PERSONAL ATTENTION

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

Dated Shimla-171002, the 23-8-2003

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

Yours faithfully,

Under Secretary (Home) to the Government of Himachal Pradesh.
NO: HO/H(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:-
RESUBMISSION OF ARM LICENCES----INSTRUCTIONS REGARDING

Madas/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 jurisdic-
tion extended to all India level. The number of licences
so granted has reached alarming dimensions. The state govern-
ment can not afford to address this problem in the fast changing
law and order scenario here and everywhere. In order to put

contd. on page- 3
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 local 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 at the jurisdiction of their licence 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. The receipt of this communication may kindly be acknowledged.

Yours Faithfully,

[Signature]

Under Secretary(Home) to the Govt. of Himachal Pradesh.
संबंध: ग्रहण संरक्षक सरकार ।
"ग्रहण विभाग" ।

अध्यक्ष एवं तत्वक "ग्रहण" विभाग प्रदेश सरकार ।

समर्पित जिला दलालधिकारी। ग्रहण प्रदेश ।

दिनांक विभाग-2, 14-11-95 ।

निदान: ग्रहण विभाग पर भारत सरकार, ग्रह
मंगलय, नई दिल्ली का प्राप्त पता संबंध: 9-28126/95/सरकार
दिनांक 11-10-1995 को इस प्रश्न प्रति अनुमोदन करता शैली के अनुकूल को मूल्यांकन करता है जिसे आपके
को अनुपालन करता है जिया जाता ।

पी.ए. उपरोक्त

दिनांक विभाग-2, क. 11-11-95

प्रतिलिपि, ग्रहण तत्वक, भारत सरकार, ग्रह मंगलय, नई दिल्ली तत्वक के उपरोक्त पता के अनुसार आपके को अनुपालन करता है।
शोध, लिखित,
लेखी राज्य सरकार तथा संयुक्त राज्य क्षेत्र प्रमुख,

प्रमाण:- शास्त्री नियन्त्रणली, 1952 में 28-3-30 की पालक सरकार ने फलस्वरूप तत्परता भारत में अनिवार्य बोर हितियारों के पुराने के बारे में शास्त्री लाइटनेट की मंगोल/वर्णीकरण लोजी अनुदेश।

महत्त्व,
यह यह लेख तथा निर्देश हुआ है दौरा अनुसार भारत की दिनांक 29-1-99 की अधिध्यक्षता द्वारा 5-11026/24/87-अर्थात् शास्त्री नियन्त्रण नियम, 1962 में फलस्वरूप अनिवार्य बोर अन्य अन्य भारत में पुराने के पालकों के पल्लः भारत में अनिवार्य बोर हितियारों के पुराने के बारे में शास्त्री लाइटनेट की मंगोल/वर्णीकरण लोजी अनुदेश के दिनांक 4-7-99 के परिप्रेक्ष 29-11026/8/89 आर्थिक संस्थाफि दे लिख
/ पुर्त विवेक है एवं तलात विचार अनुदेश बारे के बारे में।

2. कहा मानते ही अन्यों अन्य अन्य भारत की मंगोल/वर्णीकरण लोजी अनुसार दिनांक 28-3-90 की अधिध्यक्षता द्वारा 5-11026/20/89-अर्थात् शास्त्री नियन्त्रण नियम, 1962 में तत्परता दिया गया था। उक्त निर्देशों के फलस्वरूप राज्य सरकारें/संयुक्त राज्य क्षेत्र प्रमुखों के अनिवार्य बोर के अनिवार्य बोर के द्वारा संयुक्त राज्य क्षेत्र प्रमुखों के अनिवार्य बोर द्वारा प्रतिष्ठित आयोगों पर लागू नहीं करने के लिए दिखाई दी गई थी। अनेक पत्र पुर्त कर रहे हैं।

3. शास्त्री नियम, 1962 में 28-3-90 की अन्य निर्देश उपर पृष्ठ हो में संलग्नहै। निम्नलिखित व्यवस्था है:-

