

THE ARMS ACT, 1959

ACT NO. 54 OF 1959

[23rd December, 1959.]

An Act to consolidate and amend the law relating to arms and ammunition.

CHAP

PRELIMINARY

CHAPTER I

PRELIMINARY

1.

Short title, extent and commencement.

1. Short title, extent and commencement.- (1) This Act may be called the Arms Act, 1959.

(2) It extends to the whole of India.

(3) It shall come into force on such date 1* as the Central Government may, by notification in the Official Gazette, appoint.

2.

Definition and interpretation.

2. Definition and interpretation.- (1) In this Act, unless the context otherwise requires,--

(a) "acquisition", with its grammatical variations and cognate expressions, includes hiring, borrowing, or accepting as a gift;

(b) "ammunition" means ammunition for any firearm, and includes--

(i) rockets, bombs, grenades, shells [and other missiles] 2*

(ii) articles, designed for torpedo service and submarine mining,

(iii) other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or noxious liquid, gas or other such thing, whether capable of use with

firearms or not,

-
1. 1st October, 1962, vide Notification No. G.S.R. 992, dated 13-7-1962, see Gazette of India, Pt. II, Sec. 3(i), p. 1092.
This Act has been extended to--
Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and Sch.; and comes into force in Pondicherry vide Reg. 7 of 1963, s. 3 and Sch. I (w.e.f. 1-10-1963);
and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965);
Sikim vide Notification No. G.S.R. 461 (E), dated 21-7-1976 (w.e.f. 1-8-1976).
 2. Subs. by Act 42 of 1988, s. 2, for " and other like missiles" (w.e.f. 27-5-1988).

34

- (iv) charges for firearms and accessories for such charges,
 - (v) fuses and friction tubes,
 - (vi) parts of, and machinery for manufacturing ammunition, and
 - (vii) such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- (c) "arms" means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharpedged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;
- 1*[(d) "district magistrate", in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of Police thereof and includes any such Deputy Commissioner of Police, exercising jurisdiction over the whole or any part of such area, as may be specified by the State Government in this behalf in relation to such area or part;]
- (e) "firearms" means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy, and includes--
- (i) artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other such thing,

(ii) accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof,

(iii) parts of, and machinery for manufacturing, firearms, and

(iv) carriages, platforms and appliances for mounting, transporting and serving artillery.

1. Subs. by Act 55 of 1971, s. 2, for the former cl. (d) (w.e.f. 13-12-1971).

34A

(f) "licensing authority" means an officer or authority empowered to grant or renew licences under rules made under this Act, and includes the Government;

1*[(ff) "magistrate" means an Executive Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974);]

(g) "prescribed" means prescribed by rules made under this Act,

(h) "prohibited ammunition" means any ammunition containing or designed or adapted to contain, any noxious liquid, gas or other such thing, and includes rockets, bombs, grenades, shells, 2*[missiles] articles designed for torpedo service and submarine mining and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition;

(i) "prohibited arms" means--

(i) firearms so designed or adapted that, if pressure is applied to the trigger, missiles continue to be dis-

1. Ins. by Act 25 of 1983, s. 2 (w.e.f. 22-6-1983).

2. Ins. by Act 42 of 1988, s. 2 (w.e.f. 27-5-1988).

35

charged until pressure is removed from the trigger or the magazine containing the missiles is empty, or

(ii) weapons of any description designed or adapted for the discharge of any noxious liquid, gas or other such thing,

and includes artillery, anti-aircraft and anti-tank firearms and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms;

(j) "public servant" has the same meaning as in section 21 of the Indian Penal Code; (45 of 1860.)

(k) "transfer", with its grammatical variations and cognate expressions, includes letting on hire, lending, giving and parting with possession.

(2) For the purposes of this Act, the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

CHAP

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

CHAPTER II

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

3.

Licence for acquisition and possession of fire-arms and ammunition.

3. Licence for acquisition and possession of fire-arms and ammunition.-1*[(1) No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.

2*[(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.

(3) Nothing contained in sub-section (2) shall apply to any dealer in firearms or to any member of a rifle club or rifle association licensed or recognised by the Central Government using a point 22 bore rifle or an air rifle for target practice.

