

Dated:

To,

Shri S.K. Malhotra
Deputy Secretary
Ministry of Home Affairs,
9th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi – 110 003
Email : sudhir.malhotra@nic.in

**Subject: DRAFT ARMS AND AMMUNITION POLICY – FEEDBACK AS REQUESTED
FROM A CONCERNED CITIZEN**

Dear Sir,

I am writing to you regarding the Draft Arms & Ammunition Policy (No.11026/16/2009-Arms), which has been posted on your ministry's website soliciting comments from the general public. My feedback on the proposed amendments is as follows:

1. My first objection is to the very basis for the proposed amendment under Para 3 i.e.

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.

The reason for the proposed amendment itself is based on faulty premises

i) That all firearms are evil.

ii) That firearm owners are prone to violence and that firearm related crime is a clear & present danger to our society.

iii) That the state machinery is sufficiently able to protect the life & property of all citizens and that they have no need to acquire arms to defend themselves.

iv) That citizens do not have an inalienable right to protect their life & property.

This is at variance to the data available that supports the following facts:

i) That legally held firearms are used in only a small percentage of violent crimes, a fact that is supