

PERSONAL ATTENTION

No. Home (A) F (12) 4/96-I
Government of Himachal Pradesh
"Home Department"

Dated Shimla-171002, the 23-8-2005

From

The Principal Secretary (Home) to the
Government of Himachal Pradesh.

To

All the District Magistrate,
in Himachal Pradesh

**Subject: Regarding extension of validity of Arms licences to all
over India**

Sir,

I am directed to say that the large number of proposals are being received in this department for the extension of validity of Arms licences to all over India in respect of those applicants whose cases already stand rejected by the Government for want of one or the other reason. In many such cases, the cases are being sent without quoting/mentioning the previous references which results in inconvenience and unnecessary exercise. Moreover the DM's are sending such proposals on the same grounds/justification on which the cases already stand rejected by the Government without mentioning any additional justification for the extension of validity.


Besides above, it is also seen that the arms licenses are not being issued strictly in accordance with the instructions contained in this department's letter No.HOM (A)F(12)-2/94 dated 27.6.1994 (copy enclosed for ready reference).

You are, therefore requested that while sending new cases to Government, it must be ensured that the case has never been referred to

-2-

the Government. In rare cases, if extension of validity is felt fully justified, the justification/reasons therefor be given alongwith your specific recommendations and previous references.

Yours faithfully,


Under Secretary (Home) to the
Government of Himachal Pradesh.

POST CIRCULATE
FOR FUTURE COMPLIANCE

NO: HOM(A) F(12)-2/94-
Government of Himachal Pradesh
Home Department

Dated, Shimla-171002, the 2nd June, 1994

From:

The Commissioner-cum-Secretary (Home)
Government of Himachal Pradesh.

To

All the District Magistrates
in Himachal Pradesh.

SUBJECT:-

ISSUE/RENEWAL OF ARMS LICENCES---INSTRUCTIONS
REGARDING:

Madam/Sir,

The proliferation of licenced and unlicenced arms has created a very serious law and order problem in the country during the last several years. Several instructions/directions had been issued in the past that arms licences may be granted in exceptional cases after taking into consideration the security perception of a threatened person. However, it has been observed that in Himachal Pradesh, arms licences have been granted to non-resident citizens who are or were on temporary duty for a short time. Such persons, whether of civil or army, managed to first get the arms licences for district/State level, thereafter got its jurisdiction extended to all India level. The number of licences so granted has reached alarming dimensions. The State Government can not afford to address problems in the fast changing law and order scenario here and everywhere. In order to put

contd. on page-- 2

an end to this menace, the following measures are suggested for strict compliance in future:-

- 1) No new licences may be granted/recommended to any person who is not a resident of this state;
- 2) Arms licences already granted to such persons may be reviewed and where it is considered necessary these may be cancelled;
- 3) In case, due to legal or other circumstances, it is not possible to do so, the licence holders may be granted transit permit to their district so that they could get the jurisdiction of their licences extended there;
- 4) Excepting for Ministers/MPs/MLAs, other prominent citizens, retired or serving civil and army officers, resident of this State, the licences of others may not be recommended for all India jurisdiction without taking into consideration the threat perception of the person concerned.

2.
be acknowledged.

The receipt of this communication may kindly

Yours faithfully,

Satyo Pal
25/11/57

Under Secretary (Home)
to the Govt. of Himachal Pradesh.

संख्या: गृह संस्करण 128-11/90
हिमाचल प्रदेश सरकार
"गृह विभाग"

13

JK
A. S. S. (No)
A. S. S.

