

Arms Act, 1959

Chapter 02 - CHAPTER 02: ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT AND TRANSPORT OF ARMS AND AMMUNITION

SECTION 03: LICENCE FOR A ACQUISITION AND POSSESSION OF FIREARMS AND

AMMUNITION. AMMUNITION.--7[(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.7(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 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-section (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 arms or ammunition under sub-section (1) of that section.]

SECTION 04: 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.

SECTION 05: LICENCE FOR MANUFACTURE; SALE, ETC., OF ARMS AND

AMMUNITION- 9[(1)] No person shall--(a)11[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:10[xxx]9[(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].

SECTION 06: 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.

SECTION 07: 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) [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.

SECTION 08: 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.

SECTION 09: 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 13 [twenty-one years], or (ii) who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for 13 [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 13 [Code of Criminal Procedure, 1973-], 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.

SECTION 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 on any arms or ammunition, may without a licence in this behalf bring into, or take out of, India, 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 14 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. (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.

SECTION 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.

SECTION 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 thereunder; or(b) prohibit such transport altogether.(2) Arms or ammunition trans-shipped at a sea-port or an air-port in India are transported within the meaning of this section.

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