become good marksmen at a young age, offences have been committed. I would submit that it would be placing an undue restriction to insist on having a licence for an air pistol or an air gun. I think they ought to be excluded, and I trust that the Home Minister, when he issues directions for the issue of the requisite notifications and exemptions, would bear this fact in mind.

Sir, the other question that deserves consideration is this. Suppose the executive authorities refuse to grant a licence to a particular individual, what is the remedy? The remedy provided by the Act which is going to be repealed and by this Bill is an appeal to the executive authorities. To me it appears to be eminently reasonable that the appeal should be to the executive authorities because they are more conversant with the exact position of law and order in their respective localities. Therefore, it would be expedient to let this appeal be entertainable and be decided by the executive authorities. The person who would be refusing the application for the licence will be an executive officer, and he will be an Indian—an

[Shri Akhtar Husain.]

Indian refusing the application of another Indian. No racial discrimination question can be raised and there can be no apprehension that our public servants would exercise their right to refuse or to grant a licence in a capricious manner. Where the order of the Indian District Magistrate or the Indian authority issuing the licence or refusing the licence is challenged, the appeal against such an order should lie only with the executive authorities. I have seen one of the notes of dissent signed by three important members of the Communist hierarchy, and they want recourse to a provision which will be analogous to the provision in the Arms Act of the United Kingdom. Well, having found fault with so many things in the United Kingdom, it seems strange that so far as the right to have a licence for a firearm is concerned, they want to rely on the provisions of the United Kingdom Act. However, that brings them somewhat nearer to appreciation of what is correct. I am hoping for the day when it will be possible for us to have the appeal before some judicial authority as they have it now in the United Kingdom. But I submit that the time is not ripe for it yet. After the Home Ministry and its counterpart in the various States have succeeded in establishing the rule of law, in restoring law and order and in preventing these large numbers of heinous crimes that are being committed every day, we can make the Act more liberal and a time may come when obtaining a licence may be only a matter of course. But we should not expedite that time or hurry up before the people are ready to get the full advantage of that measure. I am reminded that in Switzerland when people who have to undergo military training for about three months in a year are in camps, they are given the uniforms and firearms—303 or other requisite rifles, ammunition and other things—and they are only told that they would receive information where the camp would be held and that they should

go and attend it. If we can do such a thing and arm our students between the ages of 18 and 22—as students in Switzerland are armed—with these firearms, rifles and ammunition, it will be good. But, Sir, I hope I am not saying anything very harsh when I say that our students have been arrested for committing dacoities, and it is very painful to confess publicly that the entrusting of these firearms to our young people would not be in the best interests of the country and the safety of peaceful citizens would be in jeopardy if this freedom is given to them now. Therefore, we have got to face this unpleasant fact, and it will not be right to shut our eyes to it or forget the many things that are being done by a section of irresponsible people for which the really good Indians, the peace-loving Indians, have got to suffer. I should not be misunderstood to be saying that we, as a body, lack a sense of responsibility, but the unsocial elements are so many and they take undue advantage of any leniency or liberalisation of the provisions of the existing law, so that it is not really safe to enable people to arm themselves with weapons of destruction and commit various crimes. We are all aware that sten-guns, 303 rifles, hand-grenades and daggers of various sizes have been discovered. Only very recently, the newspapers were full of stories of two discoveries in one week of large numbers of daggers, one being a consignment of more than 1,900 daggers of a very large size, and that was sent as a parcel containing utensils. If those daggers had been manufactured or imported and sent for purely harmless purposes, where was the necessity of misdescribing them as articles of everyday use and as utensils? That is to say, they wanted them for some nefarious objects, for unlawful purposes, for the purposes of attacking peaceful people, and for disturbing the life of the community, and that is why they have given this false description of the articles. So, when such things are going on, it will not

be right to shut our eyes. With all the admiration that I have for the policy of liberalising these provisions, I think we should be a little careful because of the dangers that we have internally, and God forbid, something which may be happening from across the frontiers north of Tibet. We know that there are a considerable number of agents of those people. It won't do to let them be armed with impunity and the necessity for keeping a very strict vigil on people in possession of weapons of destruction cannot be over-emphasized.

