

No.11026/16/2009-Arms
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
INTERNAL SECURITY-II DIVISION
ARMS SECTION

Dated the 21st December, 2009

Sub: Draft Arms and Ammunitions Policy – comments of general public reg.

Comments of the general public are invited on the draft Arms and Ammunitions Policy given below. Comments may please be sent to Shri S.K. Malhotra, Deputy Secretary, Ministry of Home Affairs, 9th Floor, Lok Nayak Bhawan, Khan Market, New Delhi or at e-mail ID – sudhir.malhotra@nic.in **by 6th January, 2010.**

-Sd/-
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Deputy Secretary (Security)

ARMS AND AMMUNITION POLICY FOR INDIVIDUALS

All matters pertaining to Arms and Ammunition such as acquisition, possession, manufacture, sale, import, export and transport are governed by the Arms Act, 1959 and the rules framed thereunder namely. The Arms Rules 1962, both of which came into force on 1st October, 1962. The Arms Act, 1959 and Arms Rules, 1962 contain provisions for acquisition and possession of firearms by individuals, and for manufacture, sale, transportation, import and export etc. of firearms and ammunition.

2. The Arms Act defines “prohibited arms”. Arms which are automatic or semi automatic in nature fall in the category of Prohibited Bore (PB) arms and the remaining arms which are non automatic or bolt action type are covered under the category of Non-Prohibited Bore (NPB) arms. Prior to 1987, licenses for acquisition and possession of Prohibited Bore (PB) and Non Prohibited Bore (NPB) firearms were issued by the District Magistrate/ State Government concerned. But, from 1987, powers to issue licenses for prohibited bore (PB) arms were withdrawn from the State Government/ District Magistrate concerned and since then the licences for PB weapons are being issued by the Central Government alone (MHA), while licenses for Non Prohibited Bore weapons (NPB) continue to be issued by the District Magistrate/State Government concerned.

3. Proliferation of arms and ammunition in the country disrupt the social order and development. The proliferation of arms, whether licensed or illegal, vitiates the ‘Law and Order’ situation. Holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts. Therefore, in principle, proliferation of arms needs to be curbed. In this context, there is a compelling need to review the provisions of Arms Act/Arms Rules with regard to grant of arms licences for possession of arms and ammunition by individuals and manufacture of fire arms in the country.

4. **Acquisition and Possession of Firearms by individuals:** Under Section 3 (1) of the Arms Act, 1959 no person can acquire or possess or carry any firearms or ammunition unless he holds in this behalf a license issued in accordance with the provisions of the Arms Act and the rules made thereunder. Section 3(2) permits a person to acquire, have in his possession or carry at any time not more than three firearms. Section 9 of the Arms Act, 1959 prohibits the following category of persons to acquire, have in their possession or carry any firearms or ammunition:-

- (a) who have not completed the age of twenty-one years;
- (b) who have been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for any term at any time during a period of five years after the expiration of the sentence;
- (c) who have been ordered to execute a bond for keeping peace or for good behavior, at any time during the term of the bond [under chapter VIII of the Cr.P.C, 1973].

There will be no change in the aforesaid provisions of the Arms Act, 1959.

5. **Police verification before grant of arms licences** - Section 13 (2) of the Arms Act stipulates that on receipt of an application for grant of an arms licence, the licensing authority shall call for the report of the officer in charge of the nearest police station within the prescribed time. Section 13 (2A) also requires the licensing authority to call for an inquiry, as it may consider necessary, to seek additional information to verify the bonafides of the applicant. There is also a proviso under Section 13 (2A) which reads that “provided that where the officer in charge of the nearest police station does not send his report on the application within the prescribed time, the licensing authority may, if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report”. Thus, the proviso under Section 13(2A) of Arms Act empowers the licensing authority not to wait for the police report, if the same is not received within the prescribed time.

Since it is considered very essential that police verification report is taken into consideration before giving arms licence to anyone, it has been decided to delete the proviso to Section 13 (2A). Steps will be taken to delete the said proviso. It has also been decided that it will be incumbent on the part of Police Authorities to send the verification report to the Licensing authority within a period of 60 days. Thus, the Licensing Authority shall wait until the expiry of the prescribed time for the police verification report to be received. If the police report is not received within the prescribed period of 60 days, the Licensing Authority will remind the police authorities of their obligation and demand a report forthwith, but issue arms licence only on receipt of the police report.

6. **Grant of Arms licences for PB Weapons** – Applications for grant of arms license for PB weapons from citizens of India facing grave and imminent threat to their lives are considered by Central Government. It has been decided that applications for grant of arms license for PB weapons may be considered from the following category of persons alone:-

- (i) 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.
- (ii) 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 prone to terrorist attack.
- (iii) 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.

- (iv) 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.

