Subject: Streamlining the procedures and matter related to issuance of Arms Licenses in the State.

CIRCULAR NO. 09 OF 2013
DATED: 16-01-2013

1. With a view to streamlining the procedure relating to issuance of Arms Licenses, the Home Department has issued guidelines/instructions vide SRO-357 dated 22\textsuperscript{nd} October, 2012, communication No.Home/AR/283/2012 dated 24.07.2012 and Circular No.05 of 2012 dated 11.12.2012. These guidelines/instructions are reiterated for compliance by all concerned.

2. In terms of Rule 23 of the Arms Rules, 1962 captioned “Licensing authorities to furnish information to the District Magistrate”, a copy of every license granted in any Form by any authority other than a District Magistrate shall be sent forthwith to the District Magistrate having jurisdiction over the area in which the place of business or residence of the licensee is situated.

3. As per sub-rule 2 of Rule 54 of the Arms Rules, 1962 which relates to Renewal of license, “the authority issuing a license shall ordinarily be responsible for watching all future renewals of the license. Where a license is renewed by an authority other than the authority who granted it, the former shall forthwith inform the latter of the fact of renewal and the period for which such renewal is valid. The applicant for the renewal of a license under this rule shall always be required to state his permanent residence, and, if he notifies a change in his permanent residence to the district in which the renewal is sought, the licensing authority of such district shall hence-forward become responsible for watching all future renewals of his license and shall repeated on each subsequent occasion of renewal of the license, the necessary intimation being sent by the renewing authority to the original issuing authority or to the authority who last renewed the license on a permanent change of residence, as the case may be.”

4. In order to curb the proliferation of arms and ammunition in the Country, the Government of India, Ministry of Home Affairs vide their No.V-
11016/16/2009-Arms dated 31\textsuperscript{st} March, 2010, have issued instructions/guidelines to be observed by all concerned. Some of these are reproduced below:

I. **Grant of arms license for Non-Prohibited Bore Weapons (NPB).**

(a). Applications for grant of NPB arms licenses 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 license may be granted without police verifications, 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 license.

(c). The police authorities may be advised to send the police report within 45 days positively failing 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, rations 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 license may be issued without police verification.

II. **Area validity of arms license:**

At present, powers have been delegated to the State Government for allowing All India Validity (AIV) of NPB licenses at their level. It has been decided by Ministry of Home Affairs, Government of India, that the State Governments may allow area validity up to a maximum of three adjoining States and also to consider All India Validity (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. All India validity 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 the Ministry of Home Affairs with full justification in deserving cases. All India validity may be allowed for three years in such cases and shall be reconsidered after three years by the State Government with prior concurrence of Ministry of Home Affairs. The State Government may send data of All India Validity on quarterly basis to the Ministry of Home Affairs.

III. **Renewal of arms licenses:**

At the time of renewal, re-verification of antecedents may be done by the District-Magistrate though police authorities; (i) in cases where DM/Licensing Authority has any doubt, (ii) in other cases, after six years i.e. every alternate cycle, when the license comes up for renewal, and, (iii) in all those cases where the license has been issued by another licensing authority. In the last mentioned case, verification of the issue of license from the issuing authority may also be stipulated alongwith police verification, before allowing renewal. Police authorities will be allowed a period of 60 days to send their report. The State Government may check the feasibility of advising all District Magistrates to initiate the process of seeking police re-verification six months in advance, as the full record of a licensee is available with the District Magistrates.

IV. **Database for License Issued:**

At present, there is no provision in the Arms Act/Rules, requiring a licensing authority to maintain a comprehensive and complete database of all licenses issued. It has been decided by Ministry of Home Affairs, Government of India to maintain a database 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 the Ministry of Home Affairs.
Affairs. Accordingly, all the District Magistrates are required to maintain a comprehensive and complete data base of all licenses issued by them, which may be shared with Central Government. All the District Magistrates shall implement this centralized web-based online system.