I trust, Sir, that this new measure would remove a long-felt grievance and would enable peaceful citizens to get licences for arms for self-protection, and the administration of the law in this respect should be such that the people who are legally entitled to get licences would not be refused and that people who are in unlawful possession of firearms would be properly apprehended and forced to surrender their firearms, so that peaceful residents may feel that they are the residents of a free country and that they can lead a peaceful life.

MR. DEPUTY CHAIRMAN: Dr. A. N. Bose.

DR. A. N. BOSE (West Bengal): Sir, I want to speak tomorrow.

MR. DEPUTY CHAIRMAN: Tomorrow? Yes. Mr. Rajabhoj.

श्री पाँ० ना० राजभोज (मुम्बई):

उपसभापति महोदय, पूरे अस्सी साल के बाद हमारे देश में विचार किया जा रहा है कि अपनी रक्षा के लिए अपने देश में अस्त्र शस्त्र को विधिपूर्वक किस प्रकार चलाया जाए। इसके लिए मैं गृह मंत्रालय को बधाई देता हूँ।

आजादी के पहले जो इस संबंध में पुराना बिल जारी था वह भारतवासियों को निःशस्त्र तथा निस्तेज बनाने के लिए था। गांधी जी ने उस ऐक्ट को ब्लैकस्ट

ऐक्ट कहा था और उनका खयाल था कि यह कानून हमको इम्स्कूल्ट करने के लिए ब्रिटिश हुकूमत ने अमल में लाया है। इसका मतलब यह नहीं है कि उससे पहले हमारे देश में ऐसी कोई व्यवस्था नहीं थी और हालात भी ऐसे नहीं थे। देश के अंदर जो भी देशवासी था, किसी भी आपत्ति के समय वह शस्त्रास्त्र इसलिए इस्तेमाल करता था कि जो आक्रामक है उसे पूरा सबक सिखलाया जाए। किन्तु आज व्यवस्था कुछ और है जिसके कारण यह लाइसेंस की व्यवस्था की जा रही है। इस बिल का उद्देश्य जैसा कि स्टेटमेंट ऑफ आइन्क्वेंस एंड रीजंस में कहा गया है, इस प्रकार है:

"The present Bill seeks in the main to liberalise the licensing provisions and to reduce the inconvenience to the minimum, while at the same time, keeping in view the overall demands of public security and the maintenance of public order."

उपाध्यक्ष महोदय, तो आज तक जो आर्म्स के लाइसेंस देने की पद्धति रही है उसमें इस देश के बहुत से नागरिक लाइसेंस लेने की हादिक इच्छा रखते हुए भी उसमें वंचित रह जाते थे और जो लाइसेंस मिलते थे वे बड़े बड़े जागीरदारों परमे वालों और हवेलियों में रहने वालों को ही मिलते थे और ऐसा समझा जाता था कि सिर्फ अमीरों को ही स्वसंरक्षण तथा जायदाद के संरक्षण के लिए शस्त्रास्त्रों की जरूरत पड़ती है। लेकिन यह बात सच नहीं है। गरीबों को भी उनकी जरूरत पड़ती है। आप देहात में जाएंगे तो आपको इस बात का अनुभव होगा कि उधर पाक से, पाकिस्तान की सरहद के पास अपनी जमीन और जायदाद का संरक्षण करना होता है। मेरे खयाल से, उनके लिये अपनी औरतों, लड़कियों आदि का संरक्षण करना पड़ता है। इन बातों

[श्री पा० ना० राजभोज]

को ध्यान में रखते हुए मुझे लगता है कि लाइसेंस जल्दी से जल्दी तो मिले ही, लेकिन उसको प्राप्त करने में जो विलम्ब लगता है वह कम होना चाहिये। मैजिस्ट्रेट को दरखास्त देने पर वह पुलिस पटेल, डी० एस० पी०, पुलिस सब इंस्पेक्टर वगैराह अफसरों के मार्फत उसको भेजता है और इस हायरार्की में इतना टाइम लगता है कि जिस काम के लिये हथियारों की जरूरत होती है वह काम पूरा नहीं होता। यदि कलेक्टर को दरखास्त दें तो वह पटवारी तक उसको भेज देता है और हथियार मिलता ही नहीं। तो इस बात की तरफ ध्यान रखना चाहिये। तो ऐसे केसेज में जहां हथियार की अर्जेंट आवश्यकता है—जैसे पाक से रक्षण, लुटेरों से संरक्षण—तो ऐसे केसेज में इस प्रोसीजर का पालन नहीं करना चाहिये और यह होना चाहिये कि लाइसेंस मांगने वाली पार्टी यदि एफीडेविट दे तो उसको लाइसेंस मिल जाना चाहिये और उसका गैर उपयोग न हो इसलिये वह हथियार, काम हो चुकने के बाद वापस लिये जा सकते हैं।

उपाध्यक्ष महोदय, मेरा खयाल है कि कुछ लोगों ने सूचना दी है कि लाइसेंस देने की स्वीकृति ग्राम पंचायत द्वारा दी जानी चाहिये, और यह किसी हद तक ठीक भी हो सकता है क्योंकि हम सत्ता का विकेंद्रीकरण करने जा रहे हैं और अपने देश में डेमोक्रेसी को हम अधिक से अधिक पनपाना चाहते हैं। लेकिन वर्तमान पंचायतों की जो हालत है उसे मैं संतोषजनक नहीं समझता। वहां पार्टी-बाजी चलती है और गरीब आदमी को न्याय नहीं मिलता है। फिर लाइसेंस कहां से मिलेगा? मुझे दुःख के साथ कहना पड़ता है कि आज भी लाइसेंस आदमी की पोजीशन व स्टेटस पर दिया

जाता है। जब वह जयदाद के रक्षण के लिए अर्जी देता है तो उससे कहते हैं कि तुम्हारे पास इतनी जायदाद नहीं है, इतनी जमीन नहीं है और चूंकि इतनी क्वालिफिकेशन नहीं है इसलिए उसकी एप्लीकेशन रिजेक्ट कर दी जाती है। आज देश के सब वर्ग समान हैं इसलिए मैं चाहता हूं कि लाइसेंस देने में ज्यादा उदारता से काम लिया जाय। कोई भी व्यक्ति केवल जाति से ही डरपोक या वीर नहीं बनता है। तो जो कुछ बंधन हैं, कानून है उसमें या उसकी असली वर्किंग में, उनको ढीला किया जाय और देश के संरक्षण के लिये लोगों को तैयार किया जाय। इसके साथ ही साथ मैं यह भी प्रार्थना करना चाहता हूं कि अभी देश के अन्दर कई स्थानों से शस्त्रास्त्र आते हैं। सरकार को यह कोशिश करनी चाहिये कि वह कोई इस तरह की एजेन्सी बनाये—चाहे वह सरकार की ही हो—जिसके द्वारा लोगों को सब प्रकार के शस्त्रास्त्र आसानी से प्राप्त हो सकें। अगर सरकार की ओर से इस तरह की व्यवस्था नहीं होगी तो देश के अन्दर बाहर से शस्त्रास्त्र आते रहेंगे जिसमें देश में आपत्ति के समय जो विशेष प्रकार के विचारधारा वाले व्यक्ति हमारे यहां मौजूद हैं उन्हें झगड़ा खड़ा करने का अवसर मिल जायेगा। तो मेरी प्रार्थना है कि सरकार शस्त्रास्त्र मैन्युफैक्चर करे और जनता को जल्दी और सस्ते दाम पर इन चीजों को दे।

उपाध्यक्ष महोदय, हमारे देश में जो होमगार्ड्स, रायफिल एसोसियेशन तथा एन० सी० सी० की संस्थाएं हैं और जिन स्थानों में लुटेरों से जनता को ज्यादा भय है वहां पर सरकार द्वारा इन संस्थाओं के सदस्यों और जनता को मुफ्त में हथियारों के लाइसेंस दिये जाने चाहिये। अभी माननीय दातार साहब ने अपने भाषण में कहा कि जो गवर्नमेंट एजेन्सी

होगी उसको हथियार देने के बारे में सरकार कंसेशन करेगी। उपाध्यक्ष महोदय, मैं आपके जरिये माननीय दातार साहब का ध्यान प्रधान मंत्री जी के उस भाषण की ओर दिलाना चाहता हूँ जो उन्होंने दिल्ली कांग्रेस कमेटी के सामने दिया था। उन्होंने कहा :

"A strong foundation for establishing heavy industries must be laid now so that the country could start having the wherewithal of military as well as economic potential. * * * India has to be self-sufficient in modern arms."

तो जो बात मिलिटरी आर्म्स के लिए लागू होती है वही बात फायर आर्म्स के लिए भी लागू होनी चाहिये। इसलिए सरकार को ऐसा प्रयत्न करना चाहिये कि वह आर्म्स का मैन्यूफैक्चर जल्द से जल्द करे।

अंत में मैं यह कहूंगा कि बिल में जो कुछ डिफेक्ट्स रह गये होंगे वे कानून को अमल में लाने के बाद दूर किये जा सकते हैं। कानून को अमल में लाते वक्त जिन बातों का अनुभव होगा उसके अनुसार उसमें संशोधन हो सकता है। यह बिल ज्वाइन्ट कमेटी से बहुत सुधार कर आया है। माननीय दातार साहब ने बिल के संबंध में सदन को सब बातें अच्छी तरह से बतला दी हैं और उन्होंने काफी हद तक कई बातों पर अकमोडेट भी किया है। मैं एक बार फिर उनका ध्यान प्रधान मंत्री जी के भाषण की ओर दिलाना चाहता हूँ और मुझे आशा है कि वे उसका अवश्य ध्यान रखेंगे। साथ ही साथ मैं उनका ध्यान टाइम्स आफ इंडिया के २३ नवम्बर के अंक में प्रकाशित उस खबर की ओर भी दिलाना चाहता हूँ जिसमें उन्होंने लिखा था कि सरकार ने दिल्ली में जो स्टेप लिया है वह राइट डाइरेक्शन पर लिया है। उस अखबार में आया है कि दिल्ली में १५ दिन के

अन्दर १२ स्टैंबिंग कैसेज हुए। बाहर से चीन का आक्रमण हो रहा है। नेफा, राजस्थान, मध्य प्रदेश में लुटेरों तथा स्मगलर्स अपनी कार्यवाही कर रहे हैं। अतः यह बिल ठीक अवसर पर आया है और बचाव के लिए उसका सहयोग उपयोग करना चाहिये। अगर हमारे पास शस्त्रास्त्र न हों तो क्या बुरी हालत होती है, इसका अनुभव आज़ादी के बाद हमको मिला है। हैदराबाद में रजाकारों ने, सौराष्ट्र में भूपत ने और तेलंगाना में कम्युनिस्टों ने जिस तरह से जनता को हैरान, निशस्त्र और बचावहीन बना दिया उससे हमें सबक सीखना चाहिये और सेक्रेन्ड लाइन आफ डिफेन्स का निर्माण करना चाहिये।

मैं यह भी प्रार्थना करूंगा कि एयर गन्स और एयर पिस्तौल को फायर आर्म्स की डिफेनिशन से अलग कर दिया जाय क्योंकि वे खतरनाक नहीं होते हैं। एयर गन प्रैक्टिस के लिए बहुत जरूरी चीज है और उसको कम आयु के बच्चे भी चला सकते हैं। इसलिए मेरी यह प्रार्थना है कि फायर आर्म्स की डिफेनिशन में से एयर पिस्तौल और एयर गन्स को अलग कर दिया जाय।

मध्य प्रदेश या जहाँ भी गुंडों का ज्यादा प्रभाव है, वहाँ लोगों को अपनी रक्षा के लिए आर्म्स रखने की सुविधा दी जाय। जो बड़े बड़े डाकू होते हैं उनके पास या कम्युनिस्टों के पास जो छिपे हुये हथियार होते हैं, वे कहाँ से आते हैं? उनसे बचाव के लिए कानून में कुछ न कुछ स्ट्रांग ऐक्शन लेना चाहिये था।

डा० रघुनाथ प्रसाद बुबे (मध्य प्रदेश) : खाली मध्य प्रदेश को क्या कह रहे हैं? क्या और कहीं गुंडाईज्म नहीं है?

श्री पा० ना० राजभोज : सौराष्ट्र में भी गुंडे हैं, खाली मध्य प्रदेश ही में नहीं हैं।

श्री श्रीलाल चंद (उत्तर प्रदेश) :

मध्य प्रदेश में डाकू हैं ।

श्री पां० ना० राजगोपाल : उनको डाकू कहिये, कोई हर्ज नहीं है । तो जहां बड़े बड़े डाकू हैं, उनका मुकाबिला करने के लिए हमको लोगों को तैयार करना चाहिये । जब हम समाजवादी समाज की रचना करने जा रहे हैं, तो जो गरीब देहातों में रहते हैं उनको भी पूरी सुविधा मिलनी चाहिये । दातार साहब ने कहा है कि थोड़ी बहुत जायदाद होनी चाहिये, लेकिन गरीबों के पास जायदाद कहां से आये । इसके अतिरिक्त चीनियों को हटाने के लिए बड़े बड़े लोग नहीं जायेंगे । जो गरीब हैं उन्हीं को जाना पड़ेगा । जो हमारे देश पर संकट आने वाला है उसको देखते हुये जो बार्डर एरिया हैं वहां के गरीब लोगों को हथियार रखने का मौका देना चाहिये । जहां लड़ाई का मौका हो या जहां दुश्मन आ जायें, उनका मुकाबिला हम कैसे करें । उसके लिए हमें किसी न किसी ढंग से प्रोटेक्शन मिलना चाहिये और हथियार मिलना चाहिये । आपके पास मिलिट्री है—यह ठीक है । मिलिट्री जहां मुकाबिला करती है, वहां करती है, लेकिन अब ऐसा मौका आ गया है जब हमको भी सतर्क रहने की आवश्यकता है । आप देखिये कि कम्यूनिस्ट कलकत्ता में बहुत बड़ा जुनूस निकालते हैं और हमारे दुश्मन की भाषा बोलते हैं । इसलिए आज इस बात की बहुत जरूरत है कि जो हमारे दुश्मन हैं, देशद्रोही हैं, स्वार्थी हैं, उनसे मुकाबिला करने के लिए हम सब प्रकार से तैयार रहें । बिल में कई प्रकार की संहलियतें दी गई हैं और कई बातें कही गई हैं । उसमें यह भी लिखा है :

"The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property."

इस प्रकार इस बिल में बहुत सी संहलियतें दी गई हैं और कई दृष्टि से यह बिल अच्छा है, लेकिन इसमें जो बुराइयां हैं उनको किसी न किसी ढंग से दूर करना चाहिये ।

ڈاکٹر آر۔ بی۔ گور - (آندھر)

پرديش): پانچ ملت اور برلئيه۔

†[डा० राज बहादुर गोड (आंध्र प्रदेश) : पांच मिनट और बोलिये ।]

श्री पां० ना० राजगोपाल : आप कहते हैं कि हम ज्यादा भाषण करते हैं । आज-कल हमारे कम्यूनिस्ट भाई शांत हैं । क्यों शांत हैं, यह हम भी जानते हैं और पब्लिक भी जानती है । हमारे देश की रक्षा के लिए हमारे होम मिनिस्टर साहब आर्म्स बिल लाये हैं और इससे देश की रक्षा करने में हमें अवश्य लाभ होगा । हम प्राइम मिनिस्टर नेहरू के नेतृत्व में काम कर रहे हैं । दुनिया की आजादी उनके हाथ में है, दुनिया का बाग डोर उनके हाथ में है । उनके राज्य में हमारी सुरक्षा के लिए यह कानून पास हो रहा है ।

ڈاکٹر آر۔ بی۔ گور - آپ کتنے

دنوں سے دیس بھکت ہوں۔

†[डा० राज बहादुर गोड : आप कितने दिनों से देश भक्त हैं ?]

Mr. DEPUTY CHAIRMAN: You need not take his advice.

श्री पां० ना० राजगोपाल : मैं समझ गया । उनका ढंग ही ऐसा है । उसभाषति महोदय, आप बहुत कम जानते हैं । मैं पब्लिक में काम करता हूं । इस लिए जानता हूं कि कम्यूनिस्ट किस तरह से लोगों को बहकाते हैं । कभी कभी वे पार्लियामेंट में भी बहकाने का प्रयत्न करते हैं । इसीलिए आर्म्स बिल लाना बहुत

†[] Hindi transliteration.

जरूरी था और इसको बार्डर एरियाज में भी अमल में लाना चाहिये ।

अंत में मैं फिर यह कहूंगा कि मैंने जो जो मुझाव दिये हैं उनपर पूरा विचार किया जाना चाहिये ।

श्री शीलभद्र याजी (बिहार) : माननीय डिप्टी चैयरमन महोदय, बहुत खुशी की बात है कि आजादी के बाद करीब १२, १३ वर्षों के बाद आर्म्स ऐक्ट में संशोधन करने की जरूरत पड़ी । सन् १९३१ में जब कराची कांग्रेस हुई थी तो उसमें फंडामेंटल राइट्स में यह एलान किया गया था कि हमारे हाथ में जब शक्ति आयेगी तो जो पुराना आर्म्स ऐक्ट है उसको रद्द करके जो एबल बाडीड लोग हैं उनको हथियार देने की व्यवस्था की जायेगी । लेकिन १२ वर्ष तथा ऐसा संशोधन नहीं किया गया । अब जो कानून बना है वह कुछ उदार जरूर है लेकिन इतनी देर से जो आर्म्स ऐक्ट में संशोधन हुआ है, यह उपयुक्त नहीं है ।

अभिमाननय हो : मंत्री महोदय ने अपनी स्पीच के दौरान में यह फर्माया कि जिसके पास यथेष्ट सम्पत्ति रहेगी उसको गन लाइसेंस गैरह देने की व्यवस्था की जायगी । आजादी के बाद भी जहां चोर डाकुओं का खतरा था वहां जो बड़ी बड़ों प्रापर्टी रखने वाले थे उनको लाइसेंस दिलाने के लिए हमको एक एम० एल० ए० की हैसियत से, एक अच्छे वर्कर की हैसियत से, कोशिश करनी पड़ती थी, लेकिन फिर भी दुर्भाग्य से उनको लाइसेंस नहीं मिलता था । पहले नहीं मालूम कितने दरवाजे खटखटाने पड़ते थे और कितनी पूजा चढ़ानी पड़ती थी क्योंकि बगैर पूजा चढ़ाये लाइसेंस नहीं मिलता था । अब भी इस बिल में सफिशियंट प्रापर्टी की बात है । हम लोग ऐसी पार्टी के हैं जो हिन्दुस्तान

में समाजवाद की स्थापना करना चाहती है । आज हालत यह है कि बड़े-बड़े राजा महाराजाओं को हमने खत्म किया और इस प्रकार जिनके पास बड़ी-बड़ी जमींदारियां थीं उनके पास अब एक धूल जमीन नहीं है और इस बिल में जो डेफिनिशेन दी गई है उसके अनुसार उनके पास भी सफिशियंट प्रापर्टी नहीं है । तो मेरी समझ में इस बिल में बहुत दोष है । “सफिशियंट” की परिभाषा ऐसी है कि जो लाइसेंसिंग आफिसर हैं वे बहुत सी खुराफात मचायेंगे । इस बिल में यह लूपहोल है । इसलिए जो रुल्स बनने वाले हैं उनमें इसकी व्यवस्था होनी चाहिये । जब हम कहते हैं कि हिन्दुस्तान की आजादी की हिफाजत होनी चाहिये, तो सिर्फ भाषण देने से या चर्खा और तकुली की बटालियन काश्मीर या बर्डर में भेज देने से काम चलने वाला नहीं है । इसके अतिरिक्त जहां चोर डाकुओं का प्रकोप होता है वहां लोग अपनी हिफाजत कैसे करें ? जिस गांव में डकैती हुई है, वहां के बड़े-बड़े लोगों ने लाइसेंस लेने की कोशिश की, लेकिन उनको लाइसेंस नहीं मिला । माननीय मंत्री जी ने बताया कि लाइसेंस न देने के लिए सफिशियंट कारण देना पड़ेगा । सफिशियंट कारण आफिसर लोग खूब जानते हैं । इसीलिए अब भी जब तक लोग पैसा नहीं चढ़ायेंगे, खुशामद नहीं करेंगे, तब तक लाइसेंस मिलने वाला नहीं है । आज जो हमारे वर्कर्स हैं, प्रोलिटेरियट क्लास के लोग हैं या आदिवासी हैं उनके पास पर्याप्त सम्पत्ति नहीं है ।

MR. DEPUTY CHAIRMAN: Mr. Yajee, you can continue tomorrow. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Thursday, the 26th November, 1959.