

Shastri, Shri Ramavtar
 Shastri, Shri Sheopujan
 Sher Singh, Prof.
 Shinde, Shri Annasaheb P.
 Shiva Chandika, Shri
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri D. N.
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sinha, Shri Satyendra Narain
 Sohan Lal, Shri T,
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarshanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Chandra Bhal Mani
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tuladram, Shri V.
 Ukey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri

Venkatasubbaiah, Shri P.
 Venkateswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.
 Zulfiquar Ali Khan, Shri

NOES

Deo, Shri P. K.
 Deo, Shri R. R. Singh
 Mody, Shri Piloo
 Nayak, Shri Baki
 Patel, Shri H. M.
 Ramkanwar, Shri

MR. SPEAKER : The result* of the division is :

Ayes : 381 ; Noes : 6

The Bill is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

17.08 hrs.

ARMS (AMENDMENT) BILL

THE MINISTER OF STATE IN THE
 MINISTRY OF HOME AFFAIRS AND IN
 THE DEPARTMENT OF PERSONNEL
 (SHRI RAM NIWAS MIRDHA) : Sir, I
 beg to move :

*The following members also recorded their votes for Ayes :

Sarvaswari K. Lakkappa and Raja Ram Shastri.

[Shri Ram Niwas Mirdha]

"That the Bill to amend the Arms Act, 1959, as passed by Rajya Sabha, be taken into consideration."

According to the definition of "district magistrate" in section 2(i)(d) of the Arms Act, 1959, only the Commissioner of Police of a presidency-town or the city of Hyderabad can exercise the powers of a district magistrate under that Act. Since the passing of the Act in 1959, Commissioners of Police have been appointed for certain cities other than presidency-towns and the city of Hyderabad. It is possible that Commissioners of Police may be appointed in future for more cities also. In view of the changed set-up, it is not possible for the Commissioners of Police of cities other than presidency-towns and the city of Hyderabad to exercise the powers of a district magistrate under the Act. In order to enable such Commissioners of Police also to exercise such powers, it is considered necessary to suitably amend the definition of district magistrate in section 2(i)(d) of the Act. In big cities, Deputy Commissioners of Police have also been appointed to assist the Commissioners of Police. In order to enable the Deputy Commissioners of Police also to exercise the powers of district magistrate under the Act, it is proposed to empower the State Government to specify any Deputy Commissioner of Police who shall exercise such powers.

It is a very small Bill for a very limited purpose and I do not think there is anything controversial about it. So, I request the House, through you, to take it into consideration and pass it.

MR. SPEAKER : Motion moved :

"That the Bill to amend the Arms Act, 1959, as passed by Rajya Sabha, be taken into consideration."

There is no amendment to the consideration Motion. Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Mr. Speaker, Sir, I would start by drawing the attention of the hon. Minister to our Constitution, the Seventh Schedule, item Nos. 4 and 5 of the Union List. It says :

"4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives."

All that comes under the Union List.

I am pointing out that the Central Government has totally and utterly failed in fulfilling its duty. The glaring instances of total failure are there as far as West Bengal is concerned and in other States. The Arms Act is vigorously applied on persons who could be called non-criminals.

In West Bengal, there is no dearth of supply of bombs and potassium chloride is in liberal supply. There is a free flow and one can buy this main ingredient of bombs anywhere in West Bengal for a price although the Central Government has been pretending its ignorance which is not acceptable to us.

It is the Central Government's responsibility to control the distribution and marketing of it but they have deliberately kept their hands in their pockets and want to see the fun. There is liberal use of it against political opponents of the ruling party. Potassium chloride is not produced in West Bengal. It comes from Madras; it comes from Maharashtra....

MR. SPEAKER : Mr. Bosu, the scope of this Bill is very limited. You are going beyond the scope of the Bill.

SHRI JYOTIRMOY BOSU : I am pointing out how the Arms Act is being enforced at the moment by the Government.

MR. SPEAKER : You are going beyond the scope of the present Bill.

SHRI JYOTIRMOY BOSU : Why almost always you say it to me?

MR. SPEAKER : You try to go beyond the scope sometime. As the Presiding Officer, I have to see that you are within the scope of the Bill. The scope of the present Bill is very limited. It is not a debate on the main Act. This is an amendment to that.

SHRI JYOTIRMOY BOSU : Kindly

give me a hearing. Don't be so impatient. I am trying to highlight the issue that they are bringing Bill after Bill but the original Arms Act is being utilised for their own political gains. It is within my right....

MR. SPEAKER: You cannot say everything within your right.

SHRI JYOTIRMOY BOSU: What else? You allow me five minutes. What is the use of wasting the time of the House?

MR. SPEAKER: You can speak for one hour. But be relevant to the Bill.

SHRI JYOTIRMOY BOSU: I shall try to be as relevant as possible. I have seen relevant speeches in this House on all sides.

MR. SPEAKER: Don't justify yourself.

SHRI JYOTIRMOY BOSU: This potassium chloride is not produced in West Bengal. It comes from Madras, from Maharashtra through imports. It is brought by rail...

MR. SPEAKER: Is potassium chloride covered by this Bill?

SHRI RAM NIWAS MIRDHA: It is beside the point.

SHRI JYOTIRMOY BOSU: I have quoted the Constitution that it is the Central Government's responsibility. When you are talking of bombs, you talk about cartridges, and cartridges mean explosives. If you want to shut me out,...

MR. SPEAKER: There is no question of shutting you out. The scope of the Bill is very limited—District Magistrate in relation any area from which Commissioner of Police has been appointed.

SHRI JYOTIRMOY BOSU: How is the District Magistrate functioning? They want to make further delegation of powers. It will make things worse. I shall come to that. I am saying that they are using the existing arrangement that is functioning for their own gains. Further delegation of powers will make things worse. I am coming to that.

You do not allow me to speak.

For fire arms, the major ingredient is explosive and potassium chlorate is one of the most widely known explosives.

MR. SPEAKER: He is coming again to that. What is this?

SHRI JYOTIRMOY BOSU: I will sit down if you like. You are so impatient with me. You allow all sorts of irrelevant things. But when I speak, you get irritated.

MR. SPEAKER: You please confine yourself to the Bill. That does not mean that you do like this and I say 'All right' and you go on saying.

SHRI JYOTIRMOY BOSU: I won't take more than five minutes. Sir, by arguing you wasting the time of the House.

MR. SPEAKER: You can take ten minutes, but be relevant to the Bill.

SHRI JYOTIRMOY BOSU: Sir, I can deliver my speech...

SHRI P. K. DEO (Kalahandi): He is speaking a very relevant thing.

MR. SPEAKER: Why are you interrupting please?

SHRI JYOTIRMOY BOSU: I am talking about the Centre's failure in the field of fire arms which comes in the same List. I have read out at the beginning that the VII Schedule, item No. 5 says 'Arms, fire arms, ammunitions and explosives'. One sentence... How can I separate one from the other? It is in the Constitution.

MR. SPEAKER: He is very obstinate in his attitude. I simply can't understand it.

SHRI JYOTIRMOY BOSU: Well Sir, please try to understand us. That will make it convenient.

MR. SPEAKER: I fail to understand it.

SHRI JYOTIRMOY BOSU: I am saying that the Central Government has utterly failed in its duty as enshrined in the Indian Constitution.

About this explosive I have talked about, it is produced in Maharashtra and Madras and

[Shri Jyotirmoy Bosu]

imported also. It comes by rail which is controlled by the Centre. It comes by coastal steamers which are also controlled by the Centre and by road also through States which are run by the ruling party. There have been very few detections and the so-called extremists have been given a free supply of arms and ammunition and explosives in Calcutta. We have seen how in the houses of Government officials themselves extremists were caught. A person, a doctor in the Mayo Hospital, Dr. Sunil Bose, his house was raided and two extremists were arrested during the last elections . . .

MR. SPEAKER : This is not relevant please.

SHRI JYOTIRMOY BOSU : I am coming to that. I am only on the preamble . . .

MR. SPEAKER : I am not going to allow you if you go on speaking like this.

SHRI JYOTIRMOY BOSU : I will take only five minutes more.

MR. SPEAKER : No question of five minutes. I am asking about the question of relevancy.

SHRI JYOTIRMOY BOSU : It really surprises me.

MR. SPEAKER : It surprises me too.

SHRI JYOTIRMOY BOSU : Well, I can quote speeches and I would ask you to show me one thing which is relevant . . .

MR. SPEAKER : I am concerned with you. I am not concerned with other speeches. When they come, they will be seen.

SHRI JYOTIRMOY BOSU : They were not seen. That is what I am trying to point out . . .

MR. SPEAKER : Please don't do that.

SHRI JYOTIRMOY BOSU : About fire arms, they have been talking about small manufacturers and about the development of small scale industries. Sir, to make a pipe-gun what you can buy in Calcutta today for Rs. 125, the blacksmith has to make a lot of noise and a lot of sound to produce it and we are told that the Police are not in the know of

things. The Police under the Central Government instructions are hand in glove with those who are producing this. I am talking about revolvers, rifles and sophisticated weapons. They are either produced by the Ordnance Factories . . .

MR. SPEAKER : My dear friend, this is completely irrelevant.

SHRI JYOTIRMOY BOSU : I am talking about fire arms . . .

MR. SPEAKER : It is completely irrelevant.

SHRI JYOTIRMOY BOSU : I am saying how much they have failed in enforcing and in exercising the existing powers that are given under the Arms Act . . .

MR. SPEAKER : This is just extending the jurisdiction of one officer to another.

SHRI JYOTIRMOY BOSU : I am saying that it should not be done. As it is, I am going to suggest that the whole Arms Act should be reviewed. This is what I am trying to say. I must give the reasons to justify what I say. These small arms, revolvers, rifles and stenguns what you see in abundance all over the country today, particularly, in West Bengal, you know sophisticated weapons could be produced in the Ordnance Factories or smuggled into the country. I come there . . .

MR. SPEAKER : I am so sorry I will have to stop you.

SHRI JYOTIRMOY BOSU : I know, Sir. I am sorry to say that you are always anxious to protect the Government when we try to expose them. That everybody in this House knows.

MR. SPEAKER : May be like this. If you are doing like this, it will be like this.

SHRI JYOTIRMOY BOSU : We know what you are.

MR. SPEAKER : Please sit down. If you go on like this, I won't tolerate.

SHRI JYOTIRMOY BOSU : We won't tolerate this sort of attitude also.

MR. SPEAKER : Please sit down.

SHRI JYOTIRMOY BOSU : I am not here as a nominated Member of yours.

MR. SPEAKER : If you go on insisting like this, I will never tolerate.

SHRI JYOTIRMOY BOSU : I could not care less.

MR. SPEAKER : You have come for this purpose.

Mr. Chittibabu.

*SHRI C. CHITTIBABU (Chingleput) : Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to speak on the Arms (Amendment) Bill, 1971.

At the very outset I would say that I welcome this Bill. I would point out that this Amendment has been brought forward after 13 years of passing the Arms Act. This only shows that the Government could not foresee the future events.

This amending Bill seeks to empower the State Governments for conferring magisterial powers to the Deputy Commissioners and the Commissioners of Police in cities other than the Presidency Towns and Hyderabad. I welcome this measure from this point of view. At long last the Government here have realised the necessity for clothing the Deputy Commissioners also with the magisterial powers under this Act.

Here, I would refer to the grave emergent situation prevailing in the country. It is imperative for the Government to train able-bodied young men in the use of fire-arms. For this purpose, the rules for issuing arms licences should be relaxed to some extent.

SHRI JYOTIRMOY BOSU : How is this relevant, Sir ?

SHRI C. CHITTIBABU : I will explain it. For example, the NCC Cadets....

SHRI JYOTIRMOY BOSU : How is this relevant ? On a point of order, Sir. Do you consider what he says as relevant ?

MR. SPEAKER : The Officers are there for that purpose. This Bill only seeks to extend it to other Officers.

SHRI JYOTIRMOY BOSU : He is talking about the handling of fire arms by laymen.

MR. SPEAKER : By licencing.

SHRI C. CHITTIBABU : Considering the grave situation in our borders, it is necessary to relax the restrictions regarding the issue of licences for possessing arms.

SHRI JYOTIRMOY BOSU : Do you hear, Sir ?

MR. SPEAKER : I am hearing it.

SHRI JYOTIRMOY BOSU : You are not.

SHRI C. CHITTIBABU : Sir, I would refer to the fact that the delay in bringing out such very necessary amendments leads to undesirable consequences. Only through the proposed amendment, the Deputy Commissioners are being given the Magisterial powers under the Arms Act. That means, till now the Commissioner of Police is burdened with heavy onerous duties under this Act resulting in the consequence of laxity in the enforcement of this Act. I will refer to the shocking incident that occurred in Tamil Nadu. When our revered and respected Chief Minister, Dr. Kalaignar Karunanidhi, was on a tour, a dastardly attempt was made *en route* to murder him by blowing off a bridge on which he was to go in his car.

SHRI JYOTIRMOY BOSU : Now, you should be really surprised. I am saying that I am within my rights in pointing this out. You are allowing one Member, but you are not allowing another Member to speak about these things.

SHRI C. CHITTIBABU : I am explaining one point and I am quoting one instance.

MR. SPEAKER : The hon. Member should realise that this Bill is very simple and it only extends the definition of the term 'district magistrate' to Commissioner of Police and Deputy Commissioner of Police. It is only a five-line Bill.

SHRI C. CHITTIBABU : I am welcoming this Bill. But I am putting one question to the hon. Minister. While the Chief Minister of Madras was travelling to some constituency, he was alarmed with bombs. How is that those persons got those bombs? Was there anybody preparing bombs?

SHRI JYOTIRMOY BOSU : That was exactly what I was saying.

MR. SPEAKER : May I point out to the hon. Member that this Bill has only a very limited scope?

SHRI C. CHITTIBABU : I have followed it. While I am welcoming this Bill, I am requesting Government to consider these aspects.