5. Besides adhering to the above guidelines/instructions, the District Magistrates are requested to ensure that while recommending extension in the jurisdiction of arms license(s), a report on the threat perception of the licensee may be obtained from the concerned SP and the case be recommended to the Home Department only after establishing that the licensee is facing threat.

6. Further, all recommendations regarding issuance or renewal or extension of jurisdiction of arms licenses should be signed by the District Magistrate himself. Communications issued by any officer other than the District Magistrate shall not be entertained. Every page of the recommendatory letter shall be signed by the District Magistrate himself.

7. The District Magistrates shall implement the web based centralized system, designed and developed by NIC, for issuance, renewal and recommendation of extending the jurisdiction to Home Department, within one month positively. All the District Magistrates shall upload the information relating to licenses issued earlier from their district in the software. All the District Magistrates shall issue the fresh licenses from the web based application only. Henceforth, applications and the requests for extending the jurisdiction will be considered only when their licenses have been uploaded in the system and same are verifiable from the online database maintained by each district.


Sd/
Principal Secretary to the Government
Home Department
No: Home/AR/08/2013
Dated: /6-01-2013
Copy to all District Magistrates for compliance.
Copy to all Superintendents of Police.
Copy also to:
1. Principal Secretary to Hon'ble Chief Minister, J&K.
2. Headquarters 14th, 15th and 16th Core of the Army.
3. Inspector Generals, BSF/CRPF/ITBP.
4. OSD to Hon'ble Minister of State for Home.
5. Private Secretary to Principal Secretary to the Government, Home Department.

[Signature]
Deputy Secretary to the Government
Home Department
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:-

a) 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.

b) 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.
c) Those MPs and MLAs including non-officials/private 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.
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 heirship 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.
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 armurer/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 lifetime 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
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 database 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 issue with the approval of competent authority.

Yours faithfully,

(D. Diptivilasa)

Joint Secretary to the Govt. of India
Government of Jammu and Kashmir
Civil Secretariat, Home Department

Notification
Srinagar, the 22nd of October, 2012

SRO 357: In exercise of the powers conferred by the proviso to
rule 4 of the Arms Rules, 1962, the Government of Jammu and
Kashmir hereby direct that in notification SRO 68 of 5th March, 2003
the entries from 1 to 5 shall be substituted by the following:-

1. The District Magistrate shall:

   (a) send his recommendation(s) to the Home Department
giving the full particulars of the applicant alongwith the
report on his antecedents and character as may be
furnished by the CID/Police;

   (b) ensure that full particulars of the individuals alongwith the
CID/Police verification report about the character and
antecedents are enclosed with their recommendation(s).
[Note: Application forms incomplete in any respect shall
not be entertained].

2. A copy of the recommendation(s) shall be faxed to the Home
Department in advance so as to obviate the possibility of forging
of any of the document(s) by an un-scrupulous element. A copy
of the recommendation shall also be sent by e-mail to the Home
Department.

3. Specimen signatures of the District Magistrates shall be sent to
the Home Department for record to establish the genuineness of
each recommendation. Every leaf of the recommendatory letter
shall be signed by the District Magistrate himself. The signature
shall be supported by a stamp. The recommendations shall be
made only by the District Magistrate and not by any other officer
in the District.

4. The Home Department shall pass appropriate orders and convey
it to the concerned District Magistrate within a period of three
months from the receipt of each recommendations. The
concurrency/approval of the Home Department shall not be presumed to have been granted after the expiry of aforesaid period, unless approval in writing is conveyed by the Home Department to the District Magistrate concerned. In any case, the Home Department shall pass appropriate orders within a period of three months from the date, the recommendation has been received in the Home Department from the concerned District Magistrate.

5. In case Security/Army personnel serving in Jammu and Kashmir State, the residence shall be certified by the Commanding officer of the Unit. He shall also certify that the Unit of the personnel falls within the territorial jurisdiction of the District of the Licensing Authority. The District Magistrate while recommending the case of extension of jurisdiction of any security personnel shall obtain a certificate from the Commanding Officer that the character and antecedents of the applicant are satisfactory and that he is posted in the District.

