

Standing Committee Report Summary

The Arms Amendment Bill, 2010

- The Departmentally Related Standing Committee on Home Affairs submitted its 151st Report on 'The Arms Amendment Bill, 2010' on June 2, 2011. The Chairperson was M. Venkaiah Naidu.
- The Bill amends the Arms Act, 1959, which regulates the acquisition and transfer of arms and ammunition. It seeks to ensure that Arms licences are issued to bonafide persons by the licensing authority concerned after due verification. It sets the time for police verification and report submission to sixty days. In case this is not done, the authority is deemed to give valid reasons or punitive action can be initiated. Under the Bill, no discretion would be allowed in granting licences without receipt of the verification report.
- The Committee observed that the Bill followed the introduction of two new policies by the Ministry. The Arms and Ammunition Manufacturing Policy and Arms and Ammunition Policy for Individuals were finalised by the Ministry of Home Affairs on 5th April, 2010. These policies, however, were not tabled in either House.
- The Committee noted that Parliament was in session the day the policies were finalised. It expressed its opinion that the Government violated established parliamentary practice and convention by not laying the policy statements in Parliament. The Committee felt that implementation of the policy in this manner "amounts to exercise of power by the executive beyond the constitutional mandate" and that "the Ministry of Home Affairs has taken the Parliament and the Committee for granted."
- The Committee noted that the Arms (Amendment) Bill, 2010 and the Arms (Amendment) Rules, 2010 are consequential to the new arms policies. Since these were not tabled, and cannot be referred to the Committee by the Presiding Officer, the Committee chose not to proceed with clause-by-clause consideration of the Bill.
- The Committee recommended that the Ministry (a) put on hold implementation of the policies; (b) immediately withdraw Advisories issued to States/UTs; (c) put the subject in the public domain for wider consultations; (d) incorporate all views and suggestions, including those of the Committee; and (e) notify a revised policy and lay it in Parliament. Finally, the Committee recommended that the Ministry bring a comprehensive Bill to amend the principal Act and lay amendments to the Rules prior to implementation of the new policy.

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