1. फिला अधिकारी अपने हैसियालिक के अंतर्गत उन्नी निर्देश वर्ण एवं शास्त्री राज्य या उत्तरे के वर्णित भाग के लिए राज्य प्रमुख के लिए लाइटनेट की मंगोल पुरा हस्ताक्षर है। भारत।
2. फिला मिसिंग मिलिटेंट भाग/राज्य या राज्य में बायथ अनिवार्य बोर के द्वारा लाइटनेट की नवीणण का उपर है।
3. राज्य क्षेत्र सरकारें/संयुक्त राज्य क्षेत्र प्रमुख भारत या उच्च दिलों के लिए लाइटनेट प्रदान कर सकती है।
4. यथार्थता सीधियों आपको की ध्यान में रखा हुआ बता जाए शी बीयर स्वतंत्रता रने श्रद्धालु भिले के लिए या तमुण्ड राज्य के लिए रने लिखे के लिए आवेदन करता है और जिला मंडलस्टेट इस बात की महत्वपूर्णता है कि आवेदन के लिए भिले की रियास ते बाहर हिमायत ले जाना वास्तव में आवश्यक है और उनके पर में श्रद्धालु भिले या तमुण्ड राज्य में वैधता लाइसेंस प्रदान करना उचित है तो जिला मंडलस्टेट राज्य जिला में मान्यता घातन और व्यवस्था की सिद्धि और अन्य स्थानीय \n
5. नवीनता से लिए दुष्प्रसूत लाइसेंसें ते मामले में इस बात की लक्षित श्रद्धालु जिला मंडलस्टेट द्वारा गुणवत्ता देने के आवार के बाद तिक जाने के लिए अधिक भिले के लिए या राज्य के लिए या तमुण्डे भारत के लिए वैध कोषारात उनके द्वारा यह दुष्प्रसूतित दिया बाद तिलाइसेंसियों के लिए दिक्स स्वारंभ वेतन के लिए आवेदन वार्तारा में बनी रहेंगी तथा यह शीर्ष विशेष लाइसेंस को यादृच्छिक लेने ते तम्बाकू में उत्पादित नहीं रहित है तथा जिला मंडलस्टेट द्वारा तिक वार्तारा एवं तिक जाने के लिए दिक्स जिले या तमुण्डे राज्य के लिए स्वारंभ रहित नहीं है तथा उपरोक्त वेतना के लिए तीन में आवेदन करना उचित है और लाइसेंस के नामकरण करना उचित है। लाइसेंसें के मामले में जिला मंडलस्टेट के लॉक द्वारा लाइसेंस को अधिक वैधता आवार के बाद रक्षे की आपव्ययता नहीं है तथा, यदि वह आवश्यक सभी वैधता राज्य सरकार/ राज्य राष्ट्र प्रशासन के उचित दिक्स रहित करना उचित है।
6. यह ध्यान में रखा जाए कि लाइटेंज की भारी उपलब्धि में किसी नहीं होने चाहिए। उपरोक्त उदाहरण 5 में विलिफ्लेक्ट प्रतिबंध के मत से यह लाइटेंज के किसी नयी भारी उपलब्धि के लिए फिला-ग्रिस्टेट के कारण स्थिरता है। यह दायित्वीय होगा कि वैक्जिंग क्षेत्र पर प्रतिबंध की आवश्यकता वह यदि स्थिरता है तथा अवस्था अचानक जाता है तो उसे लाइटेंज चार में विलिफ्लेक्ट प्रतिबंध कर दिया जाए अंततः यह समझा जाता है कि जूल फिला-ग्रिस्टेट की वैक्जिंग क्षेत्र में काटी जाने की प्रस्तावित जारीपाउर के लिए होगा।

7. इस बात पर कोई विपरीत दिखाई है कि यह लाइटेंज क्षेत्र पर नयी विलिफ्लेक्ट प्रतिबंध के मुक्त पर किसी लाइटेंज प्रमाणित होने, ज्यादा वह फिला चार में दोनों अवस्थाओं में भरा हो जाए यथा सबसे अधिक रास्ते दोनों अवस्थाओं में आ जाए। आवेदक की दर्शनीय रक्षा की स्थिरता और लाइटेंज प्रभावी अवस्था की बाजार और यह वाणी दोनों अवस्थाओं पर कोई जाए अर्थात् नया लाइटेंज जारी रखने समय और तत्परता पूर्वक ध्यानदायक होने की स्थिति में ही, आवेदक को, पयान यह अर्थ अपना नहीं हो, लाइटेंज या नयी विलिफ्लेक्ट किया जाए।

8. ये अनुदेशा उच्चरक्त पैरा। ये लंदनिया सिद्धांत 4•7•89 के अनुसारमूलक अवहेलन करते हुए जारी रखने हैं।

9. कृपया इस पथ की पात्रता दें।

भाषापीय

प्रधान सह-लेखीय
पुलिस ग्राहित, शार्ल ग्राहार
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 28.3.95 to the Arms Rules, 1962 - Instructions regarding.

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 24.7.89, 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 weapons valid for the district/state or all India;

   iii) the State Govt./UT Administration can grant the licence for All India or any thereof.
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/issue of fresh licence 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
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-11026/34/87-ARMS dated
24th January, 1989, several queries are being
received from State Governments and UT Administra-
tions 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.
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
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...
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 licence holders, 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 5 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
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 (that 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...
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 )

JOINT SECRETARY TO THE GOVERNMENT OF INDIA