(4) The provisions of sub-sections (2) to (6) (both inclusive) of section 21 shall apply in relation to any deposit of firearms under the proviso to sub-section (2) as they apply in relation to the deposit of any arm or ammunition under sub-section (1) of that section."]

1. S. 3 renumbered as sub-section (1) by Act 25 of 1983, s. 3 (w.e.f. 22-6-83).

2. Ins. by s. 3, ibid. (w.e.f. 22-6-1983).

36

4.

Licence for acquisition and possession of arms of specified description in certain cases.

4. Licence for acquisition and possession of arms of specified description in certain cases.- If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than firearms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry in that area arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

5.

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

5. Licence for manufacture, sale, etc., of arms and ammunition.
1*[(1)] No person shall--

- (a) 2*[use, manufacture] sell, transfer, convert, repair, test or prove, or
- (b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof,

any firearm or 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 thereunder:

3* * * * *

4*[(2) Notwithstanding anything contained in sub-section (1) a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having in his possession such arms or ammunition:

Provided that no firearm or ammunition in respect of which a licence is required under section 3 and no arms in respect of which a licence is required under section 4 shall be so sold or transferred by any person unless--

- (a) he has informed in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms, ammunition or other arms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or the other arms, and
- (b) a period of not less than forty-five days has expired after the giving of such information.]

6.

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

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

-
- 1. S. 5 renumbered as sub-section (1) by Act 25 of 1983, s. 4 (w.e.f. 22-6-1983).
 - 2. Subs. by Act 42 of 1988, s. 3, for "manufaacture" (w.e.f. 27-5-1988).

3. The proviso omitted by Act 25 of 1983, s. 4 (w.e.f. 22-6-83).
4. Ins. by s.4, ibid. (w.e.f. 22-6-1983).

37

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.

7.

Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition.

7. Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition. No person shall--

- (a) acquire, have in his possession or carry; or
- (b) 2*[use, manufacture] sell, transfer, convert, repair, test or prove; or
- (c) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof;

any prohibited arms or prohibited ammunition unless he has been specially authorised by the Central Government in this behalf.

8.

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

8. Prohibition of sale or transfer of firearms not bearing identification marks.--(1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon in a manner approved by the Central Government.

(3) Whenever any person has in his possession any firearm without such name, number or other identification mark or on which such name, number or other identification mark has been obliterated, removed, altered or forged, it shall be presumed unless the contrary is proved, that he has obliterated, removed, altered or forged that name, number or other identification mark:

Provided that in relation to a person who has in his possession

at the commencement of this Act any firearm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this sub-section shall not take effect until after the expiration of one year from such commencement.

9.

Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc.

9. Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc.-

(1) Notwithstanding anything in the foregoing provisions of this Act,-

-

(a) no person,--

(i) who has not completed the age of 2*[twenty-one years], or

1. Subs. by Act 42 of 1988, s. 4, for "manufacture" (w.e.f. 27-5-1988).

2. Subs. by Act 25 of 1983, s. 5, for "seventeen yeay" (w.e.f. 22-6-1983).

38

(ii) who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for 1*[any term], at any time during a period of five years after the expiration of the sentence, or

(iii) who has been ordered to execute under Chapter VIII of the 1*[Code of Criminal Procedure, 1973 (2 of 1974),] a bond for keeping the peace or for good behaviour, at any time during the term of the bond,

shall acquire, have in his possession or carry any firearm or ammunition;

(b) no person shall sell or transfer any firearm or ammunition to, or convert, repair, test or prove any firearm or ammunition for, any other person whom he knows, or has reason to believe--

(i) to be prohibited under clause (a) from acquiring, having in his possession or carrying any firearm or ammunition, or

(ii) to be of unsound mind at the time of such sale or

transfer, or such conversion, repair, test or proof.

(2) Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such firearms as may be prescribed in the course of his training in the use of such firearms:

Provided that different age-limits may be prescribed in relation to different types of firearms.

10.

Licence for import and export of arms, etc.