आयुक्त एवं सचिव गृह
हिमाचल प्रदेश सरकार।

17/11 95/11/1985

प्रेषित

समस्त जिला दण्डाधिकारियों
हिमाचल प्रदेश।

शिमला

21/11

4231
5-11-95

दिनांक शिमला-2, 14-11-95

विषय:-

शास्त्र नियमावली, 1962 में 28.3.90 को दिए गए
संशोधन के फलस्वरूप सम्पूर्ण भारत में अनिष्टिद
बीर हथियारों के प्रयोग के बारे में शास्त्र लाईसेंसों
को मंजूरी/नवीनीकरण सम्बन्धी अनुदेश।

महोदय,

मुझे उपर्युक्त विषय पर भारत सरकार, गृह
मंत्रालय, नई दिल्ली से प्राप्त पत्र संख्या: 5-11026/106/94-आर्म्स
दिनांक 11.10.1995 को छाया प्रति अनुलग्नकों सहित प्रेषित करते
हुए यह कहने का निर्देश हुआ है कि आविश्य में इन अनुदेशों
का अनुपालन कठोरता से किया जाए।

आदेश

अधिर सचिव गृह
हिमाचल प्रदेश सरकार।

पु.सं. उपरोक्त

दिनांक शिमला-2, 14-11-95

प्रातिलिपि संयुक्त सचिव, भारत सरकार, गृह मंत्रालय,
नई दिल्ली को उनके उपरोक्त पत्र के सन्दर्भ में सूचनाएँ प्रेषित है।

-दिवान-

अधिर सचिव गृह
हिमाचल प्रदेश सरकार।

सं 5-11026/106/74-आर्स

भारत, सरकार

गृह मंत्रालय

सं. दि. 110001 दिनांक 11-10-95

सेवा में,

मुख्य सचिव,

सभी राज्य सरकारें तथा संघ राज्य क्षेत्र प्रशासन,

विषय:- शास्त्र नियमावली, 1962 में 28.3.90 को किए गए संशोधन के फलस्वरूप सम्पूर्ण भारत में अनिश्चित बोर हथियारों के प्रयोग के बारे में शास्त्र लाइसेंसों की मंजूरी/नवीनीकरण संबंधी अनुदेश।

महोदय,

मुझे यह कहने का निदेश हुआ है कि इस मंत्रालय की दिनांक 24.1.89 की अधिसूचना सं 5-11026/24/87-आर्स द्वारा शास्त्र नियम, 1962 में किए गए संशोधनों के परिणामस्वरूप अनिश्चित बोर अग्नेयास्त्रों के सम्पूर्ण भारत में प्रयोग किए जाने के बारे में शास्त्र लाइसेंसों की मंजूरी/नवीनीकरण के सम्बन्ध में इस मंत्रालय के दिनांक 4.7.89 के परिपत्र सं-~~Y~~-11026/8/89 आर्स संदर्भ के लिए प्रति संलग्न है के तहत विस्तृत अनुदेश जारी किए गए थे।

2. इस मामले की आगे और समीक्षा की गयी थी और बाद में इस मंत्रालय की दिनांक 28.3.90 की अधिसूचना सं ~~V~~-11026/20/89-आर्स द्वारा शास्त्र नियम, 1962 में संशोधन किया गया था। उक्त संशोधनों के फलस्वरूप राज्य सरकारों/संघ राज्य क्षेत्र प्रशासनों के अनिश्चित बोर शास्त्र लाइसेंसों की क्षेत्र वैधता के विस्तार के निमित्त आवेदनों पर त्वरित करने के लिए दिशा-निर्देशों की मांग करते हुए अनेक पत्र प्राप्त हो रहे हैं।

3. शास्त्र नियम, 1962 में 28.3.90 को ~~Y~~ किए गए संशोधन ~~उपर~~ पैरा दो में संदर्भित में निम्नलिखित व्यवस्था है:-

§1§ जिला अधिकारी अपने क्षेत्राधिकार के अंतर्गत आने वाले जिले/उसके किसी भाग और तारे राज्य या उसके किसी विनिर्दिष्ट भाग के लिए वैध लाइसेंस मंजूर कर सकता है। भारत

§2§ जिला मजिस्ट्रेट जिले/राज्य या सम्पूर्ण में वैध अनिश्चित बोर के हथियारों के लाइसेंसों का नवीकरण कर सकता है।

§3§ राज्य सरकारें/संघ राज्य क्षेत्र प्रशासन सम्पूर्ण भारत या उसके हिस्से के लिए लाइसेंस प्रदान कर सकती है।

4. उपर्युक्त संविधिक अपेक्षाओं को ध्यान में रखते हुए जब कभी भी कोई व्यक्ति एक से अधिक जिले के लिए या सम्पूर्ण राज्य के लिए नये जिले से लाइसेंस के लिए आवेदन करता है और जिला मजिस्ट्रेट इस बात को महसूस करता है कि आवेदक के लिए जिले की सीमा से बाहर हथियार ले जाना वास्तव में आवश्यक है और उसे एक से अधिक जिले या सम्पूर्ण राज्य में वैध लाइसेंस प्रदान करना उचित है तो जिला मजिस्ट्रेट राज्य / जिला में व्याप्त कानून और व्यवस्था की स्थिति और अन्य स्थानीय परिस्थितियों को ध्यान में रखते हुए प्रत्येक मामले की गुणावगुणा के आधार पर समीक्षा करेगा और लाइसेंस प्रदान करने संबंधी अनुरोध को स्वीकृत या अस्वीकृत करेगा। अखिल भारतीय स्तर पर हथियारों के लिए लाइसेंस प्रदान करने संबंधी आवेदन पत्रों की भी जिला मजिस्ट्रेट द्वारा अच्छी तरह समीक्षा की जानी चाहिए और यदि वह यह महसूस करता है कि आवेदक द्वारा अखिल भारतीय स्तर पर हथियार ले जाने की आवश्यकता सम्पूर्ण है और उसे अखिल भारतीय स्तर पर लाइसेंस प्रदान दिया जाना जरूरी है तो जिला मजिस्ट्रेट इस मामले में आगे विचार करने के लिए अपनी रिम्नारिषों पूर्ण औचित्य के साथ संबंधित राज्य सरकार / संघ राज्य क्षेत्र प्रशासन को भेजेगा। इन रिम्नारिषों की प्राप्ति के बाद राज्य सरकार / संघ राज्य-क्षेत्र प्रशासन को प्रत्येक मामले की अच्छी तरह समीक्षा करनी चाहिए और उसके बाद जिला मजिस्ट्रेट को रिम्नारिषा के अनुसार लाइसेंस प्रदान करने संबंधी अनुरोध को स्वीकृत या अस्वीकृत करना चाहिए।

5. नवीकरण के लिए प्रस्तुत लाइसेंसों के मामले में इस बात की समीक्षा संबंधित जिला मजिस्ट्रेट द्वारा गुणावगुणा के आधार पर की जाए कि क्या इसे एक से अधिक जिले के लिए या राज्य के लिए या सम्पूर्ण भारत के लिए वैध बनाया जाए। उनके द्वारा यह सुनिश्चित किया जाए कि लाइसेंसधारी के लिए किसी विशेष क्षेत्र की वैधता के साथ अग्नेयाशस्त्र रखने की आवश्यकता वास्तव में बनी रहेगी तथा यह भी कि उसने लाइसेंस को वापिस लेने के संबंध में कुछ नहीं किया है। यदि जिला मजिस्ट्रेट महसूस करता है कि वह आवश्यकता/आधार, जिन पर पहला लाइसेंस एक से अधिक जिले या सम्पूर्ण राज्य के लिए स्वीकृत किया गया था, अब नहीं हैं तो वह उसकी वैधता को केवल एक जिले तक ही सीमित कर सकता है और लाइसेंस का नवीकरण कर सकता है। लाइसेंसों के मामले में जो सम्पूर्ण भारत के लिए वैध है और जिला मजिस्ट्रेट के विचार में लाइसेंस को अखिल भारतीय आधार पर जारी रखने की आवश्यकता नहीं है तो, यदि वह आवश्यक समझे, संबंधित राज्य सरकार / संघ राज्य प्रशासन को उचित रिम्नारिषों कर सकता है।

16

6. यह ध्यान में रखा जाए कि लाइसेंस को पार्से उतारी समयावधि में भिन्न नहीं होनी चाहिए। उपर्युक्त पैरा 5 में विनिर्दिष्ट प्रतिबंध केवल उक्त समय लागू किए जाएं-जब कोई लाइसेंसधारी उतारी देय अवधि के भीतर जिला मजिस्ट्रेट के समक्ष नवीकरण हेतु आए। यह वांछनीय होगा कि वैधता क्षेत्र पर प्रतिबंध की आवश्यकता को यदि नवीकरण के समय आवश्यक समझा जाता है तो उसे लाइसेंसधारी को उचित रूप से स्पष्ट कर दिया जाए क्योंकि यह समझा जाता है कि कुल मिलाकर आवेदक लाइसेंस की वैधता क्षेत्र में कटौती करने की प्रस्तावित कार्रवाई से संतुष्ट होंगे।

7. इस बात पर भी जोर दिया गया है कि नए लाइसेंसों या विद्यमान लाइसेंसों के नवीकरण के मुद्दों पर सभी लाइसेंसिंग प्राधिकारियों, चाहे वह जिला स्तर के हों अथवा राज्य मुख्यालय स्तर के द्वारा यथा संभव कठोर नियंत्रण रखा जाए। आवेदक की हथियार रखने की आवश्यकता की सतर्कता और विवेकपूर्वक जांच की जाए और यह जांच दोनों स्तरों पर की जाए अर्थात् नया लाइसेंस जारी करते समय और तत्पश्चात दुबारा उसके नवीकरण के समय और पूर्णतः साबित होने की स्थिति में ही, आवेदक को, यदि वह अन्यथा अपात्र नहीं हो, लाइसेंस जारी दिया जाए। उसके लाइसेंस का नवीकरण दिया जाए।

8. ये अनुदेशा उपरोक्त पैरा 1 में संदर्भित दिनांक 4.7.89 के अनुदेशों का अतिक्रमण करते हुए जारी किये जाते हैं।

9. कृपया इस पत्र की पावती भेजें।

शुद्धीय

आर. एस. सेठी

सुपुलत सचिव, भारत सरकार

847-B-17135

1874/75-14

2752-GOI
11-10-95

Confidential/Immediate

No. V-11026/106/94-Arms
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 11-10-95

To

The Chief Secretaries of all
State Governments & UT Administrations.

Subject: Grant/renewal of arms licences in respect of non-prohibited bore weapons for all India operation consequent to the amendment dated 28.3.90 to the Arms Rules, 1962 - Instructions regarding.

Howe Sir,
Howe (Duttan)
Howe
Duttan

I am directed to say that consequent to the amendments made to the Arms Rules, 1962 vide this Ministry's notification No. V-11026/24/87-Arms, dated 24.1.89, detailed instructions in the matter of grant/renewal of arms licences in respect of non-prohibited bore firearms for all India operation were issued vide this Ministry's circular letter No. V-11026/8/89-Arms dated 4.7.89 (copy enclosed for reference).

The matter was further reviewed and the Arms Rules, 1962 were subsequently amended vide this Ministry's notification No. V-11026/20/89-Arms dated 28.3.90. Consequent to the said amendments, references are being received from State Governments/UT Administrations seeking directions for handling applications for extension of area validity of non-prohibited bore arms licences.

3. The amendments made to the Arms Rules, 1962 on 28.3.90 (referred to in para 2 above) envisage as follows:

- i) the district magistrate can grant a licence valid for the district/part of the district under his jurisdiction as also for whole of the state or any specified part thereof;
- ii) the district magistrate can renew licences of non-prohibited bore weapon valid for the district/state or all India;
- iii) the State Govt./UT Administration can grant the licences for All India or any part thereof.