MR. SPEAKER : Let him come to the subject-matter of the Bill. When the general Arms Act come up before the House, then hon. Members would be at liberty to say all these things and go into the merits of the Act. But this is only a five-line Bill which seeks to extend the definition of the term 'district magistrate' to include Chief Commissioner of police and deputy commissioner of police.

SHRI C. CHITTIBABU : Later on, an arms dump was discovered. If the local Deputy Commissioner of Police had been able to avoid misuse of arms without licence.

My point is that I am unable to appreciate the inordinate delay on the part of the Central Government to bring forward such necessary amendments to the important Acts like the Arms Act. I would also appeal to the hon. Minister that if necessary comprehensive amendments should be brought forward by the Centre empowering the State Governments to exercise the powers effectively and expeditiously.

I support this Amendment and though it is a minor one, it is important that the State Governments will be enabled to delegate the magisterial powers to the Deputy Commissioners of Police also.

श्री भोगेन्द्र झा (जयनगर) : अध्यक्ष महोदय, आपने ठीक ही कहा है कि यह विधेयक केवल पांच पंक्तियों का है। फिर भी हमारे लिये यह स्वागत करने की बात नहीं है। मैं

जानता हूँ कि इन पांच पंक्तियों के द्वारा पांच से ज्यादा जानें जायेंगी और उन लोगों की जानें जायेंगी, जो देश के भयभीत हैं, जो मेहनत करते हैं।

अंग्रेजों के जमाने में सस्त्रों के लाइसेंस देने की यह नीति थी कि बड़े-बड़े जमींदारों, पूँजीपतियों या चोर-व्यापारियों को ही लाइसेंस दिये जाते थे। अभी तक उस नीति में कोई परिवर्तन नहीं किया गया है। मैं यह बात किसी विचार धारा के आधार पर नहीं कह रहा हूँ। जिस क्षेत्र के लोगों ने चुनकर मुझे यहां भेजा है, वहां कल ही उन लोगों के द्वारा गोली से हत्या की गई है, जिनको लाइसेंस मिले हुए हैं।

SHRI JYOTIRMOY BOSU : I appreciate what he says. It is relevant.

MR. SPEAKER : Very relevant.

SHRI JYOTIRMOY BOSU : To your mind.

श्री भोगेन्द्र झा : मेरे पास वहां से जो तार आया है, उसको मैं टेबल पर रखना चाहता हूँ। इस बात की जांच की जाये कि सरकार द्वारा जिन लोगों को लाइसेंस दिये गये हैं, क्या उनके द्वारा सस्त्रों का उपयोग हुआ है या नहीं।

"Jibachmukhiya shot dead. Three injured by Angusingh police sabotaging—Surajnarain".

जब से मध्यावधि चुनाव हुये हैं, तब से मेरे क्षेत्र, जयनगर, में चार जगह गोलियां चली हैं और मेरे तीन साथी गोली से मार दिये गये हैं। उन लोगों के द्वारा गोली चलाई गई है, जिनको सरकार ने लाइसेंस दे रखे हैं।

अध्यक्ष महोदय : जब मेंबर साहबान इस तरह बोल रहे हैं, तो मैं अपनी हार मान लेता हूँ।

श्री भोगेन्द्र झा : अध्यक्ष महोदय, मैं इस

सदन के कायदे के मुताबिक बोलने का प्रयास कर रहा हूँ।

आज तक यह नहीं सुना गया है कि किसी अमजीबी मजदूर या मेहनत करने वाले किसान को बन्दूक आदि का लाइसेंस दिया गया हो। आमतौर से मुफ्तखोरों को, जो अपनी कमाई नहीं खाते हैं, जो दूसरों की कमाई खाते हैं, शस्त्रों के लाइसेंस दिये जाते हैं, जिसका परिणाम यह होता है कि उनके द्वारा गोली चला कर गरीब और निरपराध लोग मार दिये जाते हैं। अभी परसों यहाँ पर इस बारे में बहस हुई थी कि पूर्णिया में उन लोगों ने बीस आदमी गोली से मार दिये।

इस समय शस्त्रों के लाइसेंस वर्गभेद के आधार पर दिये जा रहे हैं। आज केवल शोषक तबके को मुफ्तखोर जमींदारों को ही लाइसेंस दिये जाते हैं और जो अमजीबी हैं, जो मेहनत करते हैं, उनको लाइसेंस नहीं दिये जाते हैं। आज मेहनत करने वाले लोग जाग रहे हैं, इस लिए बन्दूकों का ज्यादा उपयोग हो रहा है। चुनावों में बन्दूकों का उपयोग हो रहा है। मेरे क्षेत्र में चार जगह गोली चली, जिसके कारण दोबारा पोल करवाना पड़ा। जिन लोगों को बन्दूकों के लाइसेंस मिले हुए हैं, वे लोगों को मतदान करने के लिए मतदान केन्द्रों पर नहीं जाने देते हैं और कानूनी कास्तकारों पर गोलियों की वर्षा करते हैं। और इनके कलेक्टर या पुलिस कमिशनर या जिनको भी यह शक्ति अधिक प्रदान करने जा रहे हैं वे उन्हीं को लाइसेंस देंगे जो धनी लोग हैं। मैं सरकार से आप्रह कक्षों कि सरकार लाइसेंस देने की नीति पर विचार करे। अभी जो संविधान में संशोधन करने वाला विधेयक हमने पारित किया है उसको ध्यान में रखते हुए इस बात को सोचें कि हमें धन की अधिक महत्ता देनी है या जन की। पुराने आधार पर शक्ति का बँटवारा जाना खतरनाक है। इसलिए यह आधार अपनाएँ कि धन के आधार पर लाइसेंस नहीं दिए जाएँ जिन के आधार पर दिए जाएँ। या तो इस आधार पर लाइसेंस दें नहीं तो जो

शोषक तबका है उसको लाइसेंस देना बन्द करें। शोषक तबके को और अधिक लाइसेंस देकर और हत्याएँ आप करवायें।

श्री फूलचन्द बर्मा (उज्जैन) : अध्यक्ष महोदय...

SHRI MADHURYA HALDAR (Mathurapur) : Sir, there is no quorum.

MR. SPEAKER : Then, let the bell be rung. If there is no quorum we will adjourn. Now, there is quorum. Let the hon. Member continue.

श्री फूलचन्द बर्मा : जहाँ तक इस विधेयक का सम्बन्ध है और जो संशोधन प्रस्तुत किया गया है उससे मेरा कोई विरोध नहीं है किन्तु इस कानून के कारण जो अनेकानेक कठिनाइयों के सम्बन्ध में बार बार सरकार का ध्यान आकर्षित कराया जाता रहा है। यदि सरकार उसके सम्बन्ध में कुछ और परिवर्तन लाती तो बहुत अच्छा होता। मैं मध्य प्रदेश से आता हूँ। वहाँ की सरकार ने टोपीदार बन्दूकों को लाइसेंस मुक्त रखने के लिए सर्वसम्मति से एक प्रस्ताव पास कर केन्द्र के पास भेजा था लेकिन आज तक उस पर कोई कार्रवाई नहीं हुई। शायद आज भी वह पँडित पड़ा है। टोपीदार बन्दूक की कीमत केवल पचास रुपये होती है लेकिन लाइसेंस नहीं लेने पर पचास रुपये दण्ड के देने पड़ते हैं। बन्दूक का लाइसेंस जब लेने जाते हैं तो तहसीलदार, डिप्टी कलेक्टर, कलेक्टर...

अध्यक्ष महोदय : यह बिल डिस्ट्रिक्ट मैजिस्ट्रेट की जुरिसडिक्शन पुलिस कमिशनर तक बढ़ाने के लिए मुख्य रूप से लाया गया है और इसी के सम्बन्ध में आपको जो कुछ कहना हो, कहिये। थोड़ा बहुत इधर उधर हो जाए तो कोई बात नहीं। लेकिन बिस्कुल उसका इससे सम्बन्ध ही न हो तो ठीक नहीं है।

श्री फूलचन्द बर्मा : मैं निवेदन कर रहा हूँ कि सरकार जो संशोधन लाई है, इसमें और कुछ संशोधन करती तो उससे जनता को अधिक

[श्री कुलकर्णी वर्मा]

जाय मिलता। मैं काश्तकारों की बात कह रहा था कि उन्हें अपनी फसल की रक्षा के लिए लाइसेंस मिलने में क्या क्या कठिनाई होती है। हमारे मध्य प्रदेश में एक तिहाई आबादी आदिवासियों और हरिजनों की है। यदि वे लाइसेंस के रिन्यूअल के लिए जाते हैं तो बीस बीस और पच्चीस पच्चीस मील दूर से उनको जाना पड़ता है और तहसीलदार, डिप्टी कलेक्टर के दफ्तरों के चक्कर लगाने पड़ते हैं, लेकिन फिर भी उनके लाइसेंस का रिन्यूअल नहीं होता। इसलिए मेरा निवेदन है कि कानून में ऐसा परिवर्तन होना चाहिये जिससे रिन्यूअल में कठिनाई न हो।

जहां तक बन्दूक के लाइसेंस में फोटो लगाने की बात है, जो व्यक्ति बीस मील दूर इटीरियर में रहता है उसके दो दिन तो फोटो बनवाने में ही निकल जाते हैं, फिर दो-तीन दिन लाइसेंस लेने में लग जाते हैं। इसलिए मेरा निवेदन है कि जो सुदूर बन में रहते हैं उनको फोटो लगाने से मुक्त किया जाए। साथ ही साथ जो फीस लेते हैं, वह भी न ली जाए। इससे काश्तकारों को राहत मिलेगी।

इन शब्दों के साथ मैं पुनः निवेदन करूंगा कि जो टोपीदार बन्दूक है, उसको लाइसेंस से मुक्त रखा जाए। आपने मुझे जो समय दिया, उसके लिए मैं आपको धन्यवाद देता हूँ।

SHRI RAM NIWAS MIRDHA : As was very rightly said more than once by you, Sir, this Bill has very limited import and only the definition of the district magistrate is sought to be amended.

In the debate many points have been raised and one of them was that there should be relaxation of Arms Act and muzzle-loading guns should be exempted from the Arms Act. This question was considered on a number of occasions starting from the time when the Arms Act was framed. On the one hand it is stated that muzzle loading guns are used by farmers to protect their crops and cattle from wild animals and that they find great difficulty in getting these licences renewed. On the

other hand in view of the law and order situation in our country it is thought expedient that the muzzle loading guns should also be kept within the purview of the Arms Act. Again allegations are many times made that during recent years indiscriminate slaughter of wild life has resulted from the liberal issue of arms licences. That issue is also connected with muzzle loading guns. There is not only the likelihood but we have also seen it happening; these very muzzle loading guns are used indiscriminately for shooting wild life and that is not in the interest of our country.

As regards the various other things, about the Chief Minister of Tamilnadu being subjected to a conspiracy to kill him, etc. Shri Bhogendra Jha said that licences are given only to rich and moneyed people. My observation is that it is the responsibility of the State Government to implement the Arms Act and the rules made thereunder. A thorough procedure for scrutiny is laid down by which the magistrate verifies the antecedents of persons before licences are issued. He exercises discretion after proper enquiry.

As regards arms being given only to land lords and capitalists, I think it is not true because possession of land and property is not one of the condition for the issue of licence. I think every kisan or labourer who satisfies the conditions laid down in the rules is entitled to get licence from the district magistrate and if there is any difficulty with respect to this, this can be taken up... (Interruptions). All that I say is that the implementation of this Act is the responsibility of the State Government.

If the hon. Members have any difficulty, they can take it up with the State authorities who I am sure would attend to them.

MR. SPEAKER : The question is :

"That the Bill to amend the Arms Act, 1959, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

SHRI RAM NIWAS MIRDHA : I beg to move :

"That the Bill be passed."

MR. SPEAKER : Motion moved :

"That the Bill be passed."

श्री रामनिवास मिरधा (पटना) : अध्यक्ष महोदय, मैं केवल एक बात कहना चाहता हूँ। बन्दूक का लाइसेंस देने के अधिकार को आप विस्तृत कर रहे हैं। डिस्ट्रिक्ट मैजिस्ट्रेट के अलावा अब यह अधिकार दूसरे अफसरों को भी दे रहे हैं। जैसा मंत्री जी ने बतलाया कि इसके लिये प्रोसीजर लेड-डाउन है, उसके मुताबिक किसी को भी बन्दूक का लाइसेंस दिया जा सकता है और यह जबाबदेही इनके मुताबिक राज्य सरकार की है। मैं इस सम्बन्ध में एक उदाहरण आप को देना चाहता हूँ। 1967 के चुनाव के बाद मैंने अपने एक समर्थक, जिसने मेरे लिए चुनाव में काम किया था, के नाम की सिफारिश की। उसने पूछा कि दारोगा घूस मांगता है। मैंने कहा कि दारोगा को घूस मत दो, मैं देखता हूँ कि तुमको लाइसेंस क्यों नहीं मिलता है। उसकी एप्लीकेशन पर सिर्फ मैंने ही सिफारिश नहीं की थी, कांग्रेस दल के आठ एम० एल० एज० ने भी सिफारिश की थी, जिसमें वहाँ की प्रदेश कांग्रेस कमेटी के महामंत्री श्री बुद्ध देव जी भी थे। यह 1967-68 की बात है और अब 1971 हो गया, अभी तक उसको लाइसेंस नहीं मिला है। इस बीच मैं तीन डिस्ट्रिक्ट मैजिस्ट्रेट बदल गये, मैंने सब डिस्ट्रिक्ट मैजिस्ट्रेट्स को चिट्ठी लिखी कि फलाने आदमी के लिये इतने लोग सिफारिश कर चुके हैं, उसे बन्दूक का लाइसेंस क्यों नहीं दिया गया ?