6. A statement showing the number of licenses issued having jurisdiction over the District/State and whole of India shall be sent to Home Department at the end of every month.


Principal Secretary to Government, Home Department
Dated: 22-10-2012

No: Home/AR/62/2003
Copy to:-

1- Director General of Police, J&K, Srinagar.
2- Principal Secretary Hon’ble Chief Minister.
3- Divisional Commissioner Kashmir/Jammu.
4- All District Development Commissioners/District Magistrate.
5- OSD to Hon’ble Minister of State for Home.
6- Pvt. Secretary to Principal Secretary to Government, Home Department.
7- SRO/Stock file.
Government of Jammu and Kashmir
Home Department

Subject: Streamlining the issuance of Gun Licenses.

CIRCULAR No: 5 of 2012

With a view to streamlining the issuance and extension of jurisdiction of gun licenses, SRO-68 dated 5th March, 2003, has been substituted by SRO-357 dated 22nd October, 2012. A copy of the said SRO is enclosed.

In a recent communication sent by the Additional Commissioner of Police, Special Cell, Delhi to the State Government, it has been informed that in the districts of Doda and Ramban, gun licenses have been issued in the name of security personnel, which on verification have been found to be fake and bogus. Even, some of the persons in whose name, the licenses have been issued, have been found not to be working in the Army/Security but have criminal records in New Delhi and are thus not eligible for obtaining the gun licenses. It has also been informed that the signature/stamp of the Administrative Officer appended on the recommendation/verification report, showing the person to be army personnel has been found to be fake. The Additional Commissioner of Police, Delhi has also informed that the application forms have not been filled up completely and even some of the columns have been found to be blank. Further, the licensing authorities have failed to comply with the provisions contained in the Rules 23, 50, 51(d) & (e) of the Arms Rules,
1962. A copy of the communication of the Additional Commissioner of Police, Special Cell, Delhi is also enclosed.

Keeping in view the sensitivity of the issue and to curb such practices in future, the mater has been examined and it has been felt expedient to issue further instructions for streamlining the procedure/process of issuance of gun licenses in the State.

The following instructions are hereby issued for compliance by all concerned:

i) The District Magistrates shall compulsorily observe the provisions contained in the Arms Act/Rules before issuance of gun licenses in favour of the Security/Army personnel as also civilians.

ii) Before issuance of gun licenses in favour of the security/army personnel, the District Magistrates shall ensure that the verification reports about their character antecedents/posting details are certified by the Commanding Officers concerned themselves. For this purpose, the District Magistrates shall obtain specimen signatures of the Commanding Officers concerned in advance to avoid issuance of any fake character antecedents/posting certificates.

iii) The District Magistrates shall ensure that the security/army personnel in whose cases, the licenses are to be issued or the extension of jurisdiction to be recommended to the Home department, present themselves before the District Magistrates for verification of their identity. It shall be ensured by the District Magistrate that the security/army personnel in whose cases, licenses are proposed to be issued are actually posted in the units located within his/her district.
iv) While recommending the case(s) for extension of jurisdiction to All India, District Magistrate shall also mention his name in his/her recommendatory letter(s). It shall be clearly stated that the security personnel in whose case(s), the extension of jurisdiction to All India is being recommended, their character antecedents/posting details have been verified by their Commanding Officers concerned and they have been found to be genuine and that their units are located within his jurisdiction.

Sd/-
Principal Secretary to the Government,
Home Department.

No. Home/AR/358/2012

Copy to:–
1. All District Magistrates for compliance.
2. Additional Secretary/PPS to Chief Secretary.
3. OSD to the Hon’ble MoS Home for information of the Hon’ble Minister.
4. Pvt. Secretary to Principal Secretary to the Govt. Home Department.

Deputy Secretary to the Government,
Home Department