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4. In view of the above statutory obligations, whenever a person applies for grant of a fresh licence for more than one district or for the whole of the state, and the district magistrate feels that the applicant is in genuine need of a licence for carrying the weapon outside the confines of the district and deserves to be granted a licence valid for more than one district or for the state, he should judiciously examine each case on its merits as also keeping in view the law and order situation obtaining in the district/state and other local factors and then either accept or reject the grant of licence. Applications made for grant of arms licence for All India operation should also be judiciously examined by the district magistrate and in case he feels that the applicant's need for a licence for carrying the weapon on all India basis is genuine and the applicant deserves to be granted a licence for all India operation, he should forward his recommendations (giving full justification) to the State Government/UT Administration concerned for further consideration. On receipt of such recommendations, the State Government/UT Administration should examine each case judiciously and then either accept or reject the grant of licence as recommended by the district magistrate.

5. In the case of licences coming up for renewal, the question as to whether it should be for more than one district or for the state or for all India should be examined on merits by the concerned district magistrate. It should be ensured by him that the need for the licensee to possess the firearm with particular area validity continues to be genuine and that he has done nothing warranting the withdrawal of the licence. If the district magistrate feels that the need/grounds on which the earlier licence was granted for more than one district or for whole of state do not exist any more, he should restrict its validity to the jurisdiction of the district only and renew the licence. In cases of such licences which are valid for all India and in the view of the district magistrate there is no need for continuance of operation of the licence on all India basis, he should, if considered necessary, make suitable recommendations to the State Govt./UT Administration concerned.

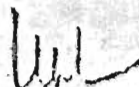
6. It is to be noted that the conditions of a licence are not intended to be varied during its term. The restriction referred to in para 5 above should be applied only when the licensee comes up in its due term for renewal before the district magistrate. It will be desirable that the need for the restriction on area validity, if considered necessary at the time of the renewal, be suitably explained to the licence holders as it is intended that by and large the applicants are content with the proposed action for curtailment of area validity of the licence.

7. It is also emphasised that the strictest possible ~~control over the issue~~ of fresh licences (or for renewing the existing ones) has to be applied by all licensing authorities whether it be at district level or the State headquarters. The need for possession of weapon by the applicant should be gone into meticulously and judiciously both at the stage of issue of fresh licences and then again when it comes up for renewal and only when fully established the applicant should, if otherwise not disqualified, be issued/renewed the licence.

8. These instructions are issued in supersession of instructions dated 4.7.1989 referred in para 1 above.

9. The receipt of this letter may please be acknowledged.

Yours faithfully,



(R.S. SETHI)

Joint Secretary to the Government of India

No.V-11026/8/99-ARMS
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

19

NEW DELHI-110001, dated the 4th July, 1989

To

The Chief Secretaries of all
State Governments & UT Administrations
(By name)

Sub: Grant/renewal of arms licences in respect
of non-prohibited bore weapons for all-
India operation consequent to the amendment
dated 24.1.1989 to the Arms Rules, 1962 -
Instructions regarding -

Sir,

I am directed to say that consequent to the amendments made to the Arms Rules, 1962 vide this Ministry's Notification No.V-11026/24/87-ARMS dated 24th January, 1989, several queries are being received from State Governments and UT Administrations seeking directions and asking for definite guidelines for handling applications for arms licences for non-prohibited bore weapons. It is, therefore, proposed to clarify some important points related to arms licensing so that as far as possible there is no ambiguity left in this regard.

2. At the outset it may be stated that in the context of the prevailing conditions of law and order in the country and the international crime scenario in general the need to impose reasonable amount of restrictions on the right to possess arms of any nomenclature and their carrying/movement within specified jurisdiction is considered imperative for ensuring public peace and safety.

...2/-

Therefore, the Government of India's conscious policy to place adequate curbs on the unrestricted issue of fire-arms and their un-restrained movement/ carrying from one part of the country to the other is hereby reiterated.

3. The amendments to the Arms Rules referred to in para 1 above envisage as follows :-

- (i) The District Magistrate can grant a licence valid for the district (or part of the district) under his jurisdiction;
- (ii) The State Government can grant a licence valid for the entire State/part thereof (that is for more than one district) under their jurisdiction; and
- (iii) The State Government can also grant the licences for all-India or any part thereof subject however to the prior approval of the Central Government (Ministry of Home Affairs).