इस समय जो डिस्ट्रिक्ट मैजिस्ट्रेट हैं, इन से जो पहले थे, मैंने उनसे पूछा, तो उन्होंने बतलाया कि शास्त्री जी, इस आदमी के खिलाफ पुलिस वाले कहते हैं कि इसके ऊपर कोई मुकदमा है। दूसरी बात यह कही गई है कि यह आदमी जरा गरम दिमाग का है। इन दो बर्जूहाल से दारोगा और एस० डी० ओ० ने सिफारिश नहीं की है। मैंने उनसे कहा कि मैं आपके साथ चलने को तैयार हूँ, आप उस गांव में चले, जहाँ का यह रहने वाला है, आप वहाँ चल कर पता लगा लीजिये या कोर्ट तो आपके अफसर में हैं, मालूम कर लीजिये कि इसके खिलाफ कोई मुकदमा है या नहीं। हो सकता है कि वह गरम दिमाग का आदमी हो, लेकिन यह कहाँ कानून में लिखा हुआ है कि गरम दिमाग वाले को लाइसेंस न दिया जाय। डिस्ट्रिक्ट मैजिस्ट्रेट ने कहा कि इसी वजह से लाइसेंस नहीं दे रहे हैं।

अध्यक्ष महोदय, वास्तविकता यह थी कि उसने इन्स्पेक्टर को घूस नहीं दी थी, अगर इस से नीचे के अफसर को पैसा दे दिया जाता तब कोई दिक्कत नहीं आती। तमाम जमींदारों के आदमियों को, पैसे वाले लोगों को, एन्टी सोशल एलिमेन्ट्स को, डकैतों को लाइसेंस मिल जाता है, क्योंकि वे अफसरों को पैसा खिला देते हैं। अभी हाल से डकैतियों में ऐसी बन्दूकें पकड़ी गई हैं, किसानों के कत्ल करने में पकड़ी गई हैं, मजदूरों पर जुल्म करने में, उन पर गोली चलाने में पकड़ी गई हैं। इसलिये मैं आपको बतलाना चाहता हूँ कि इसका दुरुपयोग हो रहा है। अब मैंने उसी आदमी को कहा कि तुम घूस दो, उसने घूस दी तो उसके नाम की सिफारिश चली गई, इस तरह से इस कानून का बिल्कुल मजाक उड़ाया जा रहा है।

श्री मोनेन्द्र झा : इसकी जांच करवाइये।

श्री राम सहाय पांडे (राजनंदगांव)
जिसने घूस दी है, उसको पकड़ा जाना चाहिये
...(अवधान)

श्री रामाबतार शास्त्री : मैं यही कह रहा हूँ कि इसकी पूरी जांच कराइये। येरी 6 विडिटिया मैजिस्ट्रेट के पास हैं। चूंकि उसने पैसा नहीं दिया इसलिये उसकी सिफारिश नहीं की गई। इसलिये मैं चाहता हूँ कि इस पूरी बटना की जांच कराई जाय और जो दोषी हों, उनको सख्त से सख्त सजा दी जाय। जिस आदमी को तंग किया जा रहा है, उसको लाइसेंस देकर दोषी को सजा दी जाय, ताकि गरीब लोग भी समझ सकें कि यह सरकार गरीबों के बचाव के लिये, अपनी आत्म रक्षा के लिये लाइसेंस देती है और देना चाहती है।

श्री रामानन्द शास्त्री (बिजनौर) : अध्यक्ष महोदय, लाइसेंस के बारे में अभी शास्त्री जी ने जो कहा है, यह शास्त्री जी के यहां ही नहीं है, बल्कि सारे उत्तर प्रदेश में भी ऐसा हो रहा है। डिस्ट्रिक्ट मैजिस्ट्रेट और एस० डी० एम० तक रिश्तत लेते हैं, बिना रिश्तत के कोई लाइसेंस नहीं देता है।

श्री राम निवास मिर्चा : माननीय सदस्यों ने अभी जो बात रखी है, वह एक व्यक्तिगत मामला है, जिसका निराकरण यहां होना सम्भव नहीं है ... (व्यवधान)

अध्यक्ष महोदय : यह तो स्टेट का मामला है, अगर यहां का मसला होता तो दे दिया जाता।

श्री राम निवास मिर्चा : श्रीमन्, वहां के जिला अधिकारियों ने क्या किया और क्या नहीं किया, तहसीलदार ने क्या किया और क्या नहीं किया, यह सारे मसले सदन में उठाने लगे तो कठिनाई हो जायगी ... (व्यवधान) बिहार राज्य के किसी जिला अधिकारी ने क्या किया, उसमें यू० पी० को भी जोड़ लीजिये, लेकिन उससे समस्या का हल नहीं होता। यह काम राज्य सरकार के अधिकार में है और राज्य सरकार ही इसको तय कर सकती है। कलेक्टर ने दिया या नहीं दिया, इसका निराकरण हम इस संसद में बैठ कर नहीं कर सकते हैं।

