

**Bill No. 102 of 2010**

**THE ARMS (AMENDMENT) BILL, 2010**

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BILL

*further to amend the Arms Act, 1959.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Arms (Amendment) Act, 2010.

Short title.

54 of 1959.

2. In section 13 of the Arms Act, 1959 (hereinafter referred to as the principal Act),—  
(a) in sub-section (2),—

Amendment  
of section 13.

(i) for the words “within the prescribed time”, the words “within sixty days from the date of receipt of application by him and in case such officer fails to do so, he shall record the reasons therefor and intimate the same to the licensing authority:” shall be substituted;

(ii) the following proviso shall be inserted, namely: —

“Provided that in case the licensing authority is of the opinion that the reasons for such failure are not sufficient or convincing, he may

recommend to the concerned authorities to initiate punitive action, under section 30A, against the officer in charge of the concerned police station for such failure to send the report within the time specified under this sub-section .”;

(b) in sub-section (2A), the proviso shall be omitted.

Insertion of new section 30A. **3.** After section 30 of the principal Act, the following section shall be inserted, namely:—

Punitive action for failure to furnish report under section 13.

“30A. In case a police officer,—

(a) fails to send the report under section 13 and the reasons for such failure given by such officer are not sufficient or convincing; or

(b) has failed to give reasons for failure to send the report under section 13, such failure to send the report or failure to give reasons shall be dereliction of duty by such police officer and he shall be proceeded against and punished for dereliction of his duty under the service rules applicable to him.”.

## STATEMENT OF OBJECTS AND REASONS

The Arms Act, 1959 and rules made thereunder regulates the acquisition, transfer of arms and ammunition and punishment for contravention of the provisions of the Act.

2. Under the existing provisions, it is compulsory to obtain under section 3 of the Arms Act, 1959 a licence for acquisition and possession of firearms and ammunition. Section 13 of the Arms Act, 1959, *inter alia*, lays down the procedure for grant of such licences which requires the licensing authority to call for the report of the officer incharge of the nearest police station on the application for grant of such licence. Such police officer is required to send his report within the prescribed time. After making such enquiry as the licensing authority may consider necessary and on receipt of report from the officer incharge of the nearest police station, the licensing authority may grant the licence or refuse to grant the same. However, the proviso to sub-section (2A) of section 13 of the aforesaid Act empowers the licensing authority to grant an arms licence where the report of the police authorities has not been received within the prescribed time.

3. Proliferation of arms and ammunition, whether licensed or not, in the country disrupt the social order and development, vitiate the law and order situation, directly contributes towards lethality of violent acts, and needs to be curbed. It is, thus, imperative to ensure that arms licences are issued to the bonafide persons by the licensing authority concerned after due verification of their antecedents by the police authority concerned.

4. In view of the foregoing paragraph, it has become necessary to make the procedure for grant of licence for the acquisition, transfer of arms and ammunition more specific. The provisions of the Arms (Amendment) Bill, 2010 proposes to –

(a) amend sub-section (2) of section 13 of the Arms Act, 1959 so as to specify in the Act itself the time limit of sixty days from the date of receipt of application for sending the aforesaid report by the officer incharge of the nearest police station and to record the reasons for failure to send the report within the specified time;

(b) insert a proviso sub-section (2) of section 13 of the Arms Act, 1959 so as to provide that the licensing authority may recommend to the concerned authorities to initiate punitive action under section 30A (proposed to be inserted in the Bill), against the officer in charge of the concerned police station in case the police officer fails to submit the report within the specified time or the licensing authority is of the opinion that the reasons for failure to submit report by the officer incharge of the nearest police station are not sufficient or convincing;

(c) omit the proviso to sub-section (2A) of section 13 of the Arms Act, 1959 so as to do away with the discretion of the licensing authority to issue the licence without receipt of the report from the officer incharge of the nearest police station;

(d) insert a new section 30A in the Arms Act, 1959 to provide for punitive action for failure to send the report or failure to give sufficient or convincing reasons for not sending the report within the time limit of sixty days proposed to be specified.

5. The Bill seeks to achieve the above object.

ANNEXURE

EXTRACT FROM THE ARMS ACT, 1959

(54 OF 1959)

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CHAPTER III

PROVISIONS RELATING TO LICENCES

Grant of  
licences.

**13. (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.

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LOK SABHA

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further to amend the Arms Act, 1959.

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*(Shri P. Chidambaram, Minister of House Affairs)*