

LOK SABHA

SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)

Monday, December 9, 2019 / Agrahayana 18, 1941 (Saka)

ANNOUNCEMENT BY THE SPEAKER

WELCOME TO THE PARLIAMENTARY DELEGATION FROM THE PEOPLE'S MAJLIS OF MALDIVES

HON. SPEAKER: Hon. Members, at the outset, I have to make an announcement on my own behalf and on behalf of the hon. Members of the House, I have great pleasure in welcoming H.E. Mr. Mohamed Nasheed, Speaker of the People's Majlis of Maldives and members of the Parliamentary Delegation from Maldives who are on a visit to India as our honoured guests. They arrived in India on Sunday, 8 December, 2019 and are now seated in the Special Box. Besides Delhi, they will also visit Agra and Gandhinagar, Gujarat before their final departure from India on Saturday, 14 December, 2019. We wish them a happy and fruitful stay in our country. Through them we convey our greetings and best wishes to the People's Majlis of Maldives, the Government and the friendly people of Maldives.

OBSERVATION BY THE SPEAKER

HON. SPEAKER: Hon. Members, all of you should keep in mind the dignity of the House. From the moment you have elected me to this Chair, I have endeavoured to maintain the dignity of all the hon. Members. India is the strongest and decisive democratic country and the dignity of our Parliament is also above all. I would always expect that no hon. Member should move while rolling up their sleeves, nor should they speak bitter language. Many bitter comments have been made. Politics of criticism and observations can be made but in a dignified manner. You can remain assured that I would review the issue which has been brought to my notice and decide it fairly.

THE CONSTITUTION (ONE HUNDRED AND TWENTY-SIXTH AMENDMENT), BILL, 2019

**THE MINISTER OF LAW AND JUSTICE; MINISTER OF
COMMUNICATIONS AND MINISTER OF ELECTRONICS AND
INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)**

moved that leave be granted to introduce a Bill further to amend the Constitution of India.

PROF. SOUGATA RAY *opposing the Motion for introduction of the Bill, said:* Articles 333 and 334 which are for the protection of the Anglo-Indians in the Constitution are being done away with. There are two seats for the Anglo-Indians in the Lok Sabha and 9 seats in the assemblies. This Bill is in violation of Article 14 which talks of equality before law and requires a classification to be based on some real and substantial distinction. The current Bill extends different treatment to various minority communities, namely, SCs, STs and Anglo-Indians. Both have reservation under Article 334. The Bill is also an attack on the principle of federalism as it deprives the States of the power of nominating Members from the Anglo-Indian Community. I would ask the hon. Minister to withdraw the Bill.

SHRI RAVI SHANKAR PRASAD *replying said:* Most humbly I would like to inform the hon. Minister that we have brought this Bill because our Government believes that the SCs-STs should get the right to political representation. It should be understood that it is not nomination, it is representation. Therefore, the concern being raised is not appropriate. Thirdly, there is an established procedure to block a Bill in the House. I will reply to it at the consideration stage.

The Bill, by the leave of the House, was introduced.

THE CITIZENSHIP (AMENDMENT) BILL, 2019

THE MINISTER OF HOME AFFAIRS (SHRI AMIT SHAH) moved that leave be granted to introduce a Bill further to amend the Citizenship Act, 1955.

SHRI ADHIR RANJAN CHOWDHURY *opposing the Motion for introduction of the Bill, said:* I do not have any qualm to opine that this is a regressive legislation. It is nothing but a targeted legislation against the minority people of the country. This amendment is on a very important subject of the country. The meaning of the Constitution is - Justice, Equality, Liberty and Fraternity. The government is undermining the Article 14. The concept of citizenship cannot be read in isolation but has to be read extensively with the Articles enunciated in our Constitution itself. The amendment goes against the essence of Articles 5, 10, 14 and 15 of the Constitution of India. It will harm integrity and unity of our country.

SHRI T.R. BAALU: There are deficiencies in the Bill. For the past more than 10 years, Sri Lankan Tamils are there. Christians are there, Muslims are there and other people are there. So, that deficiency should be corrected by the Home Minister. We are opposing the introduction of the Bill.

SHRI N.K. PREMACHANDRAN: The first point is that this is the first time in the legislative history of India that in order to acquire the citizenship, one of the main factors is the religion. Clauses 2 and 6 violate the right to equality

guaranteed under Article 14 of the Constitution as it provides differential treatment to the illegal migrants on the basis of religion. Article 14 is the heart and soul of the Fundamental rights. The second point is that the Clauses in the Bill violate Articles 25 and 26 of the Constitution as the right to religion is applicable to all the persons including non-citizens. The third point is that the Bill violates the basic structure and features of the Constitution envisaged in the Preamble of the Constitution. The Statement of Objects and Reasons is not clear. If it goes to the court of law, definitely the court will strike it down. Therefore, this House has no legislative competence to discuss this Bill. Hence, I oppose its introduction.

SHRI P. K. KUNHALIKUTTY: It is against the essence of the Constitution. The provisions of the Bill are in utter violation of Article 14 of the Constitution. That is what everybody is saying. The Government should not introduce this Bill.

PROF. SOUGATA RAY: I rise to oppose the introduction of this Bill. Opposing a Bill is *per se suo moto*. It does not need any reference to legislative competence. Article 14 says that the State shall not deny to any person equality before the law. Now, 'any person' includes 'any community'. If any community is left out of purview of law then it is violative of the Article 14.

SHRI E. T. MOHAMMED BASHEER: I am very sorry to say that in the history of this House, which made tremendous laws, this is the dark day because it

is first time an enactment is coming dividing the people into Muslims and non-Muslims.

SHRI GAURAV GOGOI: Nobody has raised any point regarding North-East so far. North-Eastern States have got special protection under Article 371 A,B,C,F and G. This Bill violates all these provisions. It also violates the Assam Accord. That is why, we oppose it.

DR. SHASHI THAROOR: I am opposing this Bill because it is an assault on the foundational values of our Republic. Should religion be the determinant of our nationhood? The fact is, those who said religion should determinate the nationhood, they formed Pakistan. That was the idea of Pakistan. Mahatma Gandhi, Jawaharlal Nehru, Dr. Ambedkar, Maulana Azad, they all said, religion cannot determine the nationhood. Our nation is land for everybody. That is why this is violative of the fundamental structure of the Constitution of India. We do not have the competence to discuss this Bill.

SHRI ASADUDDIN OWAISI: I will speak only on some points. Secularism is the part of the basic structure of this country. This Bill violates the fundamental right. Our country has the concept of single citizenship. We have granted permission to the Chakmas to reside in Arunachal Pradesh.

SHRI AMIT SHAH *replying said:* A number of Hon. Members have questioned the legislative competence of the House with reference to the rule 72(1). At the outset, I would like to assure the entire House, through you and the

entire nation through all the honourable Members that the Bill does not come in conflict with any of the articles of the Constitution. Almost all the honourable Members have said that the article 14 has been violated. The article 14 does not put any restrictions on the enactment of any law on the ground of reasonable classification. The decision to accord citizenship is not being taken up by the Government for the first time. It goes back to the year 1971 when the then Prime Minister decided to accord citizenship to all people who came from Bangladesh. But why were the people coming from Pakistan not granted citizenship? Thus, this Bill is also meant for those people who came from Bangladesh. The carnage has not come to a halt there. The incidents of subjecting people to selective religious persecution have taken place even after 1971. Thereafter, the people coming from Uganda were given refuge here and subsequently granted citizenship by none other than the Congress Government. Honourable Rajiv Gandhi signed the Assam Accord. Consequently, all those who came to India till 1971 were again granted citizenship. Why had they not granted citizenship to persons coming from all over the world? The citizenship is granted on the ground of reasonable classification. If the way, the provisions of article 14 are being interpreted by the honourable Members, is applied to the interpretation of right to equality, then the special rights will cease to be available to the minorities. Whether the special educational rights available to them and the minority educational institutions are violative of the article 14? A number of laws have been framed on the ground of reasonable