श्री रामाबतार शास्त्री : इसकी जांच कराइये।

श्री राम निवास मिर्चा : कानून के अन्तर्गत राज्य सरकार व जिला अधिकारी को यह अधिकार दिया गया है, वे ही आर्म्स एक्ट के अन्तर लाइसेंस दे सकते हैं। जहां तक इस कानून का सम्बन्ध है, मैं समझता हूँ कि यह बहुत उचित डेलीगेशन है, यह कभी भी संभव नहीं हो सकता कि किसी जिले के व्यक्ति को लाइसेंस देने के लिये केन्द्रीय सरकार के पास जाना पड़े। चूंकि डिस्ट्रिक्ट मैजिस्ट्रेट को पावर्स दे दी गई हैं इसलिये वे इस काम को कर रहे हैं। उनकी पावर्स न दी जाय, क्या ऐसी मंशा माननीय सदस्य की है? अगर माननीय सदस्य की यह मंशा है...

श्री रामाबतार शास्त्री : मिसयूज को रोकिये।

श्री राम निवास मिर्चा : मिसयूज को रोकना राज्य सरकार के कार्य-क्षेत्र में है।

श्री रामाबतार शास्त्री : अध्यक्ष महोदय, चाहे कितना ही टू-बी-प्वाइन्ट बोलिये, कोई भी जवाब नहीं आता है। आप अधिकार अधिकारियों को देते जा रहे हैं। अगर उनका हनन होता है, तो उसको कौन देखेगा। ... (व्यवधान)

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

MR. SPEAKER : There are ten minutes. We will take up the next Bill.

SHRI P. K. DEO : Sir, I want to point out that there has been air invasion of India at Agartala. There has also been strafing. We want to know the real position.

MR. SPEAKER : This is not the proper time to bring it here.

SHRI P. K. DEO : There is no question of time for this. There is air invasion of India by Pakistan.

MR. SPEAKER : I will pass this on to the Prime Minister.

SHRI P. K. DEO : Do not take it lightly.

17.51 hrs.

AIR CORPORATIONS (AMENDMENT) BILL

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : I beg to move :

"That the Bill further to amend the Air Corporations Act, 1953, as passed by Rajya Sabha, be taken into consideration."

As the hon. Members are aware, the Air Corporations Act was first passed in 1953 and has been amended only once in 1962. In the course of the last decade we have felt the necessity to make a number of improvements and amendments to this Act in the light of experience gained in the functioning of the Corporations, and also in the light of the Administrative Reforms Commission Report.

If the hon. Members would bear with me, there are three main purposes which this Act seeks to achieve. The first is the possibility of expanding the Board of Directors of these Air Corporations from 9 to 15, because we feel that there should be more functional directors. One of the reasons is that people who have spent many years in the undertaking should be able to sit on the Board also and we feel it will give us more flexibility in the proper functioning of these Corporations.

Secondly, this Act seeks to enable a subsidiary corporation to be set up by the two Air Corporations, and that is necessary because, as you know, the new trend over the last five or seven or ten years in the world is that all the great air companies are going into the hotel business. There is a symbiotic rela-

tionship between tourism and air transport. Therefore, it is essential—I have got a list of about 30 different airlines which have gone into the hotel business, and we feel it is essential—that Air India which has been able to make a mark in the last 17 to 18 years in the highly competitive field of international air transport should enter into the hotel business.

Also, Air India is in the process of setting up an Air Charter Company. Because, as you know, international air fares have virtually collapsed. There is a chaotic situation today in the field of international air fares and it is necessary that in order to safeguard our interests we should have a charter company, which we intend to set up. Therefore, the second purpose of this Bill is to enable the setting up of subsidiary corporations wholly owned by the parent companies.

Thirdly, in the light of the recommendations of the Administrative Reforms Commission, we are strengthening the autonomous functioning of these Corporations, by enabling them to incur expenditure of a higher degree than what was previously allowed without Government sanction. Previously they were allowed to incur expenditure up to only Rs. 15 lakhs. As you know, the value of the money has fallen considerably and the total volume of air business has increased tremendously. We are, therefore, increasing it to Rs. 40 lakhs.

There are two or three other smaller clauses. There used to be an advisory committee which never really played any useful role. When we have the Consultative Committee attached to the Ministry and we also have a broader board of directors, we do not consider it necessary to have yet another advisory committee.

There is another proposal with regard to the approval of the Central Government for regulations of the Corporation being relaxed.

This Bill, in other words, seeks to bring up-to-date in the light of experience gained the Air Corporations Act and to introduce certain much-needed useful amendments. The Bill has had the distinction of being passed twice by the Upper House. It was passed once but it lapsed because of the dissolution of the Lok Sabha. It has been passed again