

[श्री प्र० सि० दीलता]

के प्राबल्य का तात्त्विक है, विमायी तौर पर वहां के लोग अभी तक बीबहवीं सदी में रह रहे हैं। उन को इन बात का एहसास कराना है कि वे साथ की डिस्पेंसरी में जा कर बीमारी का इलाज करा लें, दवाई ले लें। तो हम परस्ती से उनको आज छुटकारा दिमाने की जरूरत है, सुपरस्ट ग्रस बिलीफस से फाइट लेने की जरूरत है। हिमाचल की जिन को बाकफियत है वे जानते होंगे, कि सेहत के लिये वहां पर अभी भी बकरियों की कुर्बानी दी जाती है, कामन फीस्टस होती हैं और तोहम परस्ती में ज्यादा यकीन रखते हैं बनि बत करीब की डिस्पेंसरी में जोकि प्रकसर दूर होती है, जा कर दवाई जाने में। इस बास्ते हेल्थ डिपार्टमेंट को उन में यह रगबत फंलानी है कि वे तोहम परस्ती के मुकाबले में दवाई का घासरा लें और यह जिम्मेवारी वहां के हेल्थ डिपार्टमेंट पर डालनी होगी। तो मैं चाहता हू कि वहां पर ज्यादा से ज्यादा पैसा हेल्थ पर खर्च किया जाय क्योंकि वहां के लोगों की सेहत एबनार्मेसी खराब है।

Shri Datar: From water supply and engineering works my hon. friend has gone to Health. So far as the question of Health is concerned, I am afraid the hon. Member has rather overdrawn the picture. It is true that in certain parts of Himachal Pradesh there are certain difficulties and Health may not be completely satisfactory. The administration of Himachal Pradesh have been fully attentive to this aspect of the question, and I assure the hon. Member that whatever is necessary for the health of the Himachal people will surely be done by the Himachal Administration under the direction of the Government of India.

Mr. Deputy-Speaker: The question is:

"That the respective excess sums not exceeding the amounts shown in the third column of the order paper be granted to the

President to make good the amounts spent by the former Part C State of Himachal Pradesh during the year ended the 31st day of March, 1957, in respect of the following demands entered in the second column thereof:

Capital Outlay on the Improvement of Public Health.

Capital Outlay on

Electricity Schemes (Demand No. 86).

Payment of Commuted value of Pensions (Demand No. 88)".

The motion was adopted.

14.29 hrs.

ARMS BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to arms and ammunition, as reported by the Joint Committee, be taken into consideration."

Sir, when this Bill was first referred to the Joint Committee we had a fairly exhaustive discussion in this House and in the other House. A number of suggestions were thrown out by hon. Members and I promised that all of them would be fully considered by the Joint Committee. It is our good fortune that the whole subject was considered by the Joint Committee at a number of meetings and they have made certain improvements which it will be my duty to place before this hon. House.

Before I deal with the actual amendments introduced or the improvements made by the Joint Committee, may I point out here, without repeating the whole thing, that this Bill was brought forward by the Government in far-

therance of an assurance given on the floor of the House that the Arms Act which was one of the oldest Acts that had been in force for long would be fully considered and a new Bill brought forward with a view to place it on a proper footing by liberalising its provisions to the extent that it is possible. For that purpose, in pursuance of that promise, the Government of India consulted the various State Governments, and after taking into account the views of the State Governments as also of certain public bodies that are dealing with this matter, such as the All-India Rifle Association, the Government made certain changes in the original draft. After fully considering all these aspects and the various suggestions and recommendations, the Government drafted a Bill and it was introduced in this House.

There have been certain highly liberalising provisions made by the Joint Committee. So far as the original Arms Act was concerned, that Arms Act will be repealed by this Bill. Formerly, there were certain difficulties in obtaining licences, and a number of complaints had been received by the Government of India as well as by the State Governments. They were also considered. So far as the procedural matters are concerned, Government have introduced in this Bill certain provisions for the purpose of enabling the applicants to get the licences as early as possible. There are certain special cases such as sport, crop protection, etc., where additional measures are necessary and where it is desirable that there should be a quick procedure by which arms could be obtained by *bona fide* persons for the protection of crops or for other things. These cases were also considered.

The most important point that the Government had before them and in regard to which they have introduced a provision in this Bill is the confinement of the need for licence only to firearms. This point should be understood very clearly. So far as the firearms are concerned, naturally

they cannot be held by a person without a licence. The existing provision in this regard has been continued. On this point, there has been a general agreement among the hon. Members but here and there certain suggestions have been put forth. Barring or excluding firearms, there are other arms also, and the general provision that has been laid down in this respect is that they do not require any licence at all. This point should be understood very clearly, because there appears to be a considerable misgiving on this question, and that is the reason why some hon. Members have in their Dissenting Minute taken objection either to the definition of the word "arms" or to the naming of the Act as the Arms Act. In this case, we have proceeded on the footing that though this is an Arms Bill, though it comprises all the firearms as well as certain other arms, the arms which are used for domestic purposes should be excluded altogether from the purview of licence either under normal times or under exceptional cases. After excluding those arms or weapons which are used for domestic purposes, there are arms in general and firearms in particular. For arms in general no licence is necessary in normal circumstances. So far as firearms are concerned, licence is essential and provisions have been made for the purpose of obtaining the licences as expeditiously as possible by eliminating all unnecessary delays.

There is another point which the hon. House will kindly realise. There might be exceptional circumstances and there might be emergencies and there might be cases where there might be a large-scale smuggling; or, the law and order situation might deteriorate in certain parts. In such cases, in order to bring that particular area to normalcy, it may be necessary for the Government to issue an order or proclamation according to which certain kinds of arms will also have to be regulated by certain rules and directions in the matter of licence. In these cases, we have made it clear beyond all doubt that, normally, no

[Shri Datar]

licence is necessary and that a licence should be confined only to firearms, but in exceptional circumstances and in extraordinary circumstances licences will have to be taken by those who hold arms on the ground that there are exceptional circumstances. The provision that has been made in these cases was accepted by certain hon. Members of this House and the other House, and this question was considered also in the Joint Committee very fully, and the position that the Government had taken in this respect was virtually or substantially accepted. Only in one respect they considered that there ought to be a change. They stated that the particular arms in respect of which Government desire to have a notification for the purpose of regulating the use of such arms should be specified. Otherwise, there were a number of weapons which might not be serious, and some hon. Members even suggested that a *lathi* might also be considered as a weapon and might come within the mischief of this particular emergency. Therefore, the Joint Committee accepted an amendment stating that in such cases, whenever there is any emergency and whenever in any particular area Government desire to have a proclamation for the purpose of bringing under regulation the possession of arms, it is the duty of the Government to mention in the proclamation the types and categories of arms. When once they are mentioned, a certain period has to be given. Formerly, the period was six months. Now, the period has been increased to one year. After the date of the proclamation and after specifying the arms in respect of which Government want to have a proper regulation and proper restriction in a particular area, then, within one year, those persons who hold such prescribed or specified arms have to report the matter to the Government. Naturally, such restrictions on the use of arms in general, apart from the firearms, is confined only to the times of emergency. This is one of the most important amendments or improvements

that have been made by the Joint Committee.

I would very briefly point out how on a number of occasions—in as many as 15 or 16 cases—the Joint Committee have, after full consideration, made substantial improvements in the provisions of the Bill. In clause 2, for example, it has been pointed out that certain types of instruments should be specifically mentioned. Therefore, a provision has been made in clause 2 by way of improvement, under which certain bombs and grenades, etc., which are of a violent nature and which are likely to be abused and which might cause danger to the people at large are to be included in the definition of prohibited arms and ammunitions.

Clause 3 is one of the most important clauses in this Bill.

It says:

“No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.”

You will find that we have purposely put the expression “firearms or ammunition” and not “arms”. Formerly some words were used like “sword”, etc., but it has been widened, so that it would be open to the people to use for all *bona fide* purposes any firearms and get proper licences in this respect.

Clause 4 deals with the regulation of arms in certain cases. I have already pointed out that it is the duty of the Government to include in the notification certain types or categories of arms. A proper addition in this respect has been made in clause 4.

Clause 5 mentions a number of types or categories of transfer like sale, repair, etc. The word “conversion” has also been added to it. Thereafter,

It has been pointed out that in proper cases Government can take action after specifying the particular licence required in this respect. We have stated here,

"firearm or any other arms of such class or description as may be prescribed or any ammunition " etc

These additions have been made with a view to see that the party would not be inconvenienced in any manner

Clause 8 deals with the absence or omission to put proper identification marks. Unless there are proper identification marks, it will not be possible to identify them properly and they are likely to go underground or they may be smuggled. For that purpose, a provision has been made that such identification marks should be got inscribed. The period within which such identification marks have to be inscribed has been increased from six months to one year.

Clause 9 is one of the important clauses. In that clause Government have reduced the age-limit of a person holding an arm. On this question the representatives of the Rifle Association who appeared before the Joint Committee pointed out that in a number of cases, they were trying to train youngsters even at a very young age from six years onwards. They contended that the age-limit of 18 years laid down in the original Bill was far too much and it should be reduced to 16. So, clause 9 provides that a person who has not completed 16 years could not hold licences. That is an important change.

We have also stated that in other cases, especially where training has to be given, the age-limits should be differently prescribed and that has been left to the rule-making powers. A new sub-clause (2) has been added

"(2) Notwithstanding anything in sub-clause (1) of clause (a)

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

A proviso also has been added on the lines I have pointed out

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

In clause 10, some improvements have been made in the interest of tourists, who often come here for sport and other purposes. So, it is our duty to give them proper facilities for the purpose of holding arms. Sometimes they come for hunting purposes also. So, the provisions have been liberalised to a large extent in the interests of bona fide tourists.

Clause 13 lays down a special expeditious procedure for the purpose of obtaining certain types of arms by certain classes of people. In certain cases, licences shall be granted if would invite attention to sub-clause (3) where the words used are "The licensing authority shall grant". This is one of the most important provisions for the purpose of removing all difficulties in the way of seekers of licences. This is a special case where Government are anxious that certain types of people, who require arms immediately for certain bona fide purposes should get them without any difficulty. This is a special section which has been put in here. I am pointing out the changes made by the Joint Committee out of regard for the wishes that were expressed on the floor of both Houses and also in the Joint Committee. It was contended, especially in respect of agriculturists, that for proper crop protection, a muzzle loading gun might or might not be sufficient and a smooth bore gun might be necessary.

Shri Mulchand Dube (Farrukhabad): May I know whether a breech-loading gun is also a smooth bore gun?

Shri Datar: I shall read out the provision and the hon. Member will understand it. Sub-clause (3) says

"(3) The licensing authority shall grant—

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

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

15 hrs

The original scheme of the Bill, which is also contained in sub-clause (a), was that for bona fide crop protection, a muzzle loading gun would ordinarily be sufficient. But before the Joint Committee and also in Parliament, it was suggested that in certain cases for effective crop protection, a muzzle-loading gun will not be sufficient. That is the reason why a proviso was added to the effect that where the licensing authority feels that a muzzle loading will not be sufficient, an additional gun may also be given to him. That has been made clear by the proviso, which reads:

"Provided that where having regard to the circumstances of any case "

Here the word "circumstance" refers to places, where these particular arms will be used. Sometimes a forest is infested with tigers or other wild animals and crop is likely to be

spoiled there. In such cases, a greater measure of protection is necessary than can be afforded by a muzzle loading gun. Therefore, to meet such cases, this proviso says:

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

That is a point which was made by a number of hon. Members opposite as well as on this side and so this additional proviso has been purposely included. Because, crop protection is an important circumstance and an agriculturist should have effective weapons with him for the purpose of protecting his crop. That difficulty has been pointed out to us and so we have made this provision to remove that difficulty. The Joint Committee have made a very useful contribution to the effective protection of crop by the agriculturists by making it possible for them to get an additional weapon, in addition to the one which they will have as a matter of right.

Then, coming to

Mr. Deputy-Speaker: Would he take some more time?

Shri Datar: Yes

Mr. Deputy-Speaker: In that case, he can continue the next day. We will take up the next item.

15.02 hrs

MOTION RE. ANNUAL REPORT OF
HINDUSTAN SHIPYARD (PRI-
VATE) LIMITED

Shri Ram Krishna Gupta (Mahendragarh): I beg to move

"That this House takes note of