classifications despite having the article 14 in the country. Three nations namely Afghanistan, Bangladesh and Pakistan are bordering countries of India. The holy religion Islam has been mentioned as state religion in the constitutions of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan and People's Republic of Bangladesh. During partition, people migrated from here to there and from there to here. In 1950, the Nehru-Liyaqat accord was signed wherein both the countries guaranteed protection to the minorities in their respective countries. Unfortunately, the accord was complied with properly in our country but in all the three nations minorities were subjected to various sorts of persecution. The proposed Bill intends on the positive direction to grant citizenship to all the minorities who have been subjected to religious persecution. This Bill has not taken away any of the rights of the Muslim community. Anybody can apply for citizenship under the provision of the law of the land. All will be granted citizenship if the applications are found in order as per the rules. In fact, why was this Bill required to be introduced? Certainly, it would not have been required to be brought in, if the Congress had not divided the country on the ground of religion. People who came to India from these three nations on the ground of religious persecution belong to six religions. It is proposed to grant those people the Indian Citizenship. This is what constitutes the ground for reasonable classification. Once again, I would like to state that the country will consider on all those applications submitted even by Muslims from these three nations. But,

they are not entitled to avail of the benefits of this provision as they were not subjected to religious persecution. We have brought in this Bill on this very definite classification. Article 371 has been mentioned here. I would like to assure the hon. Member that the Bill does not violate any of the provisions contained in the Article 371. I firmly believe that this Bill comes under the purview of the legislative competence of this House. That's why the leave of the House may please be granted for introduction of the Bill.

The Bill, by leave of the House, was introduced.

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ANTI-MARITIME PIRACY BILL, 2019

THE MINISTER OF EXTERNAL AFFAIRS (DR. SUBRAHMANYAM JAISHANKAR) moved that leave be granted to introduce a Bill to make special provisions for repression of piracy on high seas and to provide for punishment for the offence of piracy and for matters connected therewith on incidental thereto.

DR. SHASHI THAROOR *opposing the motion for introduction of the Bill, said:* The basic issue is that the Supreme Court has ruled that death penalty can only be in the rarest of rare cases, whereas this Bill has an automatic provision for death penalty to be applied. Secondly, you are putting the country in a situation

where it will be impossible for us to get the cooperation of foreign countries because of the automaticity implicit here.

DR. SUBRAHMANYAM JAISHANKAR *replying said:* I would like the hon. Member to recognize that the Bill actually does not have an automatic death penalty. Article 3 of the Bill says that whoever commits any act of piracy, shall be punished with imprisonment for life or with death. So, it is factually incorrect to say that there is automatic death penalty. So, I would urge the hon. Member not to see a rigidity that is not there in the Bill.

The Bill was introduced.

***MATTERS UNDER RULE 377**

- (1) **SHRI GOPAL JEE THAKUR** laid a statement regarding need to include Sanskrit education under Sarva Shiksha Abhiyan.
- (2) **SHRI MUKESH RAJPUT** laid a statement regarding need to set up a Potato Development Board.
- (3) **SHRI JANARDAN MISHRA** laid a statement regarding need to construct compound wall in government schools in Rewa Parliamentary Constituency, Madhya Pradesh.

* Laid on the Table as directed by the Speaker/Chair.

- (4) **SHRIMATI KESHARI DEVI PATEL** laid a statement regarding need to introduce daily train service from Prayagraj in Uttar Pradesh to Pune and Bengaluru.
- (5) **SHRI RAHUL KASWAN** laid a statement regarding need to declare an MSP for crops grown in rain-fed regions of Churu Parliamentary Constituency, Rajasthan.
- (6) **SHRI PRATAPRAO PATIL CHIKHLIKAR** laid a statement regarding need to extend Rayalseema Express (train no. 12793/12794) upto Nanded in Maharashtra.
- (7) **SHRIMATI QUEEN OJA** laid a statement regarding need to address the problem of land depression and land erosion caused by Brahmaputra river flood in Guwahati Parliamentary Constituency, Assam.
- (8) **SHRI G. S. BASAVARAJ** laid a statement regarding need for contingency plans to address the drinking water crisis in Karnataka.
- (9) **SHRIMATI POONAM MAHAJAN** laid a statement regarding proposal for Veer Savarkar Memorial in Marseilles, France.
- (10) **SHRI VINOD KUMAR SONKAR** laid a statement regarding need to set up a Mega Food Park in Kaushambi district, Uttar Pradesh.

- (11) **SHRI CHUNNI LAL SAHU** laid a statement regarding need to provide environmental clearance for construction of canal connecting water reservoirs to agriculture fields in Chhattisgarh.
- (12) **DR. SUKANTA MAJUMDAR** laid a statement regarding new railway line project from Kaliaganj to Buniadpur in West Bengal.
- (13) **SHRIMATI MEENAKASHI LEKHI** laid a statement regarding childcare responsibilities faced by working women.
- (14) **DR. NISHIKANT DUBEY** laid a statement regarding problems in construction of Railway line between Deogarh and Pirpainti via Godda in Jharkhand.
- (15) **SHRI ABDUL KHALEQUE** laid a statement regarding need to declare Barpeta town in Assam as a heritage city .
- (16) **SHRI ADHIR RANJAN CHOWDHURY** laid a statement regarding need to protect mangrove forest of Sunderbans in West Bengal.
- (17) **SUSHRI S JOTHIMANI** laid a statement regarding need to provide funds for payment of wage dues under MGNREGA.
- (18) **SHRI GAUTHAM SIGAMANI PON** laid a statement regarding need to set up a Medical College in Kallakurichi District, Tamil Nadu.

- (19) **SHRI DULAL CHANDRA GOSWAMI** laid a statement regarding need to construct flyover on level crossings in Katihar Parliamentary Constituency, Bihar.
- (20) **PROF. ACHYUTANANDA SAMANTA** laid a statement regarding integration of schemes meant for tackling malnutrition in the country.
- (21) **KUNWAR DANISH ALI** laid a statement regarding need to provide arrears of honorarium due to Madarsa teachers employed under MPQEM and MPEMM schemes of Government of India.
- (22) **SHRI RAMULU POTHUGANTI** laid a statement regarding need for construction of flyover at Yerravally cross roads on N.H. 44 in Nagarkurnool Parliamentary Constituency, Telangana.
- (23) **SHRI CHANDAN SINGH** laid a statement regarding need to construct a barrage on Sakri river in Bihar.
- (24) **SHRIMATI SUPRIYA SADANAND SULE** laid a statement regarding students strike in Jawahar Lal Nehru University due to hike in hostel fee.
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ARMS ACT (AMENDMENT) BILL, 2019

THE MINISTER OF HOME AFFAIRS (SHRI AMIT SHAH) *moving the motion for consideration of the Bill said:* I would like to say that this is a very old Act and there were various anomalies in this Act. Under the provisions of this Act there was not much difference between the punishment for use of illegal arms and making of illegal arms which was causing great difficulty in crime controlling.

SHRIMATI PRENEET KAUR *initiating said:* The purpose of this Bill is to regulate usage and possession of arms in the country. However, if we go back to historical traditions, the ancient arms bearing tradition of India continues to feed the manpower demand of the current national security establishments of India. Later on, a negative consequence of disarming the population by law was the growth of illegal country-arms and smuggling of fire arms. This is the major source of crime today and not the legal licensed fire arms. While I agree that irresponsible usage of licensed arms is wrong and it should be penalised, I disagree with the proposed Clause 3 of this new amendment. It is also pertinent to mention that a large number of farmers have, over the years, come to live on farmhouses that are outside their villages where they do not have the comfort and the safety of the main village habitation. The State has over the years granted licences and also issued licences for firearms for crop protection to farmers as provided in the Arms Act. The House must look at both the unintended usages and the intended

consequences of this legislative action. There is also a great cultural importance that citizens belonging to the martial communities take pride in retaining arms.

DR. SATYA PAL SINGH: I strongly support the provisions of this Bill with regard to the offences of snatching weapons from Police and Security Forces, smuggling of arms and celebratory firing. There was no Act or any regulation pertaining to possession of arms in our country till the year 1857. Thereafter, in 1878 Britishers brought an Arms Act in our country which unarmed the people of this country. Later on, they brought a more harsh Act namely, Rowlett Act in our country. By Indian Penal Code, 1860, people were given right of self defence. After independence, Arms Act, 1959 was enacted. The Government has made provisions to issue licence and three weapons based on the permit by recognising the rights of self-defence and property of the people. An amendment was made in this Act in the year 1988 which was not so significant. Today, abundance of illegal weapons is the biggest problem in our country. Secondly, issuance of licence through unfair means is also a major problem. Similarly, snatching of weapon from police forces and using it against them is also a very common problem. As per the survey, there are approximately six crore fourteen lakh illegal arms in our country which are the main reasons behind the serious crimes in our country. Availability of illegal arms has made the underworld effective in the places like Mumbai, Ahmedabad, Indore and U.P. I would also like to submit that the largest factory of illegal weapon is situated at Munger District of Bihar and Khargaon in Madhya Pradesh. Illegal

weapons are smuggled in our country from other countries also. Underworld is getting arms through Nepal and Bangladesh route. One of the largest factories of the world is situated in Darrha-Adam Jail at Peshawar, Pakistan. I would like to submit that illegal arm and Naxal insurgency are posing biggest threat to our country and the society. These amendments have been made in this Act to prevent these activities and I hope it would prove to be more effective. Apart from that I would also like to make few suggestions in this regard. In every state, an illegal arms control cell should be set up for regulations of illegal arms. Secondly, anticipatory bail should not be granted to the accused booked under Arms Act. Similarly, licencing system should be made more transparent. Apart from that, import policy of the year 1984 should be reintroduced. It would be better if the prices of various arms manufactured in ordnance factories should be kept affordable. This will prevent people from getting illegal arms. With these words I support this Bill.

SHRI A. RAJA: Broadly, I welcome the Bill introduced by the Minister of Home Affairs. I would like to make two suggestions in this regard. The sole intention of the Bill is to punish those people who are indulging in an unlawful act which was meant for pecuniary benefits. My humble submission to the hon. Minister is that sometimes, the crime can be committed on the basis of the principle of antagonism against a person or a group. That is not addressed in the Bill. I request the hon. Minister that this point must be kept in mind. The second

suggestion is with regard to the celebratory gunfire. The Government has made the provision of punishment of two years. I think seizure of licence, punishment for minimum six months, fine or something like that can be done for this purpose because punishment for two years is too much for a celebratory gunfire. Further, we should address the issue of misuse of a weapon by armed forces also.

SHRI KALYAN BANERJEE: There is a new provision being sought to be made in the Bill for granting licences. The question is, what should be the criteria to decide as to who will get the licence. It can be seen that private security agencies are seeking licences and they are providing firearms to private security guards. The question is, whether private security guards who are carrying those firearms are authorized to do so. I would request the hon. Minister to look into this subject. Now, illegal trade of arms business has increased. We need to stop it. UP, Jammu and Kashmir, Patna and Munger district of Bihar have become a hub of manufacturing illegal arms. The border area is a route of illegal transfer of arms. The Border Security Force should be more proactive. Earlier, a person could have kept three weapons. Now, it has come down to one. But, if the Government is giving us security, it is all right. Why is a weapon required? The Government should make a comprehensive law in this regard.

SHRI KURUVA GORANTLA MADHAV: I would like to suggest to the hon. Minister to incorporate the following suggestions. Whoever threatens any person at the point of arms to commit any other offence shall be punished with

imprisonment either a term of description which may extend to two years or with a fine up to Rs.20,000 or both. Secondly, every offence under this Act shall be cognizable and non-cognizable within the meaning of the Code of Criminal Procedure 1973. The third suggestion is that the existing Section 39 may be deleted as it calls for unnecessary delay and technical problems.

PROF. ACHYUTANANDA SAMANTA: Recently, the Government has amended the Arms rules to allow private manufacturers to produce firearms. Now, the Government wants to restrict the ownership to one weapon. In such a case, the market of firearms will get affected since citizens will be allowed the ownership of only one weapon. Further, the proposed law increases the penalty for certain offences. The proposed Bill has inserted a new Clause with respect to organized crime syndicate. The possession, manufacture, sale and transport of firearms by a member of syndicate will lead to imprisonment of ten years and life along with a fine. Lastly, the introduction of this Bill shows a positive intent on the part of the Government to reduce the use of illegal firearms which leads to violence. Hence, on behalf of the BJD, I support this Bill.

SHRI ARVIND SAWANT: Law and order is a state subject. This legislation is being brought by the Union Government. This must be taken note that whether we are taking over the rights of States? Not even a single licence has been misused. There may be some exceptions. There are sportsmen who also possess licence. There are people who possess licence due to security reasons. I

would like to urge upon the Government not to implement this legislation with retrospective effect. This is the right of State. From where the people get weapons who use them illegally? This is more important that what we are going to do with those weapons? The law abiding people should not have any fear in their mind. I think there is no problem to issue licences to law abiding citizens. I would like to urge the Government to send this Bill to a Joint Select Committee, then introduce and pass this Bill.

SHRI MAHABALI SINGH: In the year 1959, a legislation was enacted in which there was a provision against keeping weapons illegally. Even after the legislation came into force, the law could not prevent the people using weapons illegally. Smuggling of weapons continued since long. There are so many minor or major illegal weapon factories in almost every state. Only enacting legislation is not enough, it should be implemented strictly. Stringent laws must be enacted in this regard. Jharkhand and Bihar are naxal affected states. The Government has made a provision for keeping two weapons which is good. I congratulate the Government for this.

SHRI SHYAM SINGH YADAV: The Government has reduced to keep the number of weapons from three to two by this amendment. There is no place in police stations to keep these weapons. All seized weapons are lying in very bad condition there. As per record, there is a loss of Rs.90,000 crore due to this. I would like to suggest that in spite of reducing the number of weapons, law and

order situation should be improved. I oppose this Bill and request to withdraw this amendment and send it to a Select Committee.

SHRI KOTHA PRABHAKAR REDDY: Crime incidents are increasing day by day in all parts of the country with the possession of legal and illegal arms. The Government must have a policy of issuing 'one person- one gun'. But this policy may be relaxed in rare cases. Law abiding citizens should not be penalized for actions to stop criminal activities. We must ensure law and order to protect the future lives of our children.

SHRI SHRINIWAS DADASAHEB PATIL: To issue licences to women is not considered to be appropriate. But, when I was Collector I issued licences on priority basis to the women who were trained from Rifle Club. Therefore, whatever Rifle Clubs are there, those must be provided financial assistance to train women. I would like to request to enact such a legislation which protect us against the misuse of weapons. A stringent law should be formulated to prevent the use of illegal arms.

DR. S.T. HASAN: Most of the licences are issued on the basis of character. The licences are issued to law abiding citizens so that they can protect themselves. More than 90 per cent crimes, either organized or individual, are being committed with the help of illegal arms. I would like to ask about the rationale behind reducing the number of weapons. The number of people having licence in the country is only four per cent. I do not understand that why this legislation is being

brought? I would like to request to issue more and more licences because it is a deterrent against crimes. Therefore, there is a need to increase the number of weapons. There must be a check on the use of illegal weapons. I oppose this Bill.

COL. RAJYAVARDHAN RATHORE: Time to time, we need to have deliberations over the laws enacted and introduce changes into them with the changing times. The whole country is worried about the unlicensed arms and I would like to congratulate the Government to increase the quantum of punishment for keeping illegal weapons. It is also the responsibility of the Government to provide arms to law-abiding citizens and I am thankful to the hon. Minister for taking initiative in this regard. Now, India has been emerging as a power in shooting. We need to enact such laws which provide a conducive environment for aspiring shooters. The Government should give approval to the clubs affiliated with the National Rifle Association to set up shooting ranges wherever such ranges do not exist. I would like to request the Government to allow the deactivated weapons. A number of people have licenced weapons and I would like to suggest to the Government to issue expedience licence if one person of a family propose to give weapon to another person of the same family.

SHRI ASADUDDIN OWAISI: I stand to oppose the Arms (Amendment) Bill, 2019. The Government has introduced the concept of organized crime syndicate by amending Section 9(6) of the Bill. This particular definition of 'organized crime syndicate' is exactly as is given in the Maharashtra Control of

Organized Crime Act (MCOCA). The Maharashtra Assembly had enacted MCOCA Act under the State List. The Union has no power to interfere in the States' powers to investigate, prosecute and penalize the organized crime. Furthermore, the Government offers no explanation as to why it is necessary to incorporate organized crime syndicate under Arms Act. It seems that this Government does not believe in federalism. They want to trample upon the State List. Inclusion of organized crime syndicate by amending Section 9(6) shows that they are completely encroaching upon the State List. I request the hon. Home Minister to please take it back. I would make an earnest request that no public representative, whether MP or MLA, should get any security from the Government unless and until there is some real threat perception to him. As per NCRB data, there is more problem from unlicensed weapons, not from licensed weapons. I want to know from the hon. Minister why this Bill prohibits punishment for celebratory gunfire. Lastly, I want to point out one contradiction of the Government. The Government is allowing 49 per cent FDI in small arms' manufacture and then, want to limit it. That is why, I oppose this Bill.

SHRI JASBIR SINGH GILL: I appreciate the Government's efforts where they have increased the punishment through this Bill. Whereas on the other, Government is going for three to one gun theory which is incomprehensible. I would request that validity of arms licence should be extended upto 10 years on the lines of passports which will prevent time and corruption and mitigate the

problems of common people. I would like to request that provision pertaining to renewal of licence of guns of prohibited bore should be amended so that it may be renewed at D.M. level whereas, issuing of authority would be Home Secretary level. Apart from that, permission to import arms should also be granted which will facilitate the availability of better quality weapon to people and revenue to the Government. Similarly, certain relaxation should be provided to the aspiring sportsmen. Police firing ranges must be opened once in a week to facilitate practice session for them.

SHRI S. JAGATHRAKSHAKAN: Under this Bill, the firearms would be registered under the National Database Arms Licence, NDAL, and the Arms Licence Issuance System, ALIS, along with the owner's address, the type of the firearm, its serial number, etc. Those criminals who want to commit crimes will not and do not bother to purchase firearms legally and register them. Authenticate evidence provided by the NCRB in its 2017 statistics detailing the occurrence of crime shows that more crimes happen due to unlicensed and untraceable weapon. So, there is no point in curtailing the rights of licence holders by the Government. The Strengthening of three-to-one gun theory by the Government is in no way going to address the root causes of crime-spiraling due to illegal firearms. The Government should concentrate more on taking actions rather than on formulating laws.

SHRIMATI MALA ROY: The Bill provides for punishment for holding unlicensed firearms. That is a good step. I want to know as to what are the measures being taken by the Government to stop smuggling of arms and ammunition into the country. There are various sporting facilities across the country where competitive sport is practiced in the field. I would like to know whether they will be affected by this Bill. There has to be a holistic mechanism for the collection and protection of data. The Government has still not tabled the Data Protection Bill in Parliament. The Bill prohibits using firearms in celebratory gunfire is a good step. But there has to be provision for banning the using of arms for other acts like farmer using a licensed gun to ward off animals from his crops. The Government in 2016 had claimed that demonitisation would kill terrorism. To counter so, requires holistic policies and strong action and far-reaching and overarching legislation is also required. I would like to know as to what has the Government done to curb terrorism.

***SHRI HEMANT PATIL:** The Bill which has been brought here is very necessary in the backdrop of increasing criminal activities and illegal weapon trade in our country. Some restrictions would be imposed on the licensed arms holder through this Bill. Through this Bill, the Government is going to restrict only two arms at a time. Many families and even freedom fighters have got more than two weapons. Many of us have old weapons as our ancestral property. What would we

* Please see Supplement

do with traditional, ancestral and inherited weapons? So, it is my request that import of foreign made weapons should be allowed. Necessary taxes should also be levied on the imported arms. Secondly, all the MPs who have been elected by 15-20 lakh people should be allowed to keep weapons and latest and sophisticated weapons should also be allowed to import. I want to congratulate you for bringing some strict norms. Lastly, I would like to request that this Bill should be referred to a Joint Select Committee and weapons import policy should be revisited.

SHRI BHARTRUHARI MAHTAB: The first use of gunpowder was demonstrated in a very large scale in the First Panipat war where a very small contingent of the marauders from Central Asia changed the total history of our country. It was gunpowder because before that whatever war was being fought was with strength, swords and other things, but with canon, pistol or whatever names it was being called during that time, it was the changing factor. Subsequently, after 500 years, European countries which traded firearms with our Kings and rulers of this country, and that actually changed our position to a very great extent. Subsequently, it became something, which we should possess for our protection and that is why lot of advancement has been made in-between where technology has grown, fire power as well as sophistication has increased. We should not put more restrictions on the licensing mechanism. Rather, more stringent action should be taken against illegal fire arms dealers. The Home Ministry has proposed stringent punishment including jail till death illegally manufacturing prohibited

arms. Yes, there are a lot of worried people in the shooting sports community in India, and their anxiety is that it limits the number of weapons that will hit new and emerging talent. Therefore, I would request the Government that adequate steps need to be taken to encourage the sporting activity relating to shooting, which has brought a lot of laurels for this country.

SHRI AMIT SHAH *replying said:* The arms, fire arms, ammunition and explosions come under the Union List of the Constitution of India. Some hon. Members expressed their apprehension that the Central Government is chipping away at the rights of the States. This is a central Act ab initio and this Act empowers the States to issue licenses within their respective territorial boundaries. I rise to bring in this amendment Bill before this august House which is intended to usher in an effective mechanism to control arms and ammunitions.

First of all, the law to this effect was formulated in 1860 which subsequently came to be known as The Indian Arms Act, 1878. Initially, the Act was tilted towards the protection of interests of the British empire and the ruling class. Mahatma Gandhi ji linked this issue to the rights of the country when he launched the freedom struggle. After independence, arms, fire arms, ammunitions and explosion was placed at no 5 in the first list of 7th schedule to the Union List.

The Arms Act, 1955 was enforced and once again the manufacturing, sale, export and import of the arms were brought under its purview. After three decades, in

1988, it was reviewed in the backdrop of communal circumstances. Today, Shri Narendra Modi's Government has brought amendments therein for the first time. I would like to tell about the salient features of the amendments and the achievements likely to be accrued through these amendments.

Some hon. Members have expressed their concern about the likely affect of these amendments upon the sportspersons. I would like to clarify that an increase has been made in number of arms and licenses for sportspersons. The retired officers of armed forces and serving officers also need not worry as no changes have been made with regard to the provision in their case. There is a provision to enhance punishment for violation of section 5, 6 and 11 of Act for illegal manufacturing of arms and ammunition and import and export of such items. A provision has been made to give punishment from 7 years to life sentence for illegal manufacturing, selling, smuggling and exporting arms.

It has been seen in naxal and extremist affected areas that they raid police stations and take away arms and ammunition and use these items against the State Government and the police. The arms of forces are also stolen and snatched away. A provision has been made to drastically increase punishment from six years for such persons. Punishment of five years has been made for various small crimes in place of one year to three years. A provision has been made for life imprisonment for those persons who are involved in organized crime and syndicate to supply

arms to terrorists, naxalists and organized criminals. As far as renewal of license is concerned, a provision has been made to increase that period from three years to five years. I have brought on authorized amendments by honouring the views of all and provision has been made for to keep two arms instead of one.

The Bill, as amended, was passed.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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