



## Bill Summary

### The Arms (Amendment) Bill, 2011

- The Arms (Amendment) Bill, 2011 was introduced in Lok Sabha on December 12, 2011 by the Minister of Home Affairs, Shri P. Chidambaram. The Bill was referred to the Standing Committee on Home Affairs on January 13, 2012. The Committee is expected to table its report by March 31, 2012.
- The Bill amends the Arms Act, 1959 that lays down the law with respect to arms and ammunition.
- Section 7 of the original Act forbids the manufacture, sale, and use of prohibited arms and ammunition unless it has been specially authorised by the central government.
- Section 27(3) prescribes that any contravention of Section 7 that results in the death of any person 'shall be punishable with death'.
- The Bill amends the Act to replace the mandatory death sentence. Under the Bill violators 'shall be punishable with death or imprisonment for life and shall also be liable to fine'.
- The Bill gives retrospective effect to the amendment with effect from the 27th May, 1988 so as to cover a criminal appeal that is currently pending in the Supreme Court.
- According to the statement of objects and reasons, the Supreme Court in *Mithu vs. State of Punjab* (1983) had held that imposition of a mandatory death sentence, without giving any scope for application of judicial discretion was 'harsh, oppressive and unjust'. The Bill seeks to amend the Act in line with these observations.

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