

मुकुल गोयल
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पुलिस महानिदेशक,
उत्तर प्रदेश

पुलिस मुख्यालय, लखनऊ।
दिनांक : लखनऊ:मार्च 04, 2022

विषय:-केन्द्रीय सरकार, आयुध (संशोधन) अधिनियम-2019 के क्रियान्वयन के संबंध में आवश्यक दिशा-निर्देश।

प्रिय महोदय/महोदया,

The Arms (Amendment) Act 2019 No 48 of ,2019 (छाया प्रति संलग्न) द्वारा शस्त्र अधिनियम 1959 के विभिन्न उपबन्धों को संशोधित किया गया है तथा केन्द्रीय सरकार द्वारा धारा-1 की उपधारा (2) में प्रदत्त शक्तियों का प्रयोग करते हुए उक्त संशोधन को 14.12.2019 से लागू किया गया है।

शस्त्र अधिनियम-1959 में किये गये संशोधन के माध्यम से आग्नेयास्त्र रखने की संख्या को 03 से घटाकर 02 किया गया है। शस्त्र लाइसेन्स की वैधता को 03 वर्ष से बढ़ाकर 05 वर्ष किया गया है। कतिपय धाराओं के दण्ड में वृद्धि की गयी है तथा आयुध अधिनियम के अन्तर्गत कतिपय नये अपराध परिभाषित किये गये हैं, जिसमें (i) पुलिस/सशस्त्र बलों के हथियार के छीनने को नये अपराध के रूप में परिभाषित करते हुए 10 वर्ष की कारावास से दण्डनीय बनाया गया है, (ii) हर्ष फायरिंग पर नियंत्रण करने के लिए हर्ष फायरिंग को परिभाषित करते हुए नये अपराध को सृजित किया गया है, जिसे 02 वर्ष सजा एवं 01 लाख रुपये जुर्माने से दण्डनीय बनाया गया है, (iii) अवैध शस्त्र के परिवहन/ वितरण से जुड़े आर्गनाइज्ड काइम सिंडिकेट द्वारा किये जा रहे कार्यों को पृथक अपराध के रूप में परिभाषित किया गया है तथा आर्गनाइज्ड काइम सिंडिकेट को अधिनियम में परिभाषित किया गया है।

मैं चाहूंगा कि भारत सरकार द्वारा आयुध अधिनियम में किये गये संशोधन जो राजपत्र द्वारा लागू किये गये हैं उसे आप निकटता से देख ले तथा एक कार्यशाला का आयोजन कर जनपद के राजपत्रित अधिकारियों/थाना प्रभारियों को विस्तार से अवगत कराकर उक्त अधिनियम के प्राविधानों का कड़ाई से अनुपालन कराना सुनिश्चित करें।

संलग्नक:यथोपरि।

भवदीय,

(मुकुल गोयल) 4/3

1. पुलिस आयुक्त, लखनऊ/गौतमबुद्ध नगर/कानपुर/वाराणसी
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद/रेलवेज, उत्तर प्रदेश।

प्रतिलिपि-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर पुलिस महानिदेशक, कानून एवं व्यवस्था/अपराध उ0प्र0।
2. अपर पुलिस महानिदेशक, महिला एवं बाल सुरक्षा संगठन, उ0प्र0।
3. अपर पुलिस महानिदेशक, डायल-112 उ0प्र0।
4. समस्त जोनल अपर पुलिस महानिदेशक, उ0प्र0।
5. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ0प्र0।



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4011] नई दिल्ली, शनिवार, दिसम्बर 14, 2019/अग्रहायण 23, 1941
No. 4011] NEW DELHI, SATURDAY, DECEMBER 14, 2019/AGRAHAYANA 23, 1941

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 14 दिसम्बर, 2019

का.आ. 4462(अ)—केन्द्रीय सरकार, आयुध (संशोधन) अधिनियम, 2019 (2019 का 48) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 14 दिसम्बर, 2019 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के उपबन्ध प्रवृत्त होंगे।

[फा. सं. वी-11026/42/2019-आयुध]

एस.सी.एल. दास, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14th December, 2019

S.O. 4462(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Arms (Amendment) Act, 2019 (48 of 2019), the Central Government hereby appoints the 14th day of December, 2019, as the date on which the provisions of the said Act shall come into force.

[F. No.V-11026/42/2019-Arms]

S. C. L. DAS, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 72] नई दिल्ली, शुक्रवार, दिसम्बर 13, 2019/अग्रहायण 22, 1941 (शक)
No. 72] NEW DELHI, FRIDAY, DECEMBER 13, 2019/AGRAHAYANA 22, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 13th December, 2019/Agrahayana 22, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 13th December, 2019, and is hereby published for general information:—

THE ARMS (AMENDMENT) ACT, 2019

No. 48 OF 2019

[13th December, 2019.]

An Act further to amend the Arms Act, 1959.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Arms (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 1959.

2. In the Arms Act, 1959 (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:—

Amendment
of section 2.

'(ea) "licence" means a licence issued in accordance with the provisions of this Act and rules made thereunder and includes a licence issued in the electronic form;'

Amendment
of section 3.

3. In section 3 of the principal Act, in sub-section (2),—

- (i) for the words "three firearms", the words "two firearm" shall be substituted;
- (ii) for the proviso, the following provisos shall be inserted, namely:—

"Provided that a person who has in his possession more firearms than two at the commencement of the Arms (Amendment) Act, 2019, may retain with him any two of such firearms and shall deposit, within one year from such commencement, the remaining firearm 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 after which it shall be delicensed within ninety days from the date of expiry of aforesaid one year:

Provided further that while granting arms licence on inheritance or heirloom basis, the limit of two firearms shall not be exceeded."

Amendment
of section 5.

4. In section 5 of the principal Act, in sub-section (1), in clause (a), for the word "manufacture," the words "manufacture, obtain, procure," shall be substituted.

Amendment
of section 6.

5. In section 6 of the principal Act, after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted.

Amendment
of section 8.

6. In section 8 of the principal Act, in sub-section (1), for the word "firearm", the words "firearm or ammunition" shall be substituted.

Amendment
of section 13.

7. In section 13 of the principal Act, in sub-section (3), in clause (a), in sub-clause (ii), for the words and figures "point 22 bore rifle or an air rifle", the word "firearm" shall be substituted.

Amendment
of section 15.

8. In section 15 of the principal Act, in sub-section (1),—

- (a) for the words "period of three years", the words "period of five years" shall be substituted;

- (b) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed."

Amendment
of section 25.

9. In section 25 of the principal Act,—

- (i) in sub-section (1),—

- (a) in clause (a), for the word "manufactures," the words "manufactures, obtains, procures," shall be substituted;

- (b) in clause (b), after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted;

- (c) in the long line, for the words "three years but which may extend to seven years", the words "seven years but which may extend to imprisonment for life" shall be substituted;

(ii) in sub-section (IA),—

(a) for the words "five years but which may extend to ten years", the words "seven years but which may extend to fourteen years" shall be substituted;

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

"Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(iii) after sub-section (IA), the following sub-section shall be inserted, namely:—

"(IAB) Whoever, by using force, takes the firearm from the police or armed forces shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.";

(iv) in sub-section (IAA), for the words "seven years", the words "ten years" shall be substituted;

(v) in sub-section (IB),—

(a) in the long line, for the words "one year but which may extend to three years", the words "two years but which may extend to five years and shall also be liable to fine" shall be substituted;

(b) in the proviso, for the words "one year", the words "two years" shall be substituted;

(vi) after sub-section (5), the following sub-sections shall be inserted, namely:—

(6) If any member of an organised crime syndicate or any person on its behalf has at any time has in his possession or carries any arms or ammunition in contravention of any provision of Chapter II shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

(7) Whoever on behalf of a member of an organised crime syndicate or a person on its behalf,—

(i) manufactures, obtains, procures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(ii) shortens the barrel of a firearm or converts an imitation firearm into a firearm or converts from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms in contravention of section 6; or

(iii) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of sub-sections (6) and (7),—

(a) "organised crime" means any continuing unlawful activity by any person, singly or collectively, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person;

crime syndicate" means a group of two or more persons, either singly or collectively, as a syndicate or gang, indulging in, or engaged in, any offence or series of offences of organised crime.

(8) Whoever involves in or aids in the illicit trafficking of firearms and ammunition in contravention of sections 3, 5, 6, 7 and 11 shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this sub-section, "illicit trafficking" means the import, export, acquisition, sale, delivery, movement or transfer of firearms and ammunition into, from or within the territory of India, if the firearms and ammunition are not marked in accordance with the provisions of this Act or are being trafficked in contravention of the provisions of this Act including smuggled firearms of foreign make or prohibited arms and prohibited ammunition.

(9) Whoever uses firearm in a rash or negligent manner or in celebratory gunfire so as to endanger human life or personal safety of others shall be punishable with an imprisonment for a term which may extend to two years, or with fine which may extend to rupees one lakh, or with both.

Explanation.—For the purposes of this sub-section, "celebratory gunfire" means the practice of using firearm in public gatherings, religious places, marriage parties or other functions to fire ammunition.

Amendment
of section 27.

10. In section 27 of the principal Act, in sub-section (3), for the words "shall be punishable with death", the words "shall be punishable with imprisonment for life, or death and shall also be liable to fine" shall be substituted.

Amendment
of section 44.

11. In section 44 of the principal Act, in sub-section (2), in clause (f),—

(a) for the words "firearm shall be stamped or otherwise shown thereon", the words "firearm or ammunition shall be stamped or otherwise shown thereon for the purposes of tracing" shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, "tracing" means the systematic tracking of firearms and ammunition from manufacturer to purchaser for the purpose of detecting, investigating and analysing illicit manufacturing and illicit trafficking;.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

The Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 9th December, 2019 (Issue No. 68):—

1. At page 3, in line 36, for "Union to", read "Union territory to".
2. At page 4, in line 49, for "section 16", read "section 15".

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BAKSHI
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DUBEY