

**Mr. Deputy-Speaker:** There is no question of replying. If the hon. Member wants me to put it to the House, I shall do so.

**Shri Jhulan Sinha:** Only a few words.

**Mr. Deputy-Speaker:** What for? Withdrawing?

**Shri Jhulan Sinha:** No, I am not withdrawing.

**Mr. Deputy-Speaker:** All right, then I will put it to the House.

**Shri Jhulan Sinha:** I may be allowed just to make my position clear. The Bill was not intended to get vanaspati coloured. It is there to get it banned altogether.

**Mr. Deputy-Speaker:** That is all right. I cannot allow any speech at this stage. There is no right of reply.

What is the attitude of the Minister?

**Dr. P. S. Deshpande:** I am against it.

**Mr. Deputy-Speaker:** All right.

The question is:

"That the Bill to provide for the prohibition of manufacture and sale of Vanaspati in India, be taken into consideration."

Those in favour will say "Aye".

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those against will say "No".

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The "Noes" have it.

**Some Hon. Members:** The "Ayes" have it.

**Mr. Deputy-Speaker:** Will the hon. Members who are in favour kindly rise in their seats? There are 49 for the motion.

Now, those against will kindly rise in their seats. Those against are 52. The motion is lost.

*The motion was negatived.*

## INDIAN ARMS (AMENDMENT) BILL

(Amendment of sections 1 and 26 etc.)

**Shri U. C. Patnaik** (Ghumsur): I beg to move:

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee consisting of Dr. Kailas Nath Katju, Shri Balwant Nagesh Datar, Shri Narhar Vishnu Gadgil, Shrimati Uma Nehru, Shri Satish Chandra Samanta, Shri Nemi Chandra Kasliwal, Shri Nageshwar Prasad Sinha, Shri Kotha Raghuramaiah, Shri Tek Chand, Shri N. C. Chatterjee, Shri Sadhan Chandra Gupta, Shri B. Ramachandra Reddi, Pandit Thakur Das Bhargava, His Highness Maharaja Sri Karni Singhji Bahadur of Bikaner, Shrimati Ila Palchoudhuri, Shri U. R. Bogawat, Shri N. Keshavaiengar, Shri K. S. Raghavachari, Shri Shankar Shantaram More, Dr. Ram Subhag Singh, Shri N. Somana, Shri K. G. Wodeyar, Sardar Hukum Singh, Sardar Amar Singh Saigal, Shri Sitanath Brohmo-Chaudhury, Shri U. M. Trivedi, Shri Bhagwat Jha 'Azad', Shri Lakshman Singh Charak, Shri Radha Raman, Shrimati Tarkeshwari Sinha, Shri Basanta Kumar Das, Shri Joachim Alva, Shri S. V. Ramaswamy, Shri R. Venkataraman, Shri Nardeo Snatak, Shri Dodda Thimmaiah, Shri Digambar Singh, Shri Rameshwar Sahu, Choudhary Raghuraj Singh, Shri Jagannath Kolay, Shri Panna Lal, Shri Y. Gadilingana Gowd, Shri Girraj Saran Singh, Shri M. L. Dwivedi, and the Mover, with instructions to report by the last week of the next session."

In moving this motion, I beg to recapitulate the circumstances in which the Bill has reached the present stage. The Bill was introduced on the 27th November, 1953. The motion for its consideration was discussed on the 27th March, 1954 and the 9th April, 1954. Thirteen hon. Members

of this House took an active part in the discussion and made very valuable contributions. The hon. Minister himself admitted that the Indian Arms Act is a continuation of the traditions of the British Government and he agreed that he would see that the entire Bill from A to Z is reconsidered and revised. He also stated that he would address the State Governments to give their opinions not only on the Bill as moved by me, but on the entire Act from the beginning till the end. Replying to the hon. Member from Tenali, he promised to write to State Governments not to confine themselves only to the limited scope of this Bill, but to go over the whole topic from A to Z.

Opinions were received by the Lok Sabha Secretariat and were permitted by the hon. Speaker to be placed on the Table of the House. Seven sets of opinions have been placed on the Table of the Lok Sabha. In addition to these opinions there were also some valuable information coming from the National Rifle Association, Ahmedabad, who could not give their opinion officially, because they were not asked by the State Governments either of Delhi or of Bombay. So, they gave their opinions separately and we were intimated by the Secretary that they had been placed in the library and were available to the Members.

The opinions that have been received may be classified into different classes—opinions of non-officials including bar associations, local bodies and other organisations and private individuals and well-known jurists. That is one set. Another set is from officials, High Court Judges, Ministers, Chief Minister of a State and other officials from different parts of India. The third set with which the Government is mostly concerned consists of opinions received from the State Governments, which represent perhaps the reactions of the Senior Civilian Officials.

As regards the nature of opinions submitted to Parliament, I would state that most of the opinions coming from non-official quarters from Bar associations, from Ministers of different Governments, from the Chief Minister of one State, from the majority of High Court Judges and others have all been in favour of the Bill and in fact, several of the opinions wanted that we should go much beyond the scope of the Bill and see that the entire Act is amended and the provisions of the Arms Act relaxed in regard to its severity. The same is the opinion of many of the officials most of whom are in favour of the Bill. Some of them go also beyond the scope of the Bill and have given certain suggestions. I want to characterise the opinions of some of the officials and of a few major State Governments where the Senior Civilian officials are extremely bureaucratic in their outlook, as being based upon the traditions of the administration to which they were accustomed during British rule. Some of them are not very favourable; they think that the purpose of the Bill can be served not by a statutory change, but by a change in the approach of the administrative machinery, by departmental instructions, by action under section 27 and so on.

There are several officers of very high eminence and well-known jurists who could not give their opinion on this Bill because of the difficulty that opinions had been called for through State Governments; if the concerned State Government does not ask for somebody's opinion or does not forward certain opinions, then we have no access to them. For instance, I do not find the opinion of any Supreme Court Judge or ex-Judge of the Supreme Court or of various High Courts, probably because neither the State Governments nor the Central Government approached them. We also do not have the opinion of several others. That is the very difficulty which was experienced in the case of the National Rifle Association. They were not asked by the Delhi or Bombay State Govern-

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ments to give their opinion. They wanted to send their opinion direct, but they were told that opinions cannot be sent direct but should come up through the State Government concerned, with the result that they were forced to take the trouble of printing and sending their opinion in the form of a brochure to hon. Members. I believe most of the hon. Members have got it. They have also sent typed copies of the law prevailing in other countries and how far they do not tally with the corresponding laws in this country.

I would submit that those opinions that have been authoritatively called for or received from the concerned State Governments are fairly useful and are of help to us in studying this subject and approaching it from the correct perspective. Regarding the opinions of the State Governments, I will very briefly summarise them, because there have been certain reports that the opinions are against the Bill in many cases whereas the opinions are really not so. In classifying the opinions of the State Governments, I would like to do so under three major heads:

Most of the State Governments have objected to the amendment envisaged in clause 4, namely:

"Provided that all arms so seized shall without delay be produced before a District Magistrate or a Sub-Divisional Magistrate or a Magistrate of the First Class who may, if he is satisfied, order the immediate return of the arms to the licensee."

To this, the majority of State Governments have objected.

But the main issue is that there may be relaxation of the Arms Act as regards certain categories of persons. On that issue the State Governments are divided in their opinions and the arguments advanced by those who are against are based upon certain principles which have to be taken into consideration.

Thirdly, we have the opinions relating to the placing on the Table of the House rules framed under the Act. The majority of State Governments, except one or two State Governments have no objection. Almost all the States have stated that they have no objection to the laying of the rules on the Table of the House. In fact, some of the State Governments have gone further and stated that it would be desirable to lay the rules on the Table of the House because it would give the House an opportunity to discuss the same and to make further suggestions. That is a very important point raised by one or two of the State Governments and the majority of State Governments have agreed to that part of it.

As regards the other part, namely, exemption to certain classes of persons from the purview of this Act by amending section 1 of the Act, I had suggested that there should be a clause (c) that—

"a member of the State legislature or a member of either House of Parliament, an officer of the gazetted rank or a member of the Rifle Club recognised by Government or an officer of the Home Guards, Territorial Army, Civil Defence Organisation or of the Cadet forces possessing private weapons, subject to such restrictions as the Central Government may from time to time impose, for limiting the number of such private weapons."

I had asked certain categories to be given exemption under the Arms Act as a first step towards liberalisation of arms. I also suggest that the Central Government may from time to time, by notification in the official gazette, make rules to require the registration of all arms purchased or possessed by persons either under clause (c) of section 1 or under section 27. As regards this latter clause, many of the State Governments are agreeable to have the second part of it, namely,

registration of arms under section 27. But some of the States are against both parts taken together, namely exemption and registration. Their argument mostly is that section 27 of the Act provides for certain exemptions. I would point out here that many of the States have suggested that the amendments can be accepted; those few who have objected have done so on the ground that already there is section 27 and Government could suitably extend the provisions, exercise the powers under that section 27 and grant exemption in certain cases if they like.

Some say it is not desirable to have this classification. They say that there should be no distinction between Parliament Members, officials and others on the one hand and the rest of the public on the other; this, they say, would be discrimination. I would just draw the attention of the House to the opinions that have been received in this context. I will briefly summarise them, because there have been press reports that the majority of the States have given an adverse opinion. I would point out that it is not so.

In Paper No. I, Bilaspur has no comments on either of the proposals. Bhopal has no comments. (*Interruption*). These are the views that have been received which I am summarising.

**Mr. Deputy-Speaker:** Why does not the hon. Member start with the major States?

**Shri U. C. Patnaik:** I am proceeding, if I may be permitted, according to the papers that have been received and placed on the Table of the House. Kutch is against it.

**Mr. Deputy-Speaker:** I think at this rate the whole allotted time of one hour will be taken by the hon. Member himself.

**Shri U. C. Patnaik:** I will finish in ten minutes.

Kutch says it is inexpedient. Uttar Pradesh opposes it—it is a major State. Bihar does not oppose clause 5, that is, laying on the Table of the

House, but does not see any necessity for granting exemptions. Regarding members of legislatures, Bihar says that recent instructions issued to licence granting authorities are that they should grant licences to these members of legislatures whenever they apply except in exceptional cases....

**The Minister of Home Affairs and States (Dr. Katju):** May I suggest that all hon. Members are expected to read these papers?

**Shri U. C. Patnaik:** There are a number of papers. I am just summarising them very briefly. Then it says that the practice prevailing in the State, namely, freer grant of licences to all these categories, would serve the purpose. Manipur supports the Bill *in toto*.

Paper No. II: Mysore supports the Bill *in toto*, and says that the proposed amendments are reasonable and the Government is in entire agreement with them. PEPSU says that it is agreeable to clause 5, namely, laying on the Table, but as far as clause 2 is concerned, it says that it requires a tightening of the provisions of administration. West Bengal is opposed, but it says further that though it does not accept the proposed amendments, as moved by me, the system of licensing arms, as it stands, should be maintained, but in view of the changed conditions of the country, the granting of arms should be on a most liberal scale as long as the person whom a licence is granted conforms to two criteria, namely, security of the State and fitness of the particular individual.

Then I go to Paper No. III. Vindhya Pradesh supports both and says that the proposed amendments appear to be quite reasonable and the State Government has no further suggestions to make. Hyderabad does not say anything on clause 5, but opposes clauses 2 to 4. Ajmer supports both. Paper No. IV: Himachal Pradesh says that clause 2 does not seem to be necessary because section 27, if properly exercised, would serve the purpose, but it supports the other clauses.

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Andhra is opposed to clause 2 on the same ground, but it is not opposed to the insertion of clause 5. Rajasthan has given very nice suggestions in regard to other sections of the Act, that the definition of 'arms' should exclude spear, knife and other things and, muzzle loading guns are not to be licensed but registered. It supports clause 5 as it would enable Parliament to discuss the rules. As regards the other thing, it says that it wants that persons described may be granted exemptions under section 27 and supports registration for persons under section 25. Tripura supports both. Andaman and Nicobar Islands support both. Travancore-Cochin supports clause 5, but says that there is no necessity for granting statutory exemption, as the Central Government have powers under section 27 to grant exemptions. The Jammu and Kashmir Government opposes the amendments. Paper No. V: Saurashtra supports clause 5, but welcomes registration under section 27. But it says that the relaxation under clause 2 at present may prove unwise. Coorg says that there should not be complete exemption, but that members of the legislatures and others mentioned in clause 2(c) should be able to obtain licences as a matter of course without being charged any fee, and that licence to any person may be refused only in exceptional cases. Madhya Pradesh is not in favour of the provisions except the insertion of clause 5.

Then I deal with paper No. VI: Assam opposes clauses 2 to 4, but has no objection to clause 5. Punjab says that clause 5 is desirable and may be adopted, but opposes clauses 2 to 4. Madhya Bharat opposes clause 4, and in regard to clause 2 says it is unnecessary to have it as the present law is sufficient to make this facility available to the legislators at the option of the Government of India, and so on. Then it is said the securing of exemption by way of an amendment to the statutory rules is not necessary, but some instructions from

Government may serve the purpose. Madhya Bharat also suggests that the definition of 'arms' be confined only to fire-arms and not to spears, knives and other things which may come under arms. Madras has no particular objection to clause 5, nor does it see any particular necessity, but as regards clauses 2, 3 and 4, it thinks that they are unnecessary. Bombay has no objection to the insertion of the new section 34, i.e. clause 5, but says the time is not ripe to liberalise the provisions of the Act. It would be more appropriate to grant exemptions under section 27.

Paper No. VII: Orissa is not in favour of the amendments as proposed in the Bill, but says that the time has come when there must be a change in the approach with regard to the Arms Act. Delhi opposes the limited scope of the proposed amendments and goes further; the opinion No. 30, the last paper received, is from headquarters. It says that a beginning may be made by issuing instructions to the effect that licences should be granted, irrespective of considerations of financial status, to all persons who are good citizens and who are not suspected of participation in any anti-social activities, and suggests that a more liberal policy be adopted by executive instructions rather than by any drastic change in the existing Indian Arms Act. But the Chief Minister goes further and supports the amendments in toto. So also the Ministers of some other States and the majority of High Court Judges—they have supported it.

I would therefore submit that this is a fit case where the provisions should be reconsidered, revised and redrafted. The hon. the Home Minister has been very sympathetic to our proposals to revise the Arms Act; he has been very sympathetic to the grant of weapons to all districts for training purposes and we have been told that 6 weapons have been sanctioned for each district for practice

purposes along with ammunition, provided the State Government accepted the responsibility of running the training schemes. So I am happy to announce that the majority of the Members of this House feel that in this particular matter, our Home Ministry has been favourable to our demands. We are anxious that it should be expedited and a new Bill should be there. I am not very particular that my Bill, as it is, should ultimately emerge out of the legislature. I am anxious to set the law in motion, to see that an examination of the subject is made to ensure that the entire Act is reoriented so that our arms law comes into line with the arms laws of other free countries.

For instance, in other countries, "fire-arms" come under the purview of the Arms laws; and that too, not all fire-arms but those of dangerous types only and in certain places. For example, in U.K., you do not require a licence to have a weapon in your house; you require it only when you go out to shoot birds, and you get licenses or registration certificates from the Post Office by making a certain payment. Unless there is any objection to any individual applying for arms because he comes under certain categories and may not, therefore, be considered desirable to hold the arm, his registration stands.

So also in America. There is no licence fee for breach-loading guns or for .22 bore guns or for revolvers and rifles, pistols etc. It is only for what are called "gangster weapons" that the restrictions come in: where a rifle is cut to a certain size so that it can be concealed, taken out unnoticed and used as a gangster weapon. To that they object and try to see that such weapons are not very freely in use because they lead to gangsterism. Otherwise, there is no difficulty about having weapons of certain types, for practice rifles, for .22 bore guns or .12 guns and so on.

Here, in our country, it is an offence even to have a useless and broken

piece of a weapon. In fact, the Madras Government wanted us to reconsider that question. Even an unserviceable part of a weapon has been considered by some courts to be an offence to possess and by others not as an offence. They want this to be revised. We are still at a stage when outmoded, unserviceable and useless things which cannot be used at all are classed as "arms"; even a dagger or a knife may be a weapon. Some of these have to be considered and I would appeal to the hon. Home Minister to see that there is a new Act and that he is associated with a new Act to do away with the existing provisions of the Arms Act and to revise it. As far as I am concerned, I am not very particular of my moving this motion for Select Committee because I want that Government should also take this matter up. It would be better for Government to accept this motion to have a Select Committee or to introduce another Bill and to agree to this Bill being taken up.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee consisting of Dr. Kailas Nath Katju, Shri Balwant Nagesh Datar, Shri Narhar Vishnu Gadgil, Shrimati Uma Nehru, Shri Satis Chandra Samanta, Shri Nemi Chandra Kasliwal, Shri Nageshwar Prasad Sinha, Shri Kotha Raghuramaiah, Shri Tek Chand, Shri N. C. Chatterjee, Shri Sadhan Chandra Gupta, Shri B. Ramachandra Reddi, Pandit Thakur Das Bhargava, His Highness Maharaja Sri Karni Singhji Bahadur of Bikaner, Shrimati Ila Palchoudhuri, Shri U. R. Bogawat, Shri N. Keshavaiah, Shri K. S. Raghavachari, Shri Shankar Shantaram More, Dr. Ram Subhag Singh, Shri N. Somana, Shri K. G. Wodeyar, Sardar Hukam Singh, Sardar Amar Singh Saigal, Shri Sitanath Brohmo-Chaudhury, Shri U. M. Trivedi, Shri Bhagwat Jha 'Azad', Shri Lakshman Singh

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Charak, Shri Radha Raman, Shri-mati Tarkeshwari Sinha, Shri Basanta Kumar Das, Shri Joachim Alva, Shri S. V. Ramaswamy, Shri R. Venkataraman, Shri Nardeo Snatak, Shri Dodda Thimmaiah, Shri Digambar Singh, Shri Rameshwar Sahu, Choudhary Raghuraj Singh, Shri Jagannath Kolay, Shri Panna Lal, Shri Y. Gadilingana Gowd, Shri Girraj Saran Singh, Shri M. L. Dwivedi, and the Mover, with instructions to report by the last week of the next session."

Last week of the next session is very indefinite. Therefore, the hon. Member may change it to 31st March, 1955.