7. **Grant of Arms licences for NPB Weapons** – Applications for grant of arms license for NPB weapons are dealt with by State Government/DM concerned. Arms Licences are granted by them on the basis of the report of the police authorities. Neither Section 13 nor Rule 52 contains any matter that the licensing authority shall have regard to before granting a licence. Hence, some State Governments are following liberal criteria for giving NPB licences. It has been decided to prescribe the following norms through amendment to Arms Rules, 1962, for grant of arms licences:-

a) Applications will 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 angle through police authorities.

b) The “prescribed time” under Section 13(2) of the Arms Act, 1959 shall be not less than 60 days, within which the police authorities will be required to send their report about (i) the 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.

c) 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.

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

8. In addition to the above, the DM will report the grant of licences to the State Governments on quarterly basis and same will be monitored by the State Governments at the level of the Home Secretary. The State Government shall also send a report to Ministry of Home Affairs on annual basis showing grant of licences for NPB weapons, district-wise with the area validity.

9. **Grant of Arms licences under family Heirloom** - Transfer of PB/ NPB weapons of an existing licensee to his/her legal heir is allowed, if the licensee had held the weapon for a period of 25 years or more or the licensee has attained the age of 70 years or more. Applications for transfer of PB and NPB weapons are considered, respectively, by MHA and State Government/DM, subject to the condition that the legal heir should be eligible to get the license under the Arms Act and should be capable of handling the weapon. At present, the applications for transfer of licence in favour of son/ daughter/wife/husband, as per wish of the licensee during his life time, are considered under the scope of "legal heir" in family heirloom cases. After the death of the licensee, transfer of weapon in favour of son/daughter/wife/ husband is also considered subject to no objection from other legal heirs. In some cases, requests have been received from licensees to allow transfer of weapon in favour of son-in-law, daughter-in-law, brother, sister, or other relation such as nephew etc. on the ground that son/daughter is settled abroad and/or not willing/not in a position to acquire the weapon or the licensee does not have any son/daughter of his own. It has accordingly been decided to widen the scope of "legal heir" to include son-in-law, daughter-in-law, brother and sister of the licensee on the merits of each case, in addition to son, daughter, wife and husband, to whom the licensee will be free to

transfer his weapon as per his wish during his life time. After the death of the licensee, the transfer of weapon may also be allowed in favour of son-in-law/ daughter-in-law/ brother/sister on merits subject to “No objection Certificate” from other legal heirs.

10. **Grant of arms licence to defence allottees** - At present, defence officers are allotted weapons which they can keep without arms license, under the Defence Services Rules, till they are in service. After they cease to be members of the defence service, they require an arms license to continue to keep the weapon. Arms licences under the defence allottee policy are granted to those defence personnel who were allotted such weapons by the defence organization prior to June, 1982 only. Matter has been taken up with Ministry of Defence to allow grant of licences to those defence personnel who have been allotted weapons by the defence authorities, after June, 1982 and a decision will be taken on receipt of recommendation from the Ministry of Defence.

11. **Grant of arms licence to Overseas Citizens of India under threat perception policy** – Requests have been received from OCIs to grant arms licenses for possession of weapons in India. However, it has been decided not to grant arms licenses to OCIs.

12. **Grant of arms licence to Overseas Citizens of India (OCI's) under family heirloom category** – Requests have been received from OCIs to grant arms licenses for possession of weapons held in the family. Existing instructions for family heirloom category does not cover the case of OCIs. Considering the sentimental value attached to the weapon held in the family of the licensee, it has been decided to cover the Overseas Citizens of India (OCIs) under the family heirloom category already in vogue for Indian citizens. An OCI may acquire the weapon of his father or relation to whom the OCI is the legal heir, subject to the same conditions applicable under family heirloom category. Grant of arms licences to OCIs will also be subject to the condition

that they will abide by the provisions of Arms Act/Arms Rules and ensure safe custody of the weapon while leaving India and deposit the same in a police station or with an arms dealer, as per rules.

13. **Grant of licence to Police personnel who are awarded weapons:** -

There was no provision for granting licences to the police and para military force personnel who are awarded weapons by the State Government/Police organizations in recognition of their outstanding performance during training or during passing out parade etc. A provision will be made for grant of licences to such police and para-military forces personnel. Modalities for making applications and the norms to be followed have been communicated to all the State Governments on 28.05.09. It has also been decided that, henceforth, the State Governments and Police organizations may allow NPB weapons and PB weapons may be allowed only for compelling reasons.

14. **Quantity of ammunition permitted under various categories** - At

present, a holder of a PB arms licence is allowed to purchase 50 cartridges of ammunition 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 are 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 licensees. 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. It has also been decided that each State Government may prescribe reporting on use of ammunition by the licensee and devise 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 may 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.

15. **Area Validity of arms licences** – In respect of Prohibited Bore (PB) weapons, extension of area validity from one State to more than one State or all-India basis is considered by the Central Government on merits. In respect of NPB weapons, instructions have been issued to the State Governments to consider requests for allowing All India Validity (AIV) judiciously based on the recommendations of the DM concerned depending upon the genuineness of the request, local factors and the law and order situation. It has been decided to advise the State Governments to allow area validity upto 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. 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 3 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.

16. **Renewal of Arms licences** - Arms licences for PB and NPB weapons will be granted by the licensing authority concerned with initial validity of three years. PB as well as NPB licences will be renewed after every 3 years by the State Government/DM. Renewal of licence by an authority other than the authority who granted it is permissible under Rule 54 of the Arms Rules, 1962. It has been decided that, at the time of renewal, re-verification of antecedents will 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.

17. **Sale of ordinary weapons**:- Section 5 (1) of the Arms Act, 1959 stipulates that no person shall sell, transfer, expose or offer for sale or transfer or have in his possession for sale, transfer any fire-arm unless he holds in this behalf a licence issued in accordance with the provisions of the Arms Act. Section 5 (2) further stipulates that notwithstanding anything contained in Sub-Section (1), a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act, or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession such arms or ammunition. The proviso below Section 5 (2) provides that no firearm or ammunition in respect of which a licence is required under section 3 and no

arms in respect of which a licence is required under section 4 shall be sold or transferred by any person unless (a) he has informed in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms, ammunition or other arms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or the other arms, and (b) a period of not less than forty-five days has expired after the giving such information. Thus the Arms Act provides for sale/transfer of weapons by giving a 45 days' notice mentioned above and there will be no change in this regard.

18. **Sale of imported weapons**:- Instructions have already been issued to permit an importer of weapon to sell the imported weapon (both PB and NPB) to a licence holder only after ten years from the date of acquisition of such weapon, or after he/she attains sixty years of age, whichever is later, subject to the condition that such importer will be barred from acquiring any weapon in India during his/her (importer's) life time. The importer / seller may be asked to submit a duly sworn affidavit to this effect to the licensing authority. Cases in which there is a clause in the arms licence that the importer will not sell his weapon during his life time will also be covered and sale of imported weapons will be allowed subject to the above condition and there will be no change in this regard.

19. **Sale of imported sports weapons by sports persons**:- As per existing instructions, renowned shooters are allowed to sell their imported weapon(s) after five years from the date of its/their acquisition to promising/upcoming shooters only, subject to the conditions that before allowing disposal of weapons by the renowned shooters, the condition of the weapons may be assessed by a 3-member Committee under the Chairmanship of the Executive Director (Teams), Sports Authority of India, with a representative each from NRAI and the national coach of shooting as other members. Disposal will be allowed only on the recommendation of this Committee and, while disposing of such weapons, it would be ensured that

they are sold to other upcoming shooters only subject to production of certificate to this effect from the State Association concerned. However, the shooters who maintain their status of “renowned shooter” for three years consistently are allowed to sell their imported weapons after three years from the date of acquisition. A promising shooter is one who has finished among the first three in the preceding State level championships. After disposal, intimation to this effect will be given by the renowned shooter to the NRAI, the Sports Authority of India and the Ministry of Youth Affairs and Sports and there will be no change in this regard.

20. **Replacement of unserviceable/defective weapons:** Section 5 of the Arms Act contains a provision for sale/transfer of a weapon by giving a notice to the licensing authority or the nearest police station by the licensee and permission for sale/transfer can be given by the licensing authority after elapse of a period of not less than 45 days. Accordingly, for replacement of an unserviceable/defective weapon, a notice to dispose of the weapon by the licensee may be given by producing a certificate of non-serviceability of the weapon/beyond economical repair from an authorized armourer/competent authority. 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), such cases 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.

21. **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.

22. **Request for liberalizing grant of arms licences** :- Requests have been received for liberalizing grant of arms licences in favour of (i) companies/private establishment for security of their property; (ii) security companies and agencies for security personnel employed by them; and (iii) professionals/businessmen/industrialists/tax payers for self protection. Arms Rules already provide for grant of licences to a company for protection of its premises or property. A proposal to allow private security agencies registered under the Private Security Agencies (Regulations) Act, 2005 to possess arms is under consideration. Decision to grant arms licences to such private security agencies fulfilling certain criteria, to enable them to carry certain number of weapons of prescribed description in order to carry out their duties for security, will be announced in due course. Grant of licences to professionals/businessmen/industrialists/tax payers for self protection will however be governed by the provisions applicable to grant of licences for PB as well as NPB weapons to individuals and no special dispensation is contemplated.

23. **Grant of arms licences to sports persons** - There is a provision for keeping upto 10 weapons by sports persons depending on the number of events in which they are taking part, subject to certain conditions. It has been decided to continue with the existing provisions.

24. **Import of arms & ammunition**- Import of fire-arms is under restricted list of import issued by DGFT, which allows import in deserving cases. It has been decided to continue with the existing policy on imports.

25. **Data base for licences issued** – At present there is no provision in the Arms Act/Arms Rule requiring a licensing authority to maintain a comprehensive and complete database of all licences issued. It has been decided to include a provision obliging the licensing authority to maintain a database and to share the data with the Central Government which shall maintain a national database. Accordingly, a provision for database will be made by amending the Arms Rules. National database including data on PB weapons may be maintained centrally by MHA.
