

THE ARMS (AMENDMENT) ACT, 1988

No. 42 OF 1988

[1st September, 1988.]

An Act further to amend the Arms Act 1959.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Arms (Amendment) Act, 1988.

Short
title and
commence-
ment.

(2) It shall be deemed to have come into force on the 27th day of May, 1988.

54 of 1959.

2. In section 2 of the Arms Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1),—

Amend-
ment of
section 2.

(i) in clause (b), in sub-clause (i), for the words “and other like missiles”, the words “and other missiles” shall be substituted;

(ii) in clause (h), after the word “shells”, the word “missiles” shall be inserted.

3. In sub-section (1) of section 5 of the principal Act, in clause (a), for the word “manufacture”, the words “use, manufacture” shall be substituted.

Amend-
ment of
section 5.

4. In section 7 of the principal Act, in clause (b), for the word “manufacture”, the words “use, manufacture” shall be substituted.

Amend-
ment of
section 7.

5. In section 25 of the principal Act,—

Amend-
ment of
section 25.

(a) in sub-section (1), clause (c) shall be omitted;

(b) sub-section (1A) shall be renumbered as sub-section (1AAA) thereof, and before sub-section (1AAA) as so renumbered, the following sub-sections shall be inserted, namely:—

“(1A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(1AA) Whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer

or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.”.

Substitu-
tion of
new section
for section
27.

6. For section 27 of the principal Act, the following section shall be substituted, namely:—

Punish-
ment for
using arms,
etc.

“27. (1) Whoever uses any arms or ammunition in contravention of section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death.”.

Repeal
and saving.

7. (1) The Arms (Amendment) Ordinance, 1988, is hereby repealed.

Ord. 5 of
1988.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.