

Republic of the Union of Myanmar
State Administration Council
The Arms Law
State Administration Council Law No.49/ 2023
The 8th Waning Day of Kason, 1385 M.E.
(11 May 2023)

The State Administration Council hereby enacts this Law under section 419 of the Constitution of the Republic of the Union of Myanmar.

Chapter I
Title and Definitions

1. This Law shall be called **the Arms Law**.
2. The following expressions in this Law shall have the meanings given below:
 - (a) **State** means the Republic of the Union of Myanmar;
 - (b) **Arms** means knives, firearms, ammunitions, explosives, artilleries, hazardous or harmful or deadly substances if a person uses them to fire, stab or cut or uses them as weapons to attack any person, biological weapons, chemical weapons, nuclear weapons, and equipment or substance stipulated by the Ministry as arms;
 - (c) **Knife** means:
 - (i) clasp-knives, the blades of which exceed three inches in length;
 - (ii) knives, the blades and the handles of which exceed five inches in length.

Note: Where any person goes armed with knives used for domestic, agricultural, and industrial purposes or any other business purposes to pose a danger, such knives also fall within the definition of arms.

 - (d) **Hazardous, or Harmful or Deadly Substances if A Person Uses them to Fire, Stab or Cut, or Uses them as weapons to attack any person** means:
 - (i) a device like electroshock weapon or the same device that delivers an electric shock through a battery or electricity to stun a person;

- (ii) a device or substance like a firearm using gas propulsion, air propulsion, battery or electricity;
- (iii) a sharp iron nail, triangular blade, harpoon, spear, bayonet, or sharp weapon like spear made of metal; and
- (iv) cross-bow, bow and arrow and archery weapon which can shoot with sharp objects.

(e) **Firearms** means:

- (i) firearms belonging to the pistol group;
- (ii) firearms belonging to the rifles group;
- (iii) firearms belonging to the small machine gun group;
- (iv) firearms belonging to the submachine gun group;
- (v) smoothbore firearms;
- (vi) grenade launchers;
- (vii) firearms belonging to the anti-aircraft gun;
- (viii) launchers and their components; and
- (ix) components of firearms and machinery or apparatus used in manufacture of firearms.

(f) **Ammunition** means military equipment manufactured in combination with high explosives, propellant, chemicals and metals with intent to cause the death of, or injury to any person or destroy objects and buildings, small arms ammunition, artillery ammunition, bomb, grenade, flare, smoke bomb, smoke grenade, mine, short-range missile, long-range missile, medium-range missile, guided missile, incendiary device, detonator installed in them and related devices;

(g) **Explosives** means:

- (i) military explosives and related materials;
- (ii) commercial explosives and related materials;
- (iii) detonated explosive materials and related materials;
- (iv) improvised explosive devices.

(h) **Artillery** includes:

- (i) all types of equipment belonging to artillery and military artillery
- (ii) mortars;
- (iii) artillery vehicle armament, gun carriage, equipment to be installed in and artillery components.
- (i) **State Owned Arms** includes arms in the list of State owned arms, arms manufactured by the arms factories of the State, arms purchased with the Union Budget, arms which is managed for national defense, and arms that has been ordered to be seized as State owned arms under law;
- (j) **Licence** means the license issued under this Law for the right to bear firearms and ammunition;
- (k) **Permit** means a permit issued for the right to carry or bear the State owned arms, or the right to carry or bear arms that will be used in local and foreign sports competitions, or the right to carry or bear arms that will be used for the security of Embassys, diplomats and domestic and foreign heads of State, or the right to bear arms according to the custom or tradition of the National races, or the right to purchase, import or carry from or bear arms abroad, or the right to sell, export, carry or bear arms abroad;
- (l) **Public Place** means a place accessible to the public;
- (m) **Supervisory Committee** means the Civil Arms Control Committee formed under this Law;
- (n) **Regional Scrutiny Board** means the board for scrutiny and grant of licences or permits formed by the Supervisory Committee in the Region or State, or the Union Territory;
- (o) **Ministry** means the Ministry of Home Affairs of the Union Government;
- (p) **Nay Pyi Taw Police Force Commander or Region or State Police Force Commander** means an officer who supervises and commands members of the Police Force in Nay Pyi Taw, or Region or State;
- (q) **Administrator** means the administrator of the District, Township and Ward or Village Tract.

Chapter II

Objectives

3. The objectives of this Law are:
- (a) to prevent bearing arms and crimes committed with arms, which may affect the national security, rule of law and peace and tranquility;
 - (b) to control the right to carry, bear and possess arms, in accordance with law;
 - (c) to prevent illegal bearing arms;
 - (d) to prevent illegal manufacturing, selling, storing, distributing, transferring, importing and exporting arms by illegal means;
 - (e) to prevent stealing, selling, destroying and damaging State owned arms, and arms and ammunition owned by the person who has the right to bear arms legally, and providing arms to any person who does not have the right to bear arms.

Chapter III

The Formation of the Civil Arms Control Committee

4. The Union Government:
- (a) shall form the Civil Arms Control Committee with the following persons:

(1)	Union Minister Ministry of Home Affairs	Chairperson
(2)	Deputy Minister Ministry of Defence	Member
(3)	Deputy Minister Ministry of Home Affairs	Member
(4)	Deputy Minister Ministry of Planning and Finance	Member
(5)	Deputy Minister Ministry of Foreign Affairs	Member
(6)	Deputy Minister Ministry of Border Affairs	Member
(7)	Deputy Minister and Deputy Attorney General	Member

	Ministry of Legal Affairs	
(8)	Deputy Minister	Member
	Ministry of Commerce	
(9)	Director General	Member
	General Administration Department	
(10)	Director General	Member
	Bureau of Special Investigation	
(11)	Director General	Member
	Prison Department	
(12)	Director General	Member
	Department of Mines, Ministry of Natural Resources and Environmental Conservation	
(13)	Director General	Member
	Department of Protection of Ethnic Rights, Ministry of Ethnic Affairs	
(14)	General Staff Colonel	Member
	Office of Commander-in-Chief of Defence Services (Army)	
(15)	Chief of Police	Secretary
	Myanmar Police Force	
(16)	Chief of Police General Staff	Joint-Secretary
	Myanmar Police Force	

(b) may re-form the Supervisory Committee formed under subsection (a) as may be necessary.

5. The Duties and Powers of the Supervisory Committee are as follows:

- (a) adopting policies on civil arms with the approval of the Union Government;
- (b) adopting policies on carrying and bearing arms and ammunition for the security of embassys, diplomats and heads of foreign countries;
- (c) adopting policies on the scrutiny and grant of licences or permits;
- (d) giving approval to issue licences or permits;

- (e) specifying the categories of firearms and ammunition permitted to be borne with a licence;
- (f) adopting policies on importing, exporting, and carrying firearms and ammunition which are not State-owned arms;
- (g) forming necessary working committees and groups, specifying their functions and guiding and supervising them.

Chapter IV

Issuance of Licences or Permits

6. The Supervisory Committee shall form the following in accordance with the stipulations and assign their duties in order to issue licences and permits:
 - (a) Central Board for Scrutiny and Grant of Licences or Permits;
 - (b) Regional Scrutiny Board;
 - (c) other necessary working groups.
7. In accordance with the approval of the Supervisory Committee, the Central Board for Scrutiny and Grant of Licences or Permits may:
 - (a) grant or refuse the applications for licences or permits for the right to carry or bear arms by specifying terms and conditions after considering the recommendations submitted by the relevant persons at different levels in accordance with the stipulations;
 - (b) prescribe the term of licences or permits, and grant or refuse the application for renewal of licences or permits;
 - (C) issue or refuse to issue permits after examining applications of the departments concerned in coordination with the Ministry of Defence for the right to purchase, import, carry or bear arms from abroad, or the right to sell, export, carry or bear arms abroad.
8. The Regional Scrutiny Board may grant or refuse the applications for issuance of permits for the right to bear arms within the respective townships, districts, regions, states or the Union Territory according to custom or tradition of the National races living in the respective regions with the approval of the Union Government

by specifying terms and conditions after considering the recommendations submitted by the relevant persons at different levels.

9. An applicant for a licence or permit shall apply to the Office of the Township Police Commander for a licence or permit in accordance with the stipulations.

10. The Township Police Commander shall examine applications for licences or permits in accordance with the stipulations, and submit them to the Supervisory Committee with the remark of the relevant Township Administration administrator through the relevant persons at different levels.

11. When the Central Board for Scrutiny and Grant of Licences or Permits under subsection (a) of section 7 or the Regional Scrutiny Board under section 8 informs the relevant police force of granting licences or permits for the right to possess, carry or bear arms, the relevant Nay Pyi Taw Police Commander or the Region or State Police Commander shall:

- (a) sign and issue licences or permits with the specified terms and conditions;
- (b) after issuing them under subsection (a), ensure that the facts about civil firearms and ammunition which are granted to be borne by the licence or permit holders shall be recorded in the register at the relevant Police Station, the Office of the Township, District, Nay Pyi Taw, Region and State Police Commander;
- (c) direct the District Police Commander and the Township Police Commander to supervise licence or permit holders to bear arms in accordance with the specified terms and conditions;
- (d) report the completion of work under subsection (a) to the Supervisory Committee through the relevant persons at different levels.

Chapter V

Search, Arrest and Seizure of Evidence

12. (a) Any person may arrest the person bearing any arms in contravention of the law or possessing or carrying it by any means in a public place, and may seize such arms and related accessories.

- (b) If the person who acts under subsection (a) is not a member of the police force, the arrested person and the seized arms and related accessories shall be delivered to any member of the police force or military station.

13. If the information about a person is carrying or possessing or bearing any arms without a licence or permit in a place other than a public place is received:

- (a) A township police commander or the police station officer may enter and search such place, arrest that person and seize the evidence without a warrant;
- (b) A township police commander or any police officer who directly supervises him may issue a search warrant to a police officer not below the rank of a police second lieutenant to enter and search such place. The police officer who executes the search warrant may search and arrest the person committing the offence, and seize the evidence.

14. The police officer who acts under section 13 shall comply with the provisions of this Law and the Code of Criminal Procedure.

Chapter VI

Prohibitions

15. No one shall:

- (a) carry, go armed with, possess or expose any arms in subsections (c) and (d) of section 2, with intent to pose a danger to or intimidate any person in a public place;
- (b) carry, possess, go armed with or use any arms or ammunition in subsections (e) and (f) of section 2, not in accordance with the terms and conditions in the licence or permit;
- (c) sell, possess with intent to sell, keep under his control, make or conceal any arms in subsections (c) and (d) of section 2.

16. No one, in contravention of this Law, shall:

- (a) carry, possess, bear or keep under his control any arms in subsections (e), (f), (g) and (h) of section 2, without a licence or permit;

- (b) manufacture, convert, sell, store, offer or expose for sale any arms in subsections (e), (f), (g) and (h) of section 2;
- (c) purchase, import, carry or bear arms from abroad or sell, export, carry or bear arms abroad, which is mentioned in subsections (e), (f), (g) and (h) of section 2, without a licence or permit.

17. No one shall conceal any arms in subsections (e), (f), (g) and (h) of section 2, while a responsible person is searching for it with regard to any acts in section 16.

18. No one shall carry, possess, bear or keep under his control any arms in subsections (e), (f), (g) and (h) of section 2, with intent to commit High Treason.

19. No one shall:

- (a) steal or attempt to steal any State owned arms or any firearms or ammunition which is owned by a person who has the right to bear it;
- (b) sell or attempt to sell any State owned arms or any firearms or ammunition which is owned by a person who has the right to bear it;
- (c) transfer or attempt to transfer any State owned arms or any firearms or ammunition which is owned by a person who has the right to bear it to another person who does not have the right to bear it under this Law, by any means;
- (d) rob or attempt to rob any State owned arms or any firearms or ammunition which is owned by a person who has the right to bear it;
- (e) destroy or damage any State owned arms with intent to loss the interests of the State.

20. No person bearing any arms with a licence or permit shall:

- (a) bear or possess any firearms and ammunition after the expiry of the licence or permit;
- (b) fail to produce any firearms and ammunition and the licence or permit when a responsible person makes a request for examination of them;
- (c) fail to submit a report on their move in the prescribed form to the Regional Scrutiny Board which issued the licence or permit if they move from the place of residence to another place.

21. No one shall fail to:
- (a) deliver any arms, and ammunition with the licence or permit to the nearest police-station if there is any instruction to return them due to the violation of any terms and conditions, or under any notification;
 - (b) deliver any arms and ammunition in his possession to the nearest police-station if they are not allowed to renew the licence or permit, or their licence or permit is revoked or cancelled.
22. If there is no sufficient reason for not giving information, no one shall fail to inform the nearest police-station or any administrator that:
- (a) they know any commission of an offence in this Law;
 - (b) they find any arms in subsections (b), (c), (d), (e), (f), (g) and (h) of section 2.

Chapter VII

Penalties

23. Whoever:
- (a) violates any prohibitions of subsections (a) and (b) of section 15, shall, on conviction, be punished with imprisonment from a minimum of six months to a maximum of three years;
 - (b) violates any prohibitions of subsection (c) of section 15, shall, on conviction, be punished with imprisonment from a minimum of one year to a maximum of three years.
24. Whoever violates any prohibitions of section 16 shall, on conviction, be punished with imprisonment from a minimum of one year to a maximum of five years.
25. Whoever violates the prohibition of section 17 shall, on conviction, be punished with imprisonment from a minimum of three years to a maximum of seven years.
26. Whoever violates the prohibition of section 18 shall, on conviction, be punished with imprisonment from a minimum of five years to a maximum of ten years.
27. Whoever violates any prohibitions of section 19 shall, on conviction, be punished with imprisonment from a minimum of ten years to a maximum of imprisonment for life, or with death.

28. Whoever violates any prohibitions of section 20 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of 100,000 kyats to a maximum of 300,000 kyats or with both.
29. Whoever violates any prohibitions of section 21 shall, on conviction, be punished with imprisonment from a minimum of three months to a maximum of one year.
30. Whoever violates any prohibitions of section 22 shall, on conviction, be punished with imprisonment for a term not exceeding three months, or with a fine from a minimum of 100,000 kyats to a maximum of 300,000 kyats, or with both.
31. Whoever abets the commission of an offence or conspires or attempts to commit an offence in this Law shall, on conviction, be punished for such offence as provided in this Law.
32. If any licence or permit holder fails to comply with any provision of the rules issued under this Law, or any provision of the regulations, and bye-laws, notifications, orders, directives and procedures, they shall be punished with imprisonment for a term not exceeding six months, or with a fine from a minimum of 300,000 kyats to a maximum of 500,000 kyats, or with both.

Chapter VIII

Inapplicability

33. The following shall not be applicable to taking action under this Law:

- (a) going armed with, possessing and using arms which is used for domestic, agricultural, and industrial purposes or any other business purposes under subsections (c) and (d) of section 2, without contravention of this law;
- (b) carrying, possessing, bearing, and using arms permitted to be borne under section 8 in accordance with the stipulated terms and conditions;
- (c) storing, possessing, keeping under someone's control, transporting, transferring, accepting, using State-owned arms and arms stipulated as State-owned arms in accordance with law;
- (d) manufacturing, using, converting, exchanging, giving, providing, selling, storing, importing, exporting, transporting, transferring and accepting State-owned arms, and managing them by any means;

- (e) bearing, possessing, keeping under their control, transporting, transferring, accepting, and using State-owned arms and arms permitted to be borne under a licence, or permit in accordance with this Law, by Military personnel, members of Myanmar Police Force, and civil servants;
- (f) bearing, possessing, keeping under their control, transporting, transferring, accepting and using arms permitted to be borne under a licence or permit in accordance with this Law, by armed groups or any person or any government department or government organisation with the permission of the Union Government.

Chapter IX

Miscellaneous

- 34. The burden of proof that the arms produced as evidence in a legal proceeding instituted under section 23 is used for domestic, agricultural and industrial purposes or any other business purposes, or that the arms permitted to be borne under section 8 is borne, possessed, carried or used in accordance with the terms and conditions shall lie on the accused.
- 35. Notwithstanding anything contained in any other existing laws, in prosecuting any person under section 26, the person who cannot prove that they have no intention to commit high treason shall be considered to have intended to commit high treason.
- 36. Concerning biological arms, chemical arms and nuclear arms, action shall be taken under the relevant existing laws.
- 37. The offences in this Law are determined as cognizable offences.
- 38. In prosecuting any person under section 23, the prior sanction of the district police commander shall be obtained.
- 39. When the arms permitted to be borne under section 8 are borne, possessed, carried or used without complying with the specified terms and conditions, action shall be taken under this Law.
- 40. The court shall:
 - (a) confiscate the arms related to the offence and hand them over to the relevant authorities;
 - (b) confiscate the other exhibits related to the offence.

41. If an exhibit involved in any offence prosecuted under this Law is not easily producible before the court, a report or relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be considered as if it were a submission of the exhibit before the court, and the relevant court shall pass an order for disposal of the same in accordance with law.
42. (a) Licences or permits issued, and registration before this Law comes into force shall be considered to have been issued under this Law.
- (b) According to subsection (a), if the bearer of arms and ammunition wishes to continue to bear them after the terms of the licence or permit or registration is expired, they shall apply for and renewal of the licence or permit in accordance with this Law.
43. When implementing the provisions of this Law:
- (a) the Ministry may issue rules, regulations and bye-laws with the approval of the Union Government;
- (b) the Ministry, the Supervisory Committee and the Central Board for the Scrutiny and grant of licences or permits may issue the necessary notifications, orders, directives and procedures.
44. By this Law:
- (a) The following laws are repealed:
- (i) The Arms Act (India Act XI, 1878);
- (ii) The Arms (Emergency Penalty Borne) (Temporary) Act, 1949;
- (iii) The Arms (Emergency Penalty Borne) Ordinance, 1949;
- (iv) The Arms (Temporary Amendment) Act (Act LI, 1951).
- (b) The Shan States Arms Order, 1924, is cancelled.

I hereby sign under section 419 of the Constitution of the Republic of the Union of Myanmar.

(Sd) Min Aung Hlaing
 Senior General
 Chairman
 State Administration Council