**Shri U. C. Patnaik** I accept it, Sir.

**Dr. Katju:** Sir, may I just intervene to say that we have all heard the speech with great interest. The opinions received from the State Governments are very varied and will require careful consideration. The whole matter is being very actively considered by Government and I do hope that within a month or two some precise and definite decision will be reached and, if possible, a Bill might be introduced. I would, therefore, suggest to my hon. friend that he had better adjourn this motion and agree to its adjournment and it might be taken up in the first week of March for further consideration. By that time, I hope, Government will be able to come to some definite conclusion and will, if possible, introduce a Bill of its own and both the Bills may be combined together and that will save public time. If my friend is satisfied with the Government Bill, he may then withdraw his Bill as he indicated, or both the Bills may be combined together.

**Mr. Deputy-Speaker:** Is the hon. Member willing?

**Shri U. C. Patnaik:** I think the Business Advisory Committee has allotted one hour for this Bill. Some seventeen minutes are still left. Some hon. Members may contribute to the

debate. I may be permitted at the end to offer my views. There is time for one or two Members at least to speak.

**Shrimati Ila Palchoudhury** (Nabad-wip): I welcome Shri Patnaik's Bill wholeheartedly because I think that not to have an amendment of the Arms Act is a blot on free India today. This Arms Act is really a legacy of the British times when they were afraid to let us have arms. Now that condition cannot exist. I do not think, although so many aspersions are cast on this Government, that, our Government has any reason to be frightened to let the people, by and large, have arms if they so desire. Arms are needed mainly for two purposes, for protection and sport. Neither of these two reasons can be gainsaid. If we want it for protection, surely there can be no objection! If it is for sport, it will certainly develop the physique of our youths and infuse enthusiasm wherever training is imparted, like the National Cadet Corps etc. In schools, and in various training centres boys have to be trained with sticks or whatever is available, because firearms in adequate numbers are unavailable. It does not really create enthusiasm! From that point of view alone, licences should be easy to come by. On the other hand, I would say that it is quite right, for licences to be scrutinised so that people of unsound mind or those who are criminally-minded are prevented from getting them. That undoubtedly is the job of the Licencing Officer.

There are two categories of firearms that are used, firearms that can be used individually and firearms that have to be used in a mechanised way by the defence forces for the protection of the country. Let there be close restriction on things like bombs, hand grenades and such like arms by all means. As for firearms getting into the hands of undesirable people, that, I think, can hardly be entirely controlled. Everybody knows that the devious ways by which dacoits, criminals,

terrorists and so forth, get their guns, has always remained a source of mystery! It was quite beyond the scope of the police to control that entirely. even in British times with all their vigilance.

I support this Bill because it will create enthusiasm amongst our young people to protect the country and to form a second line of defence whenever it will be needed. We should have a network of rifle clubs where our youths can be trained to use fire-arms properly. Along with these there should also be places for training in the use of the sword, dagger, lathi and instruction given in ji-jutsu and wrestling. That will enhance unity and create a stronger India.

If you look back to 1945, 1946 and 1947 to what happened in Bengal. Who in Bengal can ever forget those years! Under foreign rule, administered through channels that were unsympathetic what utter misery was let loose! The dire calamity that happened could have been avoided then had we had adequate fire-arms. Those years are written in fire on the mind of Bengal; Let us not have a repetition of that, should any occasion arise. We must have fire-arms in a free country to be used for the good of the community and to strengthen our hands. If our youths today have fire-arms and are trained, it will improve their health, it will give them confidence and, above all, they will at least learn to shoot right, to shoot straight and to shoot fairly.

تھاکر لکشمی سنگھ چارک (جموں)  
و کشمیر) جو یہ بل پٹنایک صاحب  
نے اس ہاؤس کے سامنے پیش کیا  
ہے اس کی تائید کرتے ہوئے میں  
چند خیالات آپ کے سامنے رکھنا  
چاہتا ہوں۔ ہندوستان سنہ ۱۹۳۷  
میں آزاد ہوا اور آزادی کے بعد بہت  
551 LSD

مرحلوں سے گذر کر اب ہم ایسی  
پوزیشن میں آ گئے ہیں جہاں اب  
یہ ضروری معلوم ہوتا ہے کہ وہ آرمز  
ایکٹ جو انگریزوں نے اس ہندوستان  
کو غلام اور ہندوستانیوں کو کمزور اور  
تروپک بڈانے کے لئے استعمال کیا تھا -  
اب اس میں ترمیم کر دی جائے -  
اس وقت یہ کہنا کہ اس آرمز ایکٹ  
کو بائبل ہی ختم کر دیا جائے یا  
آرمس رکھنے کی کھلی آزادی دے  
دی جائے درست نہ ہو گا میرے  
دوست پٹنایک صاحب نے انگلستان  
اور امریکہ کی مثالیں ہمارے سامنے  
رکھی ہیں۔ ان ملکوں کی کچھ  
واقفیت مجھے بھی ہے۔ اور اس  
سلسلہ میں میں یہ عرض کرنا  
چاہتا ہوں جہاں ہر ہندوستانی  
نوجوان آرمس کے استعمال کی  
ٹرییننگ لے۔ اور ان کو چلانے کا  
صحیح اور درست طریقہ جانے۔  
اور اس قابل ہو جائے کہ ان آرمس  
کو لے کر وہ ملک کی حفاظت کے  
لئے۔ اپنی حفاظت یا شکار کے لئے  
استعمال کرے۔ وہاں میں یہ بھی  
چاہتا ہوں کہ یہ آرمز اتنے آزادانہ  
طور پر نہیں دئے جائے چاہیے جس  
سے کہ ان کا غلط استعمال شروع ہو  
جائے۔ امریکہ میں سنہ ۱۹۳۳ میں  
لوگوں کو اپنے اپنے پستول یا اور ہتھیار  
رکھنے کی عام اجازت تھی اس کا  
نتیجہ یہ ہوا کہ وہاں پر gangsters