10. Licence for import and export of arms, etc.--(1) No person shall bring into, or take out of, India by sea, land or air any arms or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that--

(a) a person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession any arms or ammunition, may without a licence in this behalf bring into, or take out of, India

1. Subs. by Act 25 of 1983, s. 5, for certain words (w.e.f. 22-6-1983).

39

such arms or ammunition in reasonable quantities for his own private use;

(b) a person being a bona fide tourist belonging to any such country as the Central Government may, by notification in the Official Gazette, specify, who is not prohibited by the laws of that country from having in his possession any arms or ammunition, may, without a licence under this section but in accordance with such conditions as may be prescribed, bring with him into India arms and ammunition in reasonable quantities for use by him for purposes only of sport and for no other purpose;

Explanation.--For purposes of clause (b) of this proviso, the word "tourist" means a person who not being a citizen of India visits India for a period not exceeding six months with no other object than recreation, sight-seeing, or participation in a representative capacity in meetings convened by the Central Government or in international

conferences, associations or other bodies.

(2) Notwithstanding anything contained in the proviso to sub-section (1), where the collector of customs or any other officer empowered by the Central Government in this behalf has any doubt as to the applicability of clause (a) or clause (b) of that proviso to any person who claims that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be put by such person, may detain the arms or ammunition in the possession of such person until he receives the orders of the Central Government in relation thereto.

(3) Arms and ammunition taken from one part of India to another by sea or air or across any intervening territory not forming part of India, are taken out of, and brought into, India within the meaning of this section.

11.

Power to prohibit import or export of arms, etc.

11. Power to prohibit import or export of arms, etc.- The Central Government may, by notification in the Official Gazette, prohibit the bringing into, or the taking out of, India, arms or ammunition of such classes and descriptions as may be specified in the notification.

40

12.

Power to restrict or prohibit transport of arms.

12. Power to restrict or prohibit transport of arms.- (1) The Central Government may, by notification in the Official Gazette,--

(a) direct that no person shall transport over India or any part thereof arms or ammunition of such classes and descriptions as may be specified in the notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made there-under; or

(b) prohibit such transport altogether.

(2) Arms or ammunition trans-shipped at a seaport or an airport in India are transported within the meaning of this section.

CHAP

PROVISIONS RELATING TO LICENCES

CHAPTER III

PROVISIONS RELATING TO LICENCES

13.

Grant of licences.

13. Grant of licences.- (1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.

1*[(2) On receipt of an application, the licensing authority shall call for the report of the officer in charge of the nearest police station on that application, and such officer shall send his report within the prescribed time.

(2A) The licensing authority, after such inquiry, if any, as it may consider necessary, and after considering the report received under sub-section (2), shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same:

Provided that where the officer in charge of the nearest police station does not send his report on the application within the prescribed time, the licensing authority may, if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report.]

(3) The licensing authority shall grant--

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

(i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for bona fide crop protection:

Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection, or

(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

1. Subs. by Act 25 of 1983, s. 6, for sub-section (2) (w.e.f.

22-6-1983).

41

club or rifle association licensed or recognised
by the Central Government;

- (b) a licence under section 3 in any other case or a licence under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

14.

Refusal of licences.

14. Refusal of licences.--(1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant--

- (a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;
- (b) a licence in any other case under Chapter II,--
 - (i) where such licence is required by a person whom the licensing authority has reason to believe--
 - (1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or
 - (2) to be of unsound mind, or
 - (3) to be for any reason unfit for a licence under this Act;
or
 - (ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

15.

Duration and renewal of licence.

15. Duration and renewal of licence.- (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:

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

42

licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

16.

Fees, etc., for licence.

16. Fees, etc., for licence.- The fees on payment of which, the conditions subject to which and the form in which a licence shall be granted or renewed shall be such as may be prescribed:

Provided that different fees, different conditions and different forms may be prescribed for different types of licences:

Provided further that a licence may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

17.

Variation, suspension and revocation of licences.

17. Variation, suspension and revocation of licences.- (1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the licence-holder by notice in writing to deliver-up the licence to it within such time as may specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,--

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

43

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the appli