

Arms Act (Amendment) Bill

December 27, 2019

Source: *The Hindu*

Manifest pedagogy: Possession of firearms by civilians is for self defence and it should not lead to law and order problems. The growing gun culture across the globe has jeopardised the internal security of few countries. One has to read this topic along with the western gun culture for Mains.

In news: Parliament has passed Arms (Amendment) Bill, 2019.

Placing it in syllabus: Internal security

Static dimensions:

- History of arms act
- Firearm possession

Current dimensions:

- Gun crimes in India
- Arms Act (amendment) bill
- Criticisms

Content: The Bill seeks to amend the Arms Act, 1959.

History of Arms Act:

- Prior to the Indian First War Of Independence in 1857, there were few gun control laws in India.
- The **Indian Arms Act, 1878** was an act regulating the manufacture, sale, possession, and carrying of firearms.
- The act included the **mandatory licensing to carry a weapon**, but contained exclusions for some groups and persons.
- In **1959 Arms Act** was passed with new strict rules.
- This act **gave arbitrary use of powers to the licensing authorities.**

- The act of 1959, was **supplemented by the arms rules in 1962.**
- **They both together regulate,** i.e. prohibit the acquisition, possession, manufacture, sale, export, import and transfer of firearms except with a license.

Firearm possession:

- The Arms Act 1959, classifies firearms into **two categories- Prohibited Bore (PB) and Non Prohibited Bore (NPB).**
- A **bore is the thickness/ diameter of the bullet.**
- Non Prohibited Bore weapons include arms such as- handguns of caliber .35, .32, .22 and .380.
- **All civilians can apply for possession of an NPB** by following the due procedure under Chapter II and Chapter III of the Arms Act 1959.
- **Prohibited Bore weapons** include pistols (9 mm) and handguns of caliber .38, .455 and caliber .303 rifles. They also **include semi automatic and fully automatic guns.**
- Issuing of license of PB weapons only **applies to a specific species of weapons** as notified by the Government in the Official Gazette.
- The Indian Government holds monopoly when it comes to manufacturing, sale, export and import of such arms and ammunition.
- The **Indian Ordnance Factory headquartered in Kolkata** has the responsibility of production and sale of these arms and ammunition in India.
- The **Defence Ministry of India governs the Indian Ordnance factories** all over India.
- As of 2016, there are 33,69,444 firearm licenses active in India with 97,00,000 firearms registered to them.
- According to Small Arms Survey there are 61,401,000 illegal firearms in India.

Gun crimes in India:

- There are around 0.3 **gun homicides** per 100,000 people in India every year out of which, around **90% are committed using illegal guns.**
- Unlicensed firearms form about 85% of the civilian-owned stockpile.
- India also has its '**gun hubs**' – areas with higher gun ownership and fatalities.
- **Sixty percent of more than 100,000 firearms seized** in India between 2014 and 2015 were found to be **unlicensed**, with **Uttar Pradesh** accounting for most of it.
- According to the recently-released home ministry data on active gun licenses **UP accounts for 38% of the 33.7 lakh active gun licenses** in the country, thus emerging as India's gun hub.
- It is followed by militancy-hit **Jammu and Kashmir**, where 3.7 lakh people possess arms licences and **Punjab** has around 3.6 lakh active gun licences.

Arms Act (Amendment) Bill:

- The bill seeks to **decrease the number of licensed firearms** allowed per person from **three to one.** This includes licenses given on inheritance or heirloom basis.
- It 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. The excess firearms will be delicensed within 90 days from the expiry of the one-year period.
- It **prohibits obtaining or procuring un-licensed firearms**, and the **conversion** of one category of firearms to another without a license.
- It allows **members of rifle clubs or associations** to use any firearm for target practice instead of only point 22 bore rifles or air rifles.
- It **increases penalties for certain offences** from three years and seven years, along with a fine to between

seven years and life imprisonment, along with a fine.

- The Bill increases the **duration of the validity of a firearm license** from **three years to five years**.
- The Bill **increases the punishment for acquisition, possession or carrying of prohibited ammunition** without a license from five and ten years to imprisonment between seven and 14 years, along with fine.
- 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**.
- It introduces **new categories of offences**:

(i) forcefully taking a firearm from police or armed forces

(ii) using firearms in a celebratory gunfire which endangers human life or personal safety of others

- 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 to gain economic or other benefits.
- An organised crime syndicate refers to two or more persons committing organised crime.
- "*Illicit trafficking*" 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.

Criticisms:

Statistics suggest **licensed firearms hardly contribute to gun crimes in the country**. According to the NCRB data, only 2.8 per cent, of the 37,116 firearms seized under the Arms Act in 2016 were licensed/ factory-made. Of the total 3,775 firearm-related murders in 2016, over 90 percent saw the use of

unlicensed weapons.

The **problem of the large cache of weapons that insurgent groups have managed to seize from security forces** is not addressed. E.g In Chhattisgarh, Maoists have looted approximately 1,000 automatic and semi-automatic weapons from law enforcement agencies.

Cutting down the number of weapons **shooters** can possess will **restrict access to the basic firearms used for their initial training. Shooting sport** has three main disciplines-rifle, shotgun and handgun. If shooters are permitted to hold only one weapon, it will **restrict their choices** insofar as the disciplines they would want to take up.

The **governments of some states bordering Pakistan are worried** about the impact of the proposed curbs on firearms. Punjab CM during the inauguration of the Kartarpur Corridor had argued that since Pakistan was trying to foment fresh trouble in Punjab, the restrictions on firearms held by individuals should be put on hold.

In their recommendations to the MHA, some firearm owners have also underscored the **cultural value weapons hold for 'martial communities'**. E.g. Shastra (weapons) puja on Dussehra.