[تھاگر لکشمین سنگھ چارک]

(ڈاکروں) نے ایک پیریلل گورنمنٹ قائم ہونے کا خطبہ پیدا کر دیا۔ اور پریزیڈنٹ روزویلٹ کو سالہ ۱۹۳۰ میں اس قانون کو امینڈ کرنا پڑا تھا۔ تاکہ ان آرمس کا صحیح اور درست استعمال ہو سکے۔ ہمارے سامنے ہندوستان کی بھی مثالیں موجود ہیں کہ تلگانہ میں کیا ہوا۔ اور راجستھان میں ڈاکروں نے ان ہتھیاروں کا کتنا غلط استعمال کیا۔ لیکن اس کا یہ مطلب نہیں ہے کہ اگر کوئی اچھا شہری لائسنس کے لئے درخواست دے تو اس کو لائسنس ملنے میں جو تکلیف ہوتی ہے اس کو دور نہ کیا جائے۔ آج کل حالت یہ ہے کہ اگر کوئی پارلیامینٹ کا ممبر بھی لائسنس کے لئے درخواست دیتا ہے تو ریڈ ٹیپیزم کی وجہ سے اس کو ۱۱-۱۲ مہینے لائسنس ملنے میں لگ جاتے ہیں۔ لائسنس دینے کا طریقہ بہت لمبے پہلے تیجی کمشنر کے پاس درخواست دینی پڑتی ہے۔ اس کے بعد وہ انکوئری کے لئے سب انسپیکٹرز کے پاس جاتی ہے۔ وہ اس کو کانسٹیبل کو دیتا ہے۔ جو کہ گاؤں میں جا کر تحقیقات کرتا ہے۔ اور اس میں بہت وقت لگ جاتا ہے۔ اس لئے میں متحسوس کرتا ہوں کہ اس ایکٹ میں ترمیم ہونا لازمی ہے۔ آج ہم ماسٹر صاحب نے ہاؤس کے سامنے

اپنے خیالات کا اظہار کیا ہے اور یقین دلایا ہے کہ وہ جلد ہی ایک ترمیمی بل اس ہاؤس کے سامنے پیش کریں گے۔ اس سلسلہ میں میں ان سے درخواست کرتا ہوں کہ وہ بل بلاتے وقت جو باتیں میں نے کہی ہیں ان کا خیال رکھیں۔ اور جہاں شہریوں کو آرمس خریدنے میں کرنی رکاوٹ نہ ہو وہاں وہ قانون اتلا لیبل بھی نہ ہو کہ ہر ایک آدمی اس کا ناجائز فائدہ اٹھائے اور ان آرمس کا غلط استعمال کر کے سوسائٹی کے لئے خطرہ ہو جائیں۔

(English translation of the above speech.)

**Th. Lakshman Singh Charak** (Jammu and Kashmir): While supporting the Bill that has been brought before the House by Shri Patnaik I wish to say a few words.

India got freedom in 1947. Since then we have passed through various stages and are now in a position when the Arms Act that had enacted by the British with a view to keeping India in bondage and turning the Indians into a weak and timid people should be amended. It will not be proper at the present moment to say that the Arms Act should be scrapped altogether or that there should be complete freedom for the keeping of arms. My friend, Shri Patnaik, has cited the instances of England and America. I too have some experience of these countries. I am of the view that it is desirable for every Indian young-man to receive training in the use of arms and to be able to handle them effectively so that he may be in

a position to use them for the defence of his country or for self-defence or for sport, but, at the same time, I feel that the arms should not be made so freely available that they might come to be misused. In America there was general freedom to keep pistols and other arms in 1933, with the result that the country came to be faced with the danger of a parallel Government being set up by gangsters. Accordingly, President Roosevelt had to amend the law in 1935, so that arms could be put to right and proper use. Examples may also be cited from nearer home. We know about the happenings in Telangana and also how these arms were misused in Rajasthan. All that does not mean, however, that we should not remove the difficulties which a good citizen has to face in obtaining a gun licence. The position at the present moment is such that even if a member of the Parliament applies for a licence it takes him 11 to 12 months in getting the same, thanks to red-tapism. The procedure for the grant of a licence is a very lengthy one. An application has to be submitted to the Deputy Commissioner who forwards it to a Sub Inspector for enquiry who, in his turn, passes it on to a Constable who goes to the village and makes an on the spot enquiry. All this takes considerable time. Hence, I feel that this Act must be amended. In expressing his views before the House today the Home Minister has assured us that he would soon bring forth an amending Bill. Accordingly, I would request him to keep in view, in doing so, what I have just stated, so that while law-abiding citizens should not have any difficulty in acquiring arms the law should not at the same time be so liberal as to be susceptible of misuse and of creating a dangerous situation for the society.

**Shri Kanavade Patil** (Ahmednagar North): The present proposed amendment to the Indian Arms Act of 1878 is indeed a very important amendment. For want of time I do not want to deal with the subject

exhaustively, but I very humbly submit that this Act of 1878 has put very serious restrictions on the grant of licences to the citizens of this country. There is a historical background for that. After the war of independence in the year 1858 under the leadership of the Queen of Jhansi, the British people thought that it was to their interest in order to continue their hold in this country, to disarm the whole population. So, with that view in mind the British people from time to time enacted several Indian Arms Acts and ultimately they enacted the Indian Arms Act of 1878.

Now, to stick to that Act under the conditions of freedom will be certainly injustice against the citizens of this country. I do not propose to make any exhaustive speech on this point, but I would certainly submit, looking to the definition given under this Act, that it is for the Government now to reconsider the whole Act, or as my hon. friends have suggested, enact some other new Act regarding the **granting of arms**.

Looking to the definitions given under this Act clause (4)—“arms” and “ammunitions”—I can say that they are not definitions as such, but they are simply descriptions. It says, that “arms” includes fire-arms, bayonets, swords, daggers, spears, bows and arrows, cannons, parts of arms, machinery for manufacture etc. etc. So, looking to this description of arms I can say, that any relic of old weapon comes under the description given in this Act of 1878. Similarly, the description of “ammunitions” is also very curious, highly illogical and surprising. So, I very humbly submit, look to the provisions of that Act, the time has come for the Government of India to revise the whole Act.

One more point which I want to suggest is this. Looking to the conditions of lawlessness prevailing in certain parts of the country, it is really very important that Government should issue licences liberally to the citizens and they should form

[Shri Kanavade Patil]

volunteer groups and train them in the use of arms. As we all know, recently, rifle clubs, as in Delhi have been started under the patronage of certain good friends. I would like to submit very humbly in the interest of peace that conditions in the country even today, in spite of the best and strenuous efforts of our Home Ministries to maintain law and order, have not improved to the extent that they were before 1942 or 1943. I come from the rural areas and I know what sort of conditions exist there. The villagers are to keep vigilance throughout the whole night. I know hundreds of such villages not only in Maharashtra but in several parts of India. They have to keep vigilance throughout the night. They have no arms to defend themselves and they keep vigilance in the expectancy that they would be looted or the village would be invaded by dacoits at any time. Even two fire-arms can frighten the whole village of a population of one thousand or even more. That condition must change. If we liberally grant arms to the civilians, at least to the good citizens after making a thorough examination about their integrity and character, and train young men in the villages in the use of arms, I am sure, there would be peaceful conditions existing in the villages. I know that there are certain villages which have been raided by the dacoits from 9 P. M. up to 5 A. M. in the morning as there was no resistance—even some four dacoits can raid a village of a population of about 400 to 500 as the village cannot resist without arms. They raid every house and still there is no resistance. There is nothing to resist with, and people are harrassed like anything. Therefore, Sir, in view of so many circumstances prevailing in the country, it would be a wise thing to issue arms to the people.

When we know that we have been elected here by our own people—the citizens of the country—to arm them liberally, we are not obliging them in any way. It is a part—and

a very sacred part—of the duty of this Parliament the safety of persons and property in the villages. I know we have got police and a number of them have got arms. But, police always go to the scene of offence after the offence has been committed. As it has been suggested here by certain friends, police do not check offence. They do not learn about offences beforehand. They go to the scene only after the crimes have been committed. Therefore, to create a sort of terror in the minds of these criminals and to check the increasing crimes in the country, it is but natural that this Parliament, as part of its duty should pass a new liberalising the grant of licences.

I may submit, Sir, may be, that after we have armed people thoroughly, it would be a second line of defence also in this country. Therefore, my humble submission is, so far as each district is concerned, there should be at least 500 to 1,000 or 2,000 people who should be granted licences in the villages and they should be asked to form volunteer groups. They should be asked to keep the peace in the villages by resisting the miscreants, criminals and the dacoits.