4. In view of the above statutory obligations, therefore, whenever a person applies for grant of a fresh licence the District Magistrate should, irrespective of the fact whether the applicant desires to have it for more than one district or for the whole of the State or for all-India, in the due discharge of his powers restrict its validity to the district (or part of the district). Where, however, the D.M. feels that the applicant is in genuine need of a licence for carrying the weapon outside the confines of the district and deserves to be granted a licence valid for more than one district or for the State or for all-India, he should forward his recommendations (giving full

GRANT OF
FRESH
LICENCE

- 3 -

21

justification) to the State Government/UT Administration concerned for further consideration. On receipt of such recommendation the State Government/UT Administration should examine each case judiciously and then either accept or reject the grant of licence as recommended by the D.M. In case of acceptance of the application for grant of an all-India licence the matter would of course get referred to the Government of India (Ministry of Home Affairs) for final decision. An important point to be kept in view is that all references to the Government of India for extending the validity of licences on all-India basis should be made only after the licencees have actually procured the weapons.

5. As a rule all-India licences shall be granted in very rare cases. The few exceptions where a consideration could be given would comprise the following categories :-

- (i) Ministers and Members of Parliament;
- (ii) Serving officers of Defence Services, Police and para-military organisations and officers of Government having liability to serve anywhere in India; and
- (iii) Members of recognised Rifle Clubs and Rifle Associations for bona fide Sports & Games.

In all the above cases the State Governments should send their recommendations to the Central Government for obtaining a decision.

6. In the case of licences coming up for renewal, that is to say the licences which had already been granted prior to the afore-mentioned

APPLICATION
FOR RENEWAL
OF LICENCE

amendments in the Arms Rules the DM should irrespective of the fact whether the earlier licence was for more than one district or for whole of the State or for all-India, restrict its validity to the jurisdiction of the district only and renew the licence. This he should do straightway without any undue delay because the primary objective should be to see that the licensee obtains revalidation/renewal within the specified period and the weapon (if any) held by the licensee is covered by a valid licence. Such action of the DM cannot be questioned in a Court of Law as he will be acting in accordance with the changes made in the relevant statute. The question as to whether it should be for more than one district or for the State or for all-India could be examined later on merits and suitable recommendation, if considered necessary, made to the State Government/ the Government of India (Ministry of Home Affairs).

This should take care of the bulk of the current licences; when they come up for renewal, and will remove any grievance about non-renewal or delay in renewal.

7: It is to be noted that the conditions of a licence are not intended to be varied during its term. The restriction referred to in para 6 above should be applied only when the licence comes up in its due turn for renewal before the district authority. It will be desirable that the need for this restriction be suitably explained to the licence holders at this stage and it is ensured that by and large the applicants are content with licences having validity for the district. Only very genuine/ deserving cases falling in the categories mentioned in para 5 above should be referred by the district

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23

authorities to the State Government/Central Government.

8. The District Authority/District Magistrates are the final repository of information on arms licences within their jurisdiction and necessary registers are also maintained by them. No change in the existing systems or procedures is contemplated nor need be made. All applications for fresh licences or renewal of licences will continue to be processed by the District Magistrates as hitherto in the manner laid down. Only in few cases where the question of extending the validity of licence beyond the jurisdiction (what is to say the district) is involved that the cases get referred to the State/UT authority or the Central Government as the case may be.

9. There is no over-emphasising the point that the strictest possible control over the issue of fresh licences (or for renewing the existing ones) has to be applied by all licensing authorities whether it be at district level or the State headquarters. The need for possession of weapon by the applicant should be gone into meticulously and judiciously both at the stage of issue of fresh licence and then again when it comes up for

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24

renewal and only when fully established the applicant should, if otherwise not disqualified, be issued/renewed the licence. It should be borne in mind that renewal of a licence should not be accepted or done as a matter of course.

10. The receipt of this letter may please be acknowledged.

Hindi version follows.

Yours faithfully,

A.K. Varma

(A.K. VARMA)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA