

12.30 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCEBAN ON CARRYING UNLICENSED BOWS,
ARROWS ETC., IN SILIGURI SUB-DIVI-
SION OF DARJEELING DISTRICT

श्री अटल बिहारी वाजपेयी (बलरामपुर)
अध्यक्ष महोदय, मैं अखिलम्बनीय लोक महत्व
के निम्नलिखित विषय की ओर गृह कार्य
मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता
हूँ कि वह इस बारे में एक क्वतव्य दें :-

“शास्त्र अधिनियम के अन्तर्गत केन्द्रीय
सरकार की अधिसूचना, जिसके द्वारा पश्चिम
बंगाल के जिला दार्जिलिंग के सिलिगुड़ी
सब-डिविजन में बिना लाइसेंस कमान, तीर
और भाले उठाने पर रोक लगाई गई।”

The Minister of Home Affairs (Shri Y. B. Chavan): Sir, you would recall the grave concern expressed by this House when it discussed the situation in the Naxalbari area on June 13, 1967. At that time a hope had been expressed that normalcy would soon be restored in that area. This hope was however belied by a renewed escalation of violence with dacoity, murder, kidnapping and looting. A number of licensed guns were taken away and large quantities of paddy and rice were looted in obvious preparation for a long and violent struggle. A final effort to wean away the rank and file of the peasantry from the extremist elements was made by the State Government by announcing a liberal surrender policy assuring those who might surrender that they would be released on bail. In spite of this policy, which was given wide publicity, violent activities continued and none of the wanted persons surrendered. Reports continued to be received that mobs armed with bows, arrows and spears and in some cases fire arms were committing acts of criminal assault, rioting and looting in several areas of the Siliguri Sub-Division. There was also reason to believe that attempts

were being made to bring a large number of bows and arrows into the Siliguri Sub-Division from across the international border.

It was in these circumstances that we thought that it was necessary to regulate the carrying and to prohibit the import and transport of bows, arrows and spears within the limits of Siliguri Sub-Division. We consulted the West Bengal Government about these proposals on July 3, 1967. Their reply was received on July 5, 1967 in which they stated that the Sub-Divisional Magistrate, Siliguri had issued orders under Section 144 Cr. P.C. prohibiting movement of any person armed with bows, arrows, spears, etc. that this would serve the purpose of the proposed notifications and that the necessary notifications would be issued by the State Government, if considered necessary.

We did not think the proposed orders under the Arms Act had become unnecessary because of the Magistrate's Orders under Section 144 Cr. P.C. I, therefore, discussed the matter with the Chief Minister of West Bengal on July 8, and explained our views to him. He then agreed that the Central Government might issue the proposed notifications under Sections 4, 11 and 12 of the Indian Arms Act. Two notifications were accordingly issued on July 10, 1967, one under Sec. 4 to regulate the carrying of bows, arrows and spears, and the other under Section 11 and 12 to prohibit the import and transport of these arms. I would like to clarify that the notification under Section 4 regulates only the carrying of bows, arrows and spears, and does not in any way effect the more possession of such arms.

We also sent a communication to the State Government briefly mentioning the reasons for our action. They were; First, the notifications would add to the deterrent effect of the order under Sec. 144 Cr. P.C. since offences under the Arms Act are punishable with much heavier

sentences than those of breaches of a 144 Cr. P.C. Order. Second, mere bringing in or transport by any means whatever, would become penal offences, which object was not served by the order issued by the Magistrate. Third, the State Government did not have powers to prohibit the import or transport of these weapons, and it was preferable because of the common object they were intended to serve that orders under all the three sections should be issued by the Central Government. Finally, it was mentioned that the issue of these notifications would strengthen the hands of the State Government by giving additional powers to the local Magistrates and the police.

The Arms Act is a Central law and with perfect constitutional propriety the Government of India can, therefore, exercise powers and discharge their responsibilities under that Act, entirely on their own. But it has been our practice in the past to consult the State Governments in many matters constitutionally falling within the Central sphere and to give careful consideration to the views of the State Governments. This is a sound practice and we have every intention to continue it. That is the reason why, in the present case, we consulted the State Government, and followed that up by a personal discussion with the Chief Minister in our anxiety to carry the State Government along with us in a matter of common concern.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, अभी गृह मंत्री महोदय ने आर्म्स एक्ट की धारा 11 का उल्लेख किया और 12 का भी। धारा 11 के अन्तर्गत केन्द्रीय सरकार को ऐसे अधिकारियों की नियुक्ति करनी है जो अधिकारी भ्राने जाने वाले हथियारों पर कंट्रोल करे, किसी व्यक्ति को तलाशी ले, उस के खिलाफ कार्यवाही करे। पहले इस एक्ट में लोकल गवर्नमेंट को यह अधिकार दिया गया था लेकिन बाद में एक्ट का संशोधन हुआ और यह अधिकार

केन्द्र के अधीन कर दिया गया। केन्द्र के ऊपर जिम्मेदारी है इस अधिनियम के अन्तर्गत जारी की गई सूचना को कार्यान्वित कराने की। लेकिन पश्चिम बंगाल के मुख्य मंत्री ने कहा है, मैं उन के शब्दों को उद्धृत करना चाहता हूँ :

"Though this is a Central Act, the power to implement the provisions of the notification solely rests with the State Government."

मैं जानना चाहता हूँ कि क्या गृह मंत्री महोदय पश्चिमी बंगाल के मुख्य मंत्री की जो व्याख्या है उस से सहमत हैं या इंडियन आर्म्स एक्ट की जो धारा 11 है जो केन्द्रीय सरकार को इस बात के लिए बांधती है कि वह अपने अधिकारी नियुक्त करे, उस से सहमत हैं ?

इस संबंध में मैं यह भी जानना चाहूंगा कि अगर कोई राज्य सरकार इस अधिसूचना को कार्यान्वित करने से इनकार कर दे जैसा कि कलकत्ता से भ्राने वाले समाचारों से ज्ञात होता है कि पश्चिमी बंगाल की सरकार जल्द नहीं समझती कि इस पर भ्रमल किया जाय तो मैं पूछना चाहता हूँ कि केन्द्रीय सरकार की स्थिति क्या होगी? क्या इस अधिनियम के अन्तर्गत जारी की गई अधिसूचना को भ्रमल में लाने का भार केवल प्रादेशिक सरकार पर है या केन्द्रीय सरकार पर भी कोई जिम्मेदारी है ?

Shri Y. B. Chavan: Sir, there are two aspects of the problem. As far as law is concerned, the position is very clear. Certainly, there are some responsibilities on the State Government. That is exactly what I said. But, then, there are certain responsibilities, legal and constitutional responsibilities under the Act on the Central Government, in the discharge of which we have issued this notification. Well, our present intentions are to help the State Government to improve the situation, because the

[Shri Y. B. Chavan]

Chief Minister in his discussions with me had indicated his desire to act effectively there. I would like to trust him and support him in his effort. My main purpose would be to give powers to strengthen the State machinery, if he wants. But if he does not produce results what can be done next. I cannot anticipate what Government would do on hypothetical cases.

श्री अटल बिहारी वाजपेयी : सभापति जी, मैं व्यवस्था का प्रश्न उठाने का प्रादी नहीं हूँ लेकिन मैं यह जानना चाहता हूँ कि राज्य सरकार से गृह मंत्री महोदय कोई भी व्यवस्था करें मगर जिस एक्ट के अंतर्गत यह अधिसूचना जारी की गई

Mr. Speaker: He has answered all that by saying that the cannot anticipate that.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, क्या मैं यह समझूँ कि गृह मंत्री ने एक अधिसूचना जारी कर दी और वह अमल में आये इस की कोशिश वह नहीं करना चाहते ?

Mr. Speaker: He is not denying what is said in the Act. He only says, how can he now anticipate what will happen.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, सवाल अलग है। 10 तारीख को नोटिफिकेशन जारी किया गया। नोटिफिकेशन आर्म्स एक्ट की 11 धारा के अंतर्गत किया गया। वह 11 धारा यह कहती है कि केन्द्रीय सरकार अपने अफसर वहाँ तैनात करेगी। वह केन्द्र को यह छूट नहीं देती है कि वह अपने अधिकार डेलीगट कर दे। मैं पूछना चाहता हूँ कि अगर केन्द्रीय सरकार अपने अधिकारी तैनात नहीं करना चाहती तो यह नोटिफिकेशन जारी करने का मतलब क्या है ?

Shri Y. B. Chavan: I think I have explained my point. If the hon. Member wants me to go into everything that I want to do, or possibly he wants me to do something which will create problems....

Shri A. B. Vajpayee: No, that is not my intention.

Shri Y. B. Chavan: I hope it is not his intention.

Shri A. B. Vajpayee: Here is the Act. How does the hon. Minister go against the provisions of the Act ?

Shri Y. B. Chavan: I am not going against the provisions of the Act. Really speaking, the Central Government expect the officers of the State Government to act according to the Act. If they do not do it and then what results appear, I must watch before I say something.

Shri A. B. Vajpayee: Sir, may I submit....

Mr. Speaker: He has understood the question. Probably he is not in a position to answer the question now.

