

No. V-11029/42/2019-Arms
Ministry of Home Affairs
Arms Section / IS-1 Division

New Delhi, dated 4th November, 2019

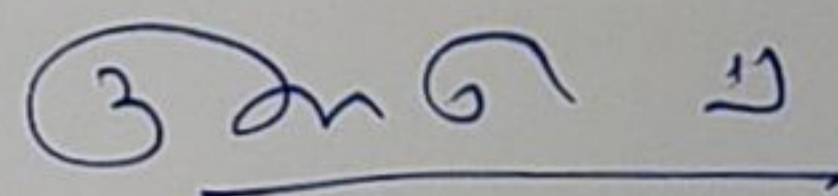
PUBLIC NOTICE

Subject: Proposed amendment to the Arms Act, 1959.

It is proposed to amend the Arms Act, 1959. A statement on the existing provisions and the proposed or new amendments is given at Annexure - 1. Any person desirous of sending his/her views or comments on the proposed amendments may do so in the format given below latest by 18/11/2019 through email at singh.amarjit@gov.in:

Sl. No.	Section of the Arms Act, 1959	Suggested amendment(s)	Justification

Enclosure: Annexure - 1



(Mukesh Mangal)
Director (Arms)

PROPOSED AMENDMENTS TO THE ARMS ACT, 1959

Sl. No.	Proposed Amendments	
1.	Section 2: Definitions and interpretation	
2.	Section 3: Licence for acquisition and possession of firearms and ammunition	
	<i>Licence</i>	<p><i>New:</i></p> <ul style="list-style-type: none"> - 2(1)(ea):“licence” means a licence issued under the provisions of this Act and includes a licence issued in the electronic form; - 2(1)(kk): “tracing” means the systematic tracking of firearms and ammunition from manufacturer to purchaser for the purpose of detecting, investigating and analyzing illicit manufacturing and illicit trafficking;
	<i>Number of weapons</i>	<p><i>Existing:</i></p> <p>3(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:</p> <p><i>Proposed:</i></p> <p>3(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 one firearm:</p>

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		<p>Provided that a person who has in his possession more than one firearm 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 subsection, after which it shall be delicensed within further ninety days,</p> <p>Provided further that, the maximum prescribed limit of one firearm shall not be breached while granting arms licence on inheritance or heirloom basis.</p>		
3.	<p>Section 5: Licence for manufacture, sale, etc., of arms and ammunition</p> <table border="1" data-bbox="251 1381 1367 1890"> <tr> <td data-bbox="251 1381 467 1890"><i>Scope of licence</i></td> <td data-bbox="467 1381 1367 1890"> <p><i>Existing:</i></p> <p>5(1): No person shall-</p> <p>(a) use, manufacture, sell, transfer, convert, repair, test or prove, or</p> <p>(b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any firearm or</p> </td> </tr> </table>		<i>Scope of licence</i>	<p><i>Existing:</i></p> <p>5(1): No person shall-</p> <p>(a) use, manufacture, sell, transfer, convert, repair, test or prove, or</p> <p>(b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any firearm or</p>
<i>Scope of licence</i>	<p><i>Existing:</i></p> <p>5(1): No person shall-</p> <p>(a) use, manufacture, sell, transfer, convert, repair, test or prove, or</p> <p>(b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any firearm or</p>			

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		<p>any other arms of such class or description as may be prescribed or any ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made there under</p> <p>Proposed:</p> <p>5(1): No person shall-</p> <p>(a) use, manufacture, acquire, possess, sell, transfer, convert, repair, test or prove, or</p> <p>(b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any firearm or</p> <p>any other arms of such class or description as may be prescribed or any ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made there under.</p>
4.	Section 6: Licence for the shortening of guns or conversion of imitation firearms into firearms	
	Conversion	<p>Existing:</p> <p>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 there under.</p>

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		<p><i>Proposed:</i></p> <p>No person shall shorten the barrel of a firearm or convert an imitation firearm into a firearm or convert from any category of firearms as under Schedule I of the rules under this Act to another category, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made there under.</p>
5.	Section 8: Prohibition of sale or transfer of firearms not bearing identification marks	
	<i>Marking on ammunition</i>	<p><i>Existing:</i></p> <p>8(1): No person, shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.</p> <p><i>Proposed:</i></p> <p>8(1): No person, shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm or ammunition.</p>
6.	Section 13: Grant of licences	
	<i>Firearm for target practice</i>	<p><i>Existing:</i></p> <p>13(3): The licensing authority shall grant –</p>

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		<p>(a) A licence under section 3 where the licence is required –</p> <p>(i)...</p> <p>(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 recognized by the Central Government</p> <p>Proposed:</p> <p>13(3): The licensing authority shall grant –</p> <p>(a) a licence under section 3 where the licence is required –</p> <p>(i)...</p> <p>(ii) in respect of a firearm to be used for target practice by a member of a rifle club or rifle association licensed or recognized by the Central Government;</p>
7.	Section 15: Duration and renewal of licence	
	Duration of licence	<p>Existing:</p> <p>15(1): 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:</p>

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	<p>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.</p> <p><i>Proposed:</i></p> <p>15(1): A licence under section 3 shall, unless revoked earlier, continue in force for a period of five years from the date on which it is granted:</p> <p>Provided that such a license may be granted for a shorter period if the person by whom the license is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the license should be granted for a shorter period.</p> <p>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 be asked to produce the licence along with the firearm or ammunition and connected documents before the licensing authority after every five years from the date on which it is granted or renewed:</p>
8.	Section 25: Punishment for certain offences

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	<p><i>Enhancement of punishment</i></p>	<p>Existing:</p> <p>25(1): Whoever –</p> <p>(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for the sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ...</p> <p>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.</p> <p>Proposed:</p> <p>25(1): Whoever –</p> <p>(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for the 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</p> <p>(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm or convert from any category of firearms as under Schedule I of the Rules under this Act to another category, in contravention of section 6; or</p>

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		<p>(d) bring into, or takes out of, India, any arms or ammunition of any class or description in contravention of section 6; or</p> <p>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.</p>
	<p><i>Enhancement of punishment for acquiring prohibited arms in contravention of section 7</i></p>	<p>Existing:</p> <p>25(1A): 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.</p> <p>Proposed:</p> <p>25(1A): 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 seven years, but which may extend to fourteen years.</p> <p>Provided that where such firearms have been stolen or taken away by use of force from police or armed forces, the offence shall be punishable with imprisonment for a</p>

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		<p>term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine.</p> <p>Provided further that the Court may for any adequate and special reasons to be recorded in the judgement, impose a sentence of imprisonment for a term of less than seven years.</p>
	<p><i>Enhancement of punishment for manufacturing/possession of prohibited arms in contravention of section 7</i></p>	<p>Existing:</p> <p>25(1AA): 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.</p> <p>Proposed:</p> <p>25(1AA): 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</p>

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		not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.
	Marking of arms for tracing	<p>Existing:</p> <p>25(1B): Whoever –</p> <p>(a) acquires, has in his possession or carries any firearm or ammunition in contravention to section 3; or</p> <p>(b) to (h) ...</p> <p>(i) ...arms or ammunition or refuses to point out where the same are or is manufactured or kept,</p> <p>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:</p> <p>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.</p> <p>Proposed:</p> <p>Whoever –</p> <p>(a) acquires, has in his possession or carries any firearm or ammunition in contravention to section 3; or</p> <p>(b) to (h) ...</p>

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		<p>(i) ...arms or ammunition or refuses to point out where the same are or is manufactured or kept, 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:</p> <p>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 three years.</p>
	<p><i>Organized crime syndicates</i></p>	<p><i>New:</i></p> <p>25(6): If any member of an organized crime syndicate or any person on his behalf has at any time in his possession or carries any arms or ammunition in contravention of the provisions of Chapter II of this Act 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.</p> <p>25(7): Whoever being a member of an organized crime syndicate or a person on his behalf:</p> <p>i) Manufactures, acquires, 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</p>

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	<p data-bbox="511 325 1360 619">ii) Shortens the barrel of a firearm or converts an imitation firearm into a firearm or converts from any category of firearms as under Schedule I of the rules under this Act to another category, in contravention of section 6; <i>or</i></p> <p data-bbox="511 640 1360 808">iii) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11;</p> <p data-bbox="495 882 1360 1050">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 for fine.</p> <p data-bbox="495 1102 1360 1144"><i>Explanation.</i>— For the purposes sub-sections (6) and (7), –</p> <p data-bbox="511 1186 1360 1680">(a) “organized crime” means any continuing unlawful activity by any person, singly or collectively, either as a member of an organized 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;</p> <p data-bbox="511 1732 1360 1837">(b) “organized crime syndicate” means a group of two or more persons who, acting either singly or collectively, as</p>

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		<p>a syndicate or gang indulge in activities of organized crime.”.</p> <p>(c) “continuing unlawful activity” means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such, syndicate in respect of which more than one charge-sheets have been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence.</p>
	<p><i>Illicit trafficking</i></p>	<p><i>New:</i></p> <p>25(8): Whoever involved 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.</p> <p><i>Explanation.</i>– 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</p>

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		the firearm 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.”.
	<i>Rash and negligent use of firearms</i>	<p><i>New:</i></p> <p>25(9): Whoever uses firearm for celebratory gunfire or in a rash and negligent manner, as to endanger human life or the personal safety of others shall be punished with an imprisonment for a term which may extend to two years, or with fine up to rupees one lakh, or with both.</p> <p><i>Explanation.</i> – For the purposes of this sub-section - “celebratory gunfire” means the practice of using firearms in public gatherings, religious places, marriage parties or other functions to fire ammunition.</p>
9.	<i>Punishment for using arms, etc.</i>	<p><i>Existing:</i></p> <p>27(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.</p> <p><i>Proposed:</i></p>

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		<p>27(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, or imprisonment for life, and shall also be liable to fine.</p>
10.	Section 44: Power to make rules:	
	<p>Tracing of firearm or ammunition</p>	<p><i>Existing:</i></p> <p>Section 44(2)(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;</p> <p>Proposed:</p> <p>Section 44(2)(f): the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm or ammunition shall be stamped or otherwise shown thereon for the purposes of tracing;</p>