

Arms (Amendment) Act, 2019

No. 48 Of 2019

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An Act further to amend the Arms Act, 1959.

Arms (Amendment) Act, 2019

No. 48 Of 2019

[13th December, 2019]

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

1. Short title and commencement.

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

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

2. Amendment of section 2.

In the Arms Act, 1959 [54 of 1959](hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:—

'(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;'.¹.

3. Amendment of section 3.

In section 3 of the principal Act, in sub-section (2),—

(i) for the words "three firearms", the words "two 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 two at the commencement of the Arms (Amendment) Act, 2019, may retain with him any two of such firearms and shall deposit, within one year from such commencement, the remaining firearm 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 two firearms shall not be exceeded."

4. Amendment of section 5.

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.

5. Amendment of section 6.

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.

6. Amendment of section 8.

In section 8 of the principal Act, in sub-section (1), for the word "firearm", the words "firearm or ammunition" shall be substituted.

7. Amendment of section 13.

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.

8. Amendment of section 15.

In section 15 of the principal 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."

9. Amendment of section 25.

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 (1A),—

(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:—

"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 (1A), the following sub-section shall be inserted, namely:—

"(1AB) 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 (1AA), for the words "seven years", the words "ten years" shall be substituted;

(v) in sub-section (1B),—

(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;

(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:—

'(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,—

(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

(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.

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

(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 or 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.'

10. Amendment of section 27.

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.

11. Amendment of section 44.

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;'.
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