

Bill No. 368 of 2019

THE ARMS (AMENDMENT) BILL, 2019

A

BILL

further to amend the Arms Act, 1959.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Arms (Amendment) Act, 2019.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 1959.

2. In the Arms Act, 1959 (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:—

Amendment of section 2.

10 '(ea) "licence" means a licence issued in accordance with the provisions of this Act and rules made thereunder and includes a licence issued in the electronic form;'

- Amendment of section 3. **3.** In section 3 of the principal Act in sub-section (2),—
- (i) for the words "three firearms", the words "one firearm" shall be substituted;
- (ii) for the proviso, the following provisos shall be inserted, namely:—
- "Provided that a person who has in his possession more firearms than one at the commencement of the Arms (Amendment) Act, 2019, may retain with him any one of such firearms and shall deposit, within one year from such commencement, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section after which it shall be delicensed within ninety days from the date of expiry of aforesaid one year:
- Provided further that while granting arms licence on inheritance or heirloom basis, the limit of one firearm shall not be exceeded."
- Amendment of section 5. **4.** In section 5 of the principal Act, in sub-section (1), in clause (a), for the word "manufacture", the words "manufacture, obtain, procure," shall be substituted.
- Amendment of section 6. **5.** In section 6 of the principal Act, after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted.
- Amendment of section 8. **6.** In section 8 of the principal Act, in sub-section (1), for the word "firearm", the words "firearm or ammunition" shall be substituted.
- Amendment of section 13. **7.** In section 13 of the principal Act, in sub-section (3), in clause (a), in sub-clause (ii), for the words and figures "point 22 bore rifle or an air rifle", the word "firearm" shall be substituted.
- Amendment of section 15. **8.** In section 15 of the principle Act, in sub-section (1),—
- (a) for the words "period of three years", the words "period of five years" shall be substituted;
- (b) after the proviso, the following proviso shall be inserted, namely:—
- "Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed."
- Amendment of section 25. **9.** In section 25 of the principal Act,—
- (i) in sub-section (1),—
- (a) in clause (a), for the word "manufactures", the words "manufactures, obtains, procures" shall be substituted;
- (b) in clause (b), after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms," shall be inserted;
- (c) in the long line, for the words "three years but which may extend to seven years", the words "seven years but which may extend to imprisonment for life" shall be substituted;

(ii) in sub-section (IA),—

(a) for the words "five years but which may extend to ten years", the words "seven years but which may extend to fourteen years" shall be substituted;

(b) the following proviso shall be inserted, namely:—

5 "Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(iii) after sub-section (IA), the following sub-section shall be inserted, namely:—

10 "(IAB) Whoever, by using force, takes the firearm from the police or armed forces shall be punishable with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine.";

(iv) in sub-section (IAA), for the words "seven years", the words "ten years" shall be substituted;

15 (v) in sub-section (IB),—

(a) in the long line, for the words "one year but which may extend to three years", the words "two years but which may extend to five years and shall also be liable to fine" shall be substituted;

20 (b) in the proviso, for the words "one year", the words "two years" shall be substituted;

(vi) after sub-section (5), the following sub-sections shall be inserted, namely:—

25 '(6) If any member of an organised crime syndicate or any person on its behalf has at any time has in his possession or carries any arms or ammunition in contravention of any provision of Chapter II shall be punishable with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine.

(7) Whoever on behalf of a member of an organised crime syndicate or a person on its behalf,—

30 (i) manufactures, obtains, procures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

35 (ii) shortens the barrel of a firearm or converts an imitation firearm into a firearm or converts from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms in contravention of section 6; or

(iii) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine.

40 *Explanation.*—For the purposes of sub-sections (6) and (7),—

45 (a) "organised crime" means any continuing unlawful activity by any person, singly or collectively, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person;

(b) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulge in activities of organised crime.

(8) Whoever involves in or aids in the illicit trafficking of firearms and ammunition in contravention of sections 3, 5, 6, 7 and 11 shall be punishable with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this sub-section, "illicit trafficking" means the import, export, acquisition, sale, delivery, movement or transfer of firearms and ammunition into, from or within the territory of India, if the firearms and ammunition are not marked in accordance with the provisions of this Act or are being trafficked in contravention of the provisions of this Act including smuggled firearms of foreign make or prohibited arms and prohibited ammunition.

(9) Whoever uses firearm in a rash or negligent manner in celebratory gunfire so as to endanger human life or personal safety of others shall be punishable with an imprisonment for a term which may extend to two years, or with fine which may extend to rupees one lakh, or with both.

Explanation.—For the purposes of this sub-section, "celebratory gunfire" means the practice of using firearm in public gatherings, religious places, marriage parties or other functions to fire ammunition.'

Amendment
of section 27.

10. In section 27 of the principal Act, in sub-section (3), for the words "shall be punishable with death", the words "shall be punishable with imprisonment for life, or death and shall also be liable to fine" shall be substituted.

Amendment
of section 44.

11. In section 44 of the principal Act, in sub-section (2), in clause (f), —

(a) for the words "firearm shall be stamped or otherwise shown thereon", the words "firearm or ammunition shall be stamped or otherwise shown thereon for the purposes of tracing" shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, "tracing" means the systematic tracking of firearms and ammunition from manufacturer to purchaser for the purpose of detecting, investigating and analysing illicit manufacturing and illicit trafficking;'

STATEMENT OF OBJECTS AND REASONS

The Arms Act, 1959 was enacted to consolidate and amend the law relating to arms and ammunition. The Arms Act, 1959 and rules made thereunder regulate the acquisition, possession, use, manufacture, transfer, sale, transport, export and import of arms and ammunition and punishment for contravention of the provisions of the Act, in order to curb illegal weapons and violence stemming from them.

2. The law enforcement agencies indicate growing nexus between possession of illegal firearms and commission of criminal offences. With the advancement in technology, the fire power and sophistication of illegal firearms have increased significance over the years. The trans-border dimensions of illegal arms trafficking are causing threat to internal security and to prevent the usage of illicit firearms so trafficked has also become a prime concern. To effectively curb crimes related to or committed by using illegal firearms and to provide effective deterrence against violation of law, there is an urgent need to strengthen the existing legislative framework by making appropriate amendments in the Arms Act, 1959. Simultaneously, there is also a requirement for rationalising and facilitating the licensing procedures for use of firearms by individuals and sports persons.

3. In order to implement the above measures effectively, it is proposed to amend the Arms Act, 1959. Accordingly, a Bill, namely, the Arms (Amendment) Bill, 2019, has been, *inter-alia*, proposed,—

(i) to define new offences and prescribing punishment for them, such as for taking away firearms from police or armed forces, involvement in organised crime syndicate, illicit trafficking including smuggled firearms of foreign make or prohibited arms and prohibited ammunition, use of firearms in rash and negligent manner in celebratory gunfire endangering human life, etc.;

(ii) to enhance the punishment for existing offences like illegal manufacture, sale, transfer, etc.; illegal acquiring, possessing or carrying prohibited arms or prohibited ammunition; and illegal manufacture, sale, transfer, conversion, import, export, etc., of firearms; and

(iii) to enhance the period of arms licence from three years to five years and also to issue arms licence in its electronic form.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 27th November, 2019.

AMIT SHAH.

ANNEXURE

EXTRACTS FROM THE ARMS ACT, 1959

(54 OF 1959)

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CHAPTER II

ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT AND TRANSPORT OF ARMS AND AMMUNITION

Licence for acquisition and possession of firearms and ammunition.

3. (1)* * * * *

(2) Notwithstanding anything contained in sub-section (1), no person, other than a person referred to in sub-section (3), shall acquire, have in his possession or carry, at any time, more than three firearms:

Provided that a person who has in his possession more firearms than three at the commencement of the Arms (Amendment) Act, 1983, may retain with him any three of such firearms and shall deposit, within ninety days from such commencement, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section.

25 of 1983.

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Licence for manufacture, sale, etc., of arms and ammunition.

5. (1) No person shall—

(a) use, manufacture, sell, transfer, convert, repair, test or prove, or

* * * *

Licence for the shortening of guns or conversion of imitation firearms into firearms.

6. No person shall shorten the barrel of a firearm or convert an imitation firearm into a firearm unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—In this section, the expression "imitation firearm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

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Prohibition of sale or transfer of firearms not bearing identification marks.

8. (1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

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CHAPTER III

PROVISIONS RELATING TO LICENCES

Grant of licences.

13. (1) * * * *

(3) The licensing authority shall grant—

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

* * * * *

(ii) in respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognised by the Central Government;

* * * * *

15. (I) A licence under section 3 shall, unless revoked earlier, continue in force for a period of three years from the date on which it is granted:

Duration and renewal of licence.

Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

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CHAPTER V

OFFENCES AND PENALTIES

25. (I) Whoever—

Punishment for certain offences.

(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

* * * * *

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(IA) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(IAA) whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

* * * * *

(IB) Whoever—

* * * * *

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall also be liable to fine:

Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than one year.

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27. (I)* * * * * *

Punishment for using arms, etc.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death.

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Power to
make rules.

44. (1)* * * * *

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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(f) the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm shall be stamped or otherwise shown thereon;

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LOK SABHA

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BILL

further to amend the Arms Act, 1959.

(Shri Amit Shah, Minister of Home Affairs)

LOK SABHA

CORRIGENDA

to

THE ARMS (AMENDMENT) BILL, 2019

[To be/As introduced in Lok Sabha]

1. Page 4, line 14,-
for “negligent manner in celebratory”
read “negligent manner or in celebratory”
2. Page 5, line 23,-
for “negligent manner in celebratory”
read “negligent manner or in celebratory”
3. Page 5, line 29,-
for “to enhance the”
read “to retain one fire arm and enhance the”

NEW DELHI;

29 November, 2019

Agrahayana 8, 1941 (Saka)

LOK SABHA

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