

गृह (घुप-१) विभाग,
शासन सचिवालय, जयपुर
हाथी सडका 17-25
दिनांक 13-4-10

No. V-11016/16/2009-Arms
Ministry of Home Affairs
IS-II Division/ Arms Section

कार्यालय शासन सचिवालय गृह विभाग
शासन सचिवालय, जयपुर
हाथी क्रमांक 934
दिनांक 9/4/2010

9th Floor, Lok Nayak Bhawan, Khan Market,
New Delhi dated the 31st, March, 2010

To

Secretary (Home Department),
All States/ UTs.

Subject: Grant of Arms Licences for acquisition/ possession of arms.

Sir,

The undersigned is directed to say that provisions relating to grant of arms licences have been reviewed with a view to curb proliferation of arms in the country and, in supersession of all existing instructions, the following decisions have been taken:-

i) Grant of Arms Licence for Prohibited Bore (PB) weapons

The arms licences for acquisition of PB weapons are considered by the Central Government in the Ministry of Home Affairs (MHA). It has been decided that henceforth applications for grant of PB weapon may be considered from the following category of persons:-

- Maharaj
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- Those persons who face grave and imminent threat to their lives by mere reason of being residents of a geographical area (or areas) where terrorists are most active and/or are held to be prime 'targets' in the eyes of terrorists and/ or are known to be inimical to the aims and objects of the terrorists and as such face danger to their lives.
 - Those Government officials who by virtue of the office occupied by them and/or the nature of duties performed by them and/or in due discharge of their official duty have made themselves targets in the eyes of terrorists and are vulnerable to terrorist attack.

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c) Those MPs and MLAs including non-officials/private persons who by virtue of having been closely and/or actively associated with anti-terrorist programmes and policies of the Government or by mere reason of their holding views, political or otherwise, not to the liking of the terrorists, have rendered themselves open to attack by the terrorists.

d) The family members/kith and kin of those who by the very nature of their duties or performance (past or present) or positions occupied in the Government (past or present) or even otherwise for known/unknown reasons have been rendered vulnerable and have come to be regarded by the terrorists as fit targets for elimination.

Accordingly, it is requested that applications for grant of PB weapons from the above categories of persons may be forwarded to MHA (Arms Section) along with recommendations of the DM concerned, recommendations of the State Govt. and police verification.

ii) Grant of Arms Licence for Non-Prohibited Bore (NPB) weapons

The arms licences for acquisition of NPB weapons are considered by the State Government/DM concerned. At present, there are no norms for grant of NPB weapons and some State Governments may be issuing arms licences liberally. It has been decided that:

a) Applications for grant of NPB arms licences may be considered from persons who may face or perceive grave and imminent threat to their lives, for which the licensing authority will obtain an assessment of the threat faced by the persons from the police authorities.

b) No licence may be granted without police verification, which will include report on i) antecedents of the applicant, ii) assessment of the threat, iii) capability of the applicant to handle arms, and iv) any other information which the police authority might consider relevant for the grant or refusal of licence. Steps are being taken to delete the proviso to Sec. 13(2A) of the Arms Act, 1959.

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c) The police authorities may be advised to send the police report within 45 days positively falling which the police officials concerned may be liable for action.

d) The licensing authority may call for any information/documents such as voter ID card, ration card or any other document which it may consider necessary to verify the bonafides of the applicant and to ensure that the applicant resides within its jurisdiction.

e) The licensing authority shall be obliged to take into account the report of police authorities called for under Section 13 (2) before granting arms licenses and no arms licence may be issued without police verification.

iii) Grant of Licences under family heirloom policy

Attention is invited to the instructions contained in MHA's letter No. V-11019/23/95-Arms dated 28-02-1995 regarding grant of licences to the legal heir of the existing licensee, after the death of the licensee or the licensee has attained the age of 70 years or had held the weapon for 25 years or more. Normally, the scope of legal heirs is extended to husband, wife, son and daughter. It has been decided to extend the scope of legal heir ship to the son-in-law, daughter-in-law, brother and sister of the existing licensee. Accordingly, the applications for transfer of weapons from the said categories of relatives of the licensee may also be considered subject to other conditions stipulated in the said letter.

iv) Quantity of ammunition

At present, the holder of a PB arms licence is allowed to purchase 50 cartridges of ammunition of the appropriate bore per annum subject to the condition that not more than 30 cartridges can be purchased at a time. In respect of NPB weapons, the State Governments are following different norms and allowing different quantities of ammunition. It has been decided to prescribe a uniform norm and allow 50 cartridges of the appropriate bore per annum in respect of PB and NPB weapons held by a licensee. However, in respect of PB and NPB weapons allowed under the family heirloom

policy, the quantity of ammunition will be restricted to 30 cartridges per annum since, ordinarily, there is no threat to the legal heir and the weapon is transferred to him on sentimental grounds. A higher quantity of ammunition will be allowable on merits in exceptional cases, for good and sufficient reasons to be given by the licensee, with the approval of Secretary (Home Department) of the State concerned.

v) **Reporting use of ammunition**

It has also been decided that every State Government may prescribe reporting on use of ammunition by the licensee and devise a reporting mechanism under which each licensee may keep a record of the use of ammunition with him such as (i) date of use, (ii) place, (iii) number of bullets fired, and (iv) purpose. The licensee shall report use of ammunition during the previous year before purchase of ammunition in the current year to the authority concerned as per procedure to be prescribed by the State Government. Thus, the quantity of ammunition in a year shall be limited to the use of the ammunition in the previous year so that the total quantity with a licensee shall not exceed the prescribed quantity at any time. For example, if a licensee under the threat perception category had not used any ammunition in the previous year against the quota of 50 cartridges, no fresh quota for the current year will be admissible. The State Governments may issue appropriate instructions to the licensees and all the arms dealers in the State in this regard. A report on the use of ammunition by licensees may be sent by each DM to the State Government concerned on a quarterly basis and a consolidated report may be sent by the State Government to MHA on an annual basis.

vi) **Grant of arms licence to Overseas Citizens of India (OCI)**

The existing instructions for the category of family heirloom do not cover the Overseas Citizens of India (OCIs). Requests have been received from OCIs to grant arms licenses for possession of weapons held in the family. The issue has been examined and it has been decided to cover the OCIs under the family heirloom category already in vogue for Indian citizens. An OCI may acquire the weapon in his capacity of a legal heir under the extant heirloom category. Grant of arms license to OCIs will be subject to the condition that they shall abide by

the Arms Act/Rules and ensure safe custody of the weapon(s) while leaving India and deposit the same in a police station or with an approved arms dealer.

vii) Area validity of arms licence

At present, powers have been delegated to the State Government for allowing all India validity of NPB licences at their level. It has been decided that the State Governments may allow area validity up to a maximum of three adjoining States and also to consider AIV requests at State level for (i) sitting Union Ministers/MPs, (ii) Personnel of Military, Para-Military, (iii) officers of All-India Services and (iv) officers with liability to serve anywhere in India, and (v) Sports persons. AIV may be allowed for 3 years, after which it shall be reconsidered by the State Government based on need and the area validity can be either reduced or allowed to continue for another three years. Request from above categories of applicants may be approved at the level of Secretary (Home) of the State concerned. In the cases of applicants not covered by the above categories, the State Government shall seek prior concurrence of MHA with full justification in deserving cases. All India Validity may be allowed for three years in such cases and shall be re-considered after three years by the State Government with prior concurrence of MHA. The State Government may send data of All-India validity on quarterly basis to MHA.

viii) Renewal of arms licences

It has been decided that, at the time of renewal, re-verification of antecedents may be done by the DM through police authorities (i) in cases where DM/Licensing Authority have any doubt, (ii) in other cases, after six years i.e. every alternate cycle, when the licence comes up for renewal, and (iii) in all those cases where the licence has been issued by another licensing authority. In the last mentioned case, verification of the issue of licence from the issuing authority may also be stipulated along with police verification, before allowing renewal. Police authorities will be allowed a period of 60 days to send their report. It is also requested that the State Govt.

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may check the feasibility of advising all DMs to initiate the process of seeking police re-verification six months in advance, as the full record of a licensee is available with the DMs.

ix) **Replacement of unserviceable/ defective weapons**

Replacement of a weapon which has become unserviceable or rendered defective may be allowed on the basis of a certificate of non-serviceability of the weapon/ beyond economical repair from an authorized armourer/ competent authority subject to giving a notice of not less than 45 days. In the case of a licensee whose arms licence contains a prohibitive clause for sale of weapon during the life time of the licensee (normally in the case of imported weapon), the case will be considered for replacement by the licensing authority in consultation with the Department of Customs/Department of Revenue, on production of non-serviceability/beyond economical repair certificate from the competent authority. The new weapon will be endorsed on the licence after the old weapon has been surrendered/ disposed of as per instructions of the licensing authority.

x) **Storage / disposal of obsolete, obsolescent, confiscated, seized and recovered weapons**

Instructions are in place for storage and disposal of obsolete/obsolescent, confiscated, seized/recovered prohibited bore weapons as well as non prohibited bore weapons separately. Prohibited Bore weapons which are serviceable can be allotted to Army/Central Para Military Forces/State Police by MHA (Provisioning Division). Serviceable Non-Prohibited Bore weapons can be allotted to eligible persons having arms licences subject to the conditions and procedure laid down in that behalf. Unserviceable weapons shall be destroyed or disposed of as per the procedure laid down. It has been decided to prescribe annual audit of the obsolete, obsolescent, confiscated, seized and recovered weapons.

xi) **Data base for licences issued**

At present there is no provision requiring a licensing authority to maintain a comprehensive and complete database of all licences issued. It has been decided to maintain a database

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as may be specified and to share the data with the Central Government which shall maintain a national database. National database including data on PB weapons may be maintained centrally by MHA. Accordingly, instructions may be issued to all DMs to maintain a comprehensive and complete data base of all licences issued by them, which may be shared with Central Govt.

The above instructions would come into force with immediate effect and should be complied with strictly.

This issues with the approval of competent authority.

Yours faithfully,



(D. Diptivilasa)

Joint Secretary to the Govt. of India

FORM "A"
FORM OF APPLICATION FOR AN ARMS LICENCE
(See Rule 51)

PART A
Identity of applicant

1. Name :
2. Father's/husband's name :
3. Place of birth (Nativity) :
4. Date of birth in Christian era both in words and figures :
5. Present Address :
 ** (a) Nearest Police Station :
6. Permanent Address :
 ** (a) Nearest Police Station :
7. Occupation; and designation of office, held if any (together with address):

Signature/Thumb impression

Note.- **Nearest Police Station means the police station under whose jurisdiction the place given in the address come.

PART B

Other particulars of applicant

8. Whether the applicant has been -
 - (a) convicted - if so, the offence(s), the sentence and date of sentence;
 - (b) ordered to execute a bond under Chapter VIII of Code of Criminal Procedure, 1973 (2 of 1974) for keeping the peace or for good behaviour - if so, when and for what period;
 - (c) prohibited under the Arms Act, 1959, or any other law from having the arms/ammunition.
9.
 - (a) Whether the applicant applied for a licence before - if so, when, to whom and with what result;
 - (b) whether the applicant's licence was ever suspended or cancelled/revoked - if so, when and by whom and on what account;
 - (c) whether any other member of the applicant's family is in possession of an arms licence, if so, particulars thereof.

10. Whether the applicant :-

(a) is a licensee or exemptee, if so, description of the arms, held;

(b) has a safe place to keep the arms;

(c) is a bona fide tourist, if so

(i) name of the country to which he belongs;

(ii) whether he is prohibited by the laws of his country from having in his possession any arms and ammunition;

(iii) the probable date of his arrival in India.

Note.-

Bona fide tourist is permitted to bring into India, subject to the conditions specified in Section 10 and in rule 32, arms and ammunition in reasonable quantities for his use for purpose only of sport and for no other purpose.

PART C

Particulars of Licence

11. Need for licence :

12. The Form in which the licence is required;

13. Description of arms/ammunition

14. (a) Area within which applicant wishes to carry arms

(b) Place where arms/ammunition will be kept/manufactured etc.

(c) Place/route of import/export/transport.

15. Other particulars required as in the relevant licence Form.

16. Claims for special consideration.

Note.-

Against Column 11 the applicant should clearly mention the purpose(s) for which the licence is required - such as : use, acquisition, possession, carrying, manufacture, sale, transfer, repair, convert, proof-test, import, reimport, export, re-export, transport, self-protection, sport, display, destruction of wild animals which do injury to human beings/cattle, protection of crops and cattle, target practice/shooting temporary possession as bona fide traveller visiting India etc.

PART D

For applicant requiring licence for import/export/transport/re-export and reimport

17. (a) Whether the previous sanction of the concerned authority required under Rule 50 if any, has been obtained, and, if so,
(b) the evidence in support thereof

DECLARATION :

I hereby declare that the above particulars given in the application are true, complete and correct to the best of my knowledge and belief. I understand that in the event of any information being found false or incorrect at any stage, I am liable to be proceeded against and action taken under the relevant provisions of the Arms Act, 1959, the Arms Rules, 1962, and other Central enactments or the law for the time being in force.

Signature/Thumb impression of applicant

Place :

Date :

(Note.- Strike off the entries not relevant)

Warning : Suppression of any factual information or furnishing of any false or wrong information in the application Form in violation of Rule 51-A will render the applicant liable for punishment under Section 30 of the Arms Act, 1959.

