

Bill Summary

The Arms (Amendment) Bill, 2019

- The Arms (Amendment) Bill, 2019 was introduced in Lok Sabha by the Minister of Home Affairs, Mr. Amit Shah, on November 29, 2019. The Bill seeks to amend the Arms Act, 1959. It seeks to decrease the number of licensed firearms allowed per person and increase penalties for certain offences under the Act. It also introduces new categories of offences.
- **License for acquiring firearms:** Under the Act, a license must be obtained to acquire, possess, or carry any firearm. A person can obtain a license for up to three firearms (with certain exceptions, such as for licensed firearms dealers). The Bill reduces the number of permitted firearms from three to one. This includes licenses given on inheritance or heirloom basis. The Bill provides a time period of one year to deposit the excess firearms with the officer-in-charge of the nearest police station or with a licensed firearm dealer as specified. If the owner is a member of the armed forces, the firearm may be deposited with a unit armoury. The excess firearms will be delicensed within 90 days from the expiry of the one year period.
- The Bill also increases the duration of the validity of a firearm license from three years to five years.
- **Ban on firearms:** The Act bans manufacture, sale, use, transfer, conversion, testing or proofing of firearms without license. It also prohibits shortening of firearm barrel or conversion of imitation firearms into firearms without a license. The Bill additionally prohibits obtaining or procuring un-licensed firearms, and the conversion of one category of firearms to another without a license. It also allows members of rifle clubs or associations to use any firearm for target practice instead of only point 22 bore rifles or air rifles.
- **Increase in punishment:** The Bill amends the punishment in relation to several offences. The Act specifies the punishment for: (i) dealing in un-licensed firearms, including their manufacture, procurement, sale, transfer, conversion, (ii) the shortening or conversion of a firearm without a licence, and (iii) import or export of banned firearms. The punishment for these offences is between three years and seven years, along with a fine. The Bill increases the punishment to between seven years and life imprisonment, along with a fine.
- The Act punishes acquisition, possession or carrying of prohibited ammunition without a license, with imprisonment between five and ten years, along with fine. The Bill increases the punishment to imprisonment between seven and 14 years, along with fine. A court may impose a punishment of lesser than seven years, with recorded reasons.
- The Act also punishes dealing in prohibited firearms (including their manufacture, sale and repair) without a license, with imprisonment between seven years and life imprisonment, along with fine. The Bill increases the minimum punishment from seven years to 10 years. The punishment for cases in which the usage of prohibited arms and ammunition results in the death of a person has been revised from the existing punishment of death to death or life imprisonment, with fine.
- **New offences:** The Bill adds new offences. These include: (i) forcefully taking a firearm from police or armed forces, punishable with imprisonment between 10 years and life imprisonment, along with fine, (ii) using firearms in a celebratory gunfire which endangers human life or personal safety of others, punishable with imprisonment of up to two years, or fine of up to one lakh rupees, or both. Celebratory gunfire refers to use of firearms in public gatherings, religious places, marriages or other functions to fire ammunition.
- The Bill also defines offences committed by organised crime syndicates and illicit trafficking. “Organised crime” refers to continuing unlawful activity by a person, either as a member of a syndicate or on its behalf, by using unlawful means, such as violence or coercion, to gain economic or other benefits. An organised crime syndicate refers to two or more persons committing organised crime. Possession of firearms or ammunition by a member of a syndicate, in violation of the Act, will be punishable with imprisonment between 10 years and life, along with a fine. This punishment will also apply to anyone dealing in un-licensed firearms (including its manufacture or sale), converting a firearm without license, or importing or exporting firearms without license, on behalf of a syndicate.
- The Bill defines illicit trafficking to include the trade, acquisition, sale of firearms or ammunitions into or out of India where the firearms are either not marked as per the Act or violate the provisions of the Act. Illicit trafficking is punishable with imprisonment between 10 years and life, along with a fine.
- **Tracking of firearms:** The central government may make rules to track firearms and ammunition from manufacturer to purchaser to detect, investigate, and analyse illicit manufacturing and trafficking.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgment of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.