With these words I think I should not take time of the House any further. But looking to the amendments of my hon. friend Shri Patnaik, I am tempted to say that the amendments for the present are quite sufficient and they may be accepted by the Government.

**Mr. Deputy-Speaker:** The hon. Minister can make the motion for adjournment.

**The Deputy Minister of Home Affairs (Shri Datar):** I beg to move: "That further consideration of this Bill be postponed till the third week of March, 1955."

**Mr. Deputy-Speaker:** Thereafter any Bill that comes must take its chance in the ballot. The motion has to be moved.

**Shri Raghavachari (Penukonda):** Sir, once or twice on previous occasions of discussion on Bills when

the Government was prepared to accept the principle and said that they themselves would bring a Bill to the same effect, the discussion was adjourned *sine die* so that they may be taken up along with the Bill which the Government would bring.

**Shri Datar:** I have no objection.

**Mr. Deputy-Speaker:** The question is:

"That further discussion on this Bill be adjourned *sine die*."

*The motion was adopted.*

WOMEN'S AND CHILDREN'S  
INSTITUTIONS LICENSING  
BILL

**Shrimati Uma Nehru** (Sitapur Distt. cum Kheri Distt.-West): I beg to move:

"That the Bill to regulate and licence institutions caring for women and children, be taken into consideration."

यह बिल पहले भी इस हाउस में आ चुका है। यह बिल जो मेरे नाम से आया मैं सोच में पड़ गयी कि यह बिल जो मेरी बहिनि मणिबेन के नाम से भी आया था और इसके लिए गवर्नमेंट ने कहा भी था कि हम बहुत जल्द हाउस में ऐसा बिल लायेंगे।

मुझे इस बिल के बारे में ज्यादा कुछ नहीं कहना है क्योंकि मैं जानती हूँ कि मैं जो यह बिल लायी हूँ यह उस अत्याचार को रोकने के लिए है जो कि समाज में हो रहा है। और सब लोग भी इस बात को समझते हैं। इस बिल को लाने में मेरा यह विचार था कि इससे गवर्नमेंट बहुत जल्द इन इंस्टीट्यूशन्स को अपने हाथ में ले लेगी और उनमें कुछ परिवर्तन होगा। लेकिन मैं यह ईश्वर गृही हूँ कि जब मणिबेन का बिल आया था तो उनसे कहा गया था...

**The Minister in the Ministry of Law (Shri Pataskar):** May I intervene for five minutes? A Bill almost identical...

**Mr. Deputy-Speaker:** Let her finish her speech.

**Shri Pataskar:** She referred to it and, therefore, I wanted to intervene.

**Mr. Deputy-Speaker:** After the motion is placed before the House, the hon. Minister say what he likes.

[SHRIMATI KHONGMEN in the Chair]

**श्रीमती उमा नेहरू :** आठ महीने हुए जब वह बिल इस हाउस में आया था और उस पर चर्चा हुई थी। आज जो हमारी औरताँ और बच्चाँ की हालत हैं और जो हमारा आरफनेजब की हालत हैं उसको देखते हुए यह जरूरी है कि ऐसा बिल लाया जाय और इसी लिए मैं यह बिल लायी हूँ।

असल बात यह है कि यह जो संस्थाएँ होती हैं यह सरकार की होनी चाहिएँ। मैं इस बिल को इस लिए लायी हूँ कि इस पर अच्छी तरह से चर्चा हो और यहाँ इस विषय पर व्याख्यान भी हो।

इसके पहले भी डावरी बिल मेरे नाम से आया था और मैंने उसको बड़ा दुःख के साथ वापस लिया था जब कि मुझे यकीन दिलाया गया कि सरकार बहुत जल्द डावरी बिल लावेगी। लेकिन एक असा हो गया उसका नामां निशान भी नहीं दिखायी देता। न मालूम उसका क्या हुआ। उसी के साथ ही एक सम्प्रेशन आफ इम्मारल ट्रीफिक बिल भी आया था। उसकी भी वही गति हुई है। न मालूम उसमें क्या हो रहा है।

मैं ज्यादा न कहकर अपने भाई और बहिनों से कहूँगी कि वे इस पर बोलें। आज हमको समाज में परिवर्तन करने की बहुत जरूरत है और ये चीजें जो यहाँ आती हैं इसी लिए लायी जाती हैं। हम इसी लिए इन चीजों को गवर्नमेंट के सामने रखते हैं कि समाज में परिवर्तन किया जाय। मैं और ज्यादा न कह कर इस बिल को पेश करती हूँ और मैं समझती हूँ कि इस पर परे भाई और बहिनें बोलेंगी।