Syllabus subtopic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Prelims and Mains focus: About the key features of the bill and its significance in curbing crimes in India

News: The Rajya Sabha passed The Arms (Amendment) Bill, 2019 by a voice vote with members across party lines lauding the government’s decision to increase punishment for celebratory firing. The Bill has already been approved by the Lok Sabha.

Key features of the Bill

- 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.

**Concerns raised by MPs**

Members raised questions about heirloom weapons as the legislation proposes to allow only one licensed weapons against three permitted earlier. To this, the govt. replied that the Heirloom weapons can be deactivated and kept. Most of the deaths in celebratory firings were by unlicensed weapons; only two of 959 deaths in Bihar, 14 of 792 in Jharkhand and 181 of 1,483 in Uttar Pradesh were by licensed weapons. The
government is putting in place a system in which every ammunition will have a serial number.

- The legislation does not make any changes to the licensing regime for sportspersons.

- MPs asked about safeguards in the Bill for those in remote areas for whom guns are a means of self-defence. Congress MP Pratap Singh Bajwa said that holders of gun licences are not criminals but “respectable people” and they should be treated as such. BJD’s Prasanna Acharya said that guns are not a status symbol.