Shri S. A. Dange (Bombay Central South): It is an admitted fact that the problem in that area essentially is a problem of land, that it arose when the adibasis were evicted from their land by the jotedars and that being incensed by the fact of their being deprived of their livelihood they tried to take back their land. Therefore certain clashes took place. I would like to know whether the Home Ministry has come to consider bows and arrows as more dangerous than the guns that their police carry; secondly, whether these bows and arrows were lifted to the status of dangerous arms after hearing Peking Radio and, thirdly, whether taking advantage that has been conferred on their policy by the idiotic broadcasts of Peking Radio the Home Ministry is issuing liberally licences

to the jotedars to hold firearms and try to arm them in order to suppress these Advasis and thereby create a dictatorships of the landlords in this area.

Shri Y. B. Chavan: I think, the hon. Member has introduced political elements into this question; but, certainly, if he wants to discuss that, I am prepared to discuss that also. Peking Radio is not as much a concern to me as it is to him, but if it is of concern to him it is equally of concern to us. This attitude towards the bows and arrows was taken according to the events that were taking place in that area. When bows and arrows were used in these violent activities to which I made a reference, naturally, one has to take notice of it. Another aspect of the fact which I have made a mention of is that we have reason to believe that these bows and arrows were transported across the international border. Firearms is a limited thing but when bows and arrows are used as aggressive weapons—it is an indigenous weapon and can be transported easily—it can become a mass weapon of use. Does he want to use that for solving the land problem? That is the question.

Shri S. A. Dange: When the jotedar uses the gun, the Advasis is going to use bows and arrows.

Shri Y. B. Chavan: We had not done that so far. Why is it that we have decided to do it now? Our idea is not to ban them permanently. It is a temporary phase. This arose because these were used in a mass action to solve the land problem which is exactly what we are objecting to.

श्री यशपाल सिंह (देहरादून) : श्रीमन् 1931 की करांची कांग्रेस में गांधी जी के चरणों के सामने बैठकर कांग्रेस ने यह प्रतिज्ञा की थी कि हथियारों पर किसी तरह की पाबन्दी गुलामी की निशानी है उस प्रतिज्ञा को याद दिलाकर मैं माननीय गृह मंत्री से पूछना चाहता हूँ कि बजाय इस के कि

नागरिकों से हथियारों को छीना जाय क्यों न कोई ऐसा प्रबन्ध किया जाय कि कोई शब्द भी वहाँ पर गड़बड़ न कर सके ? क्या वे लायल पिपिल नहीं हैं अगर लायल पिपिल हैं तो हथियारों से लैस किया जाय अगर लायल नहीं हैं तो सरकार इस तरह का इन्तजाम कब तक खिचिगी ?

Shri Y. B. Chavan: I certainly share his sentiments about the general restriction on arms, but it a temporary phase. I hope, normalcy returns there, and when normalcy returns we will withdraw it.

Shri Jyotirmoy Basu (Diamond Harbour): May I know ?

Mr. Speaker: No, please.

Shri Jyotirmoy Basu: If you guillotine me this way, it will not serve any purpose. I have to say something very relevant.

Mr. Speaker: Unfortunately, he cannot. How can I help it ?

Shri Jyotirmoy Basu: You give me a chance to ask one question.

Mr. Speaker: How can I prevent the other 500 then ? You tell me that in my room; you convince me and I will give you an opportunity.

Shri Jyotirmoy Basu: I saw you in your Chamber and you promised to look into the matter.

Mr. Speaker: You want to ask only one question; the other 500 Members also want to ask only one question. How can I discriminate ? Where can I draw the line ? There can be only five names on a call-attention. The rule has been changed last week; it was not months ago or years ago.

Shri Jyotirmoy Basu: I sent a call-attention notice, not the 500 Members in the House.

Mr. Speaker: Even if 50 Members give a call-attention notice, only five names are printed on the Order Paper.

Shri Jyotirmoy Basu: 12 Members gave a call-attention notice.

Mr. Speaker: I cannot break the rule which was made only last week.

Shri Hea Barua (Mangaldai): Possession of arms like bows and arrows is a part of the custom of the Tribal people and these Tribal people are not going to obtain licences for these customary rights that they have been enjoying for so long. At the same time, section 144 imposed by the State Government serves the purpose of limiting the use or demonstration of bows and arrows by the Tribals.

The second argument offered by the hon. Minister is that surreptitiously they might import arms from some foreign countries. Even if people surreptitiously import arms from their friendly countries or foreign countries, they are not going to obtain licences for that from this Government as the instances of the Mizo hostiles and the Naga hostiles having arms and ammunitions from China and Pakistan have amply demonstrated.

In that context may I know whether our Home Minister, while holding full-fledged discussion about the imposition of the Arms Act in Naxalbari with the Chief Minister of West Bengal, in order to prevent the turmoil that is at present operating in the capital of West Bengal, Calcutta, or was it the political purpose, as alleged by certain sections of the people, to bring about a rift in the United Front Government there so that he might impose the President's Rule there?

Shri Y. B. Chavan: I have not got a magic wand to bring about, a split in anybody's mind. If there are weaknesses inside, they work themselves.

I would like to give the reply to the basic point that he has raised, whether we are banning the possession of these things. There is no question of requirement of any licence to possess these things. What we are banning is the carrying of them, transporting

them, bringing them from other countries, purchasing them.

Shri Jyotirmoy Basu: You are not banning the carrying of fire-arms by jotedars. Section 144 does not ban the carrying of fire-arms by jotedars. This is a very discriminating order.... (Interruption).

Mr. Speaker: Order, order. This is not the way; it will not be replied to.

Shri Jyotirmoy Basu: Section 144 does not ban the carrying of fire-arms by jotedars. This is a very discriminating order.

Mr. Speaker: May I request you to sit down? Shri Vasudevan Nair.

Shri Vasudevan Nair (Peermade): The hon. Minister has made an assessment of the situation in Naxalbari area after the 30th of June and therein he has said that he has come to the conclusion that the situation has not improved and that, rather, the situation has deteriorated. Everybody knows that the West Bengal Government has moved in the matter. Every report indicates that after the 30th of June the situation has improved and that the incidents are rare. I should like to know how the Home Minister has come to a contrary conclusion. I want to know whether he has received any reports from the West Bengal Government on the basis of which he has come to this conclusion or whether he has come to this conclusion on the basis of some other reports. I should like to get the number of incidents that have occurred and I should like him to establish, contrary to the reports from the West Bengal Government and even from the reports of impartial observers and newspaper men, how the Minister comes to this exaggerated conclusion that the situation has worsened there. I should like to know what is his interest in exaggerating the situation out of all proportion, whether it suits his political interest or not.

Shri Y. B. Chavan: He is asking me to give my opinion. I do not know

whether you would like me to give my opinion.

Shri Vasudevan Nair: I should like to know whether he has received the reports from the West Bengal Government on the basis of which he has come to this conclusion. What is the basis of his conclusion?

Mr. Speaker: He had said that he discussed it with the Chief Minister of West Bengal.

Shri Vasudevan Nair: Generally, when the Minister makes a statement about a situation in a State, he has a machinery to get information from that State and he gets the report from the State Government. I should like to know whether the reports of the West Bengal Government are the basis on which he has come to this conclusion.

Shri Y. B. Chavan: Certainly, we get the reports from the West Bengal Government. It is very obvious. The West Bengal Government itself worked out a plan of operation/action and they did it because the situation was not under control. This is a very obvious thing. My assessment is based on information that the West Bengal Government, supplies to us. Certainly, we have also our own sources of information.

12.50 hrs.

RE. CALL ATTENTION NOTICES
AND ADJOURNMENT MOTIONS
(Query)

Mr. Speaker: I have received today a number of Call Attention notices on a very serious matter. About 23 policemen have been killed in Manipur. It is a very serious matter and, naturally, everybody is concerned about it.

Shri Hem Barua (Mangaldai): I have tabled an adjournment motion also.

Mr. Speaker: I have received a number of Call Attention Notices and adjournment motions. I need not announce the names of the Members. I am saying that it is a serious matter and everybody would be concerned about it. I thought we could take it up. But, naturally, they will have to get information; they do not have detailed information. I am requesting the Minister to tell us something about it tomorrow evening. We are not going to have the Call Attention notice in the morning.

Shri Hem Barua: Do I understand my adjournment motion stands?

Mr. Speaker: Both are there, the Call Attention notices and the adjournment motion. All of them are there. I have not rejected anything. I am requesting the Minister to get some information—naturally I want them to get some information—and tell us something about it tomorrow evening.

श्री प्रकाशचौर शास्त्री (हापुड) :
मेरा निवेदन यह था कि ये जो 23 सिपाही
सेन्ट्रल रिजर्व फोर्स की बटेलियन के मरे हैं
जिन नागाओं ने हमला किया है स्वाभाविक
है कि उन की संख्या बटेलियन से अधिक
थी। इस लिये अभ्यस्त महोदय यह मायला
बड़ा गम्भीर है इस को केवल ध्यान प्राकर्षण
के रूप में न ले बल्कि एडजार्नमेंट मोशन
के रूप में ले।

Mr. Speaker: What is the use of beginning a discussion now? It is not proper. If all the 30 or 40 members begin a discussion like this, what will happen? So, it is not proper. I have asked for information. Tomorrow, we shall see. After that, if there is anything necessary, I will certainly give him a chance; I will not deny him.