

Arms Act, 1959

Chapter 04 - CHAPTER 04: POWERS AND PROCEDURE

SECTION 19: POWER TO DEMAND PRODUCTION OF LICENCE, ETC(1) Any police officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may require him to give his name and address and if such officer considers it necessary, seize from that person the arms or ammunition which he is carrying.(3) If that person on refuses to give his name and address or if the officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant.**SECTION 20: ARREST OF PERSONS CONVEYING ARMS, ETC., UNDER SUSPICIOUS CIRCUMSTANCES**Where any person is found carrying or conveying any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any Magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance may arrest him without warrant and seize from him such arms or ammunition.**SECTION 22: SEARCH AND SEIZURE BY MAGISTRATE**(1) Whenever any Magistrate has reason to believe-(a) that an person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose, or(b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety. the magistrate may. after having recorded the reasons for his belief, cause a search to be made of the house or premises occupied by such person or in which the Magistrate has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any. seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in force to have the same in his possession.(2) Every search under this section shall be conducted by or in the presence of a magistrate or by or in the presence of some officer specially empowered in this behalf by the Central Government.**SECTION 23: SEARCH OF VESSELS, VEHICLES FOR ARMS, ETC**Any Magistrate, any police officer or any other officer specially empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made thereunder is being or is likely to be committed, stop and search any vessle, vehicle or other means of .conveyance and seize any arms or ammunition that may be found therein along with such vessel, vehicle or other means of conveyance.**SECTION 24: SEIZURE AND DETENTION UNDER ORDERS OF THE CENTRAL GOVERNMENT**The Central Government may at any time order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, and may detain the same for such period as it thinks necessary for the public peace and safety.**SECTION 24A: PROHIBITION AS TO POSSESSION OF NOTIFIED ARMS IN DISTURBED AREAS, ETC**16(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area, it is necessary or expedient so to do, it may by notification in the Official Gazette-(a) specify the limits of such area;(b) direct that before the commencement of the period specified in the notification (which period shall be a period commencing from .a date not earlier than the fourth day after the date of publication of the notification in the Official Gazette), every person having in his possession in such area any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms), shall deposit the same before such commencement in accordance with the provisions ofsection 21-and for this purpose the possession by such person of any notified arms shall, notwithstanding anything contained in

any other provision of this act (except section 41-) or in any other law for the time being in force, as from the date of publication of such notification in the Official Gazette be deemed to have ceased to be lawful; (c) declare that as from the commencement of, and until the expiry of, the period specified in the notification, it shall not be lawful for any person, to have in his possession in such area any notified arms; (d) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification, - (i) to search at any time during the period specified in the notification any person, in or passing through, or any premises in, or any animal or vessel or vehicle or other conveyance of whatever nature in or passing through, or any receptacle or other container of whatever nature in, such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container; (ii) to seize at any time during the period specified in the notification any notified arms in the possession of any person in such area or discovered through a search under sub-clause (i) and detain the same during the period specified in the notification. (2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-s. (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do. (3) The provisions of the Code of Criminal Procedure, 1973-, relating to searches and seizures shall, so far as may be apply to any search or seizure under sub-section (1). (4) For the purposes of this section, - (a) "arms" includes ammunition; (b) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2) then, in relation to such notification, references in sub-section (1) to the period specified in the notification shall be construed as references to the period as so extended.

SECTION 24B: PROHIBITION AS TO CARRYING OF NOTIFIED ARMS IN OR THROUGH PUBLIC PLACES IN DISTURBED AREAS, ETC

(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do, it may, by notification in the Official Gazette, - (a) specify the limits of such area; (b) direct that during the period specified in the notification (which period shall be a period commencing from a date not earlier than the second day after the date of publication of the notification in the official Gazette), no person shall carry or otherwise have in his possession any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms) through or in any public place in such area; (c) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification, - (i) to search at any time during the period specified in the notification any person in, or passing through, or any premises in or forming part of, or any animal or vessel or vehicle or other conveyance of whatever nature in or passing through or any receptacle or other container of whatever nature in, any public place in such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container; (ii) to seize at any time during the period specified in the notification any notified arms being carried by or otherwise in the possession of any person, through or in a public place in such area or discovered through a search under sub-clause (i) and detain the same during the period specified in the notification. (2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety at any one time if in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do. (3) The provisions of the Code of Criminal Procedure, 1973- relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1). (4) For the purposes of this section, - (a) "arms" includes ammunition; (b) "public place" means any place intended for use by, or accessible to, the public or any section of the public; and (c) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2) then in relation to such notification references in sub-section (1) to "the period specified in the notification" shall be construed as references to the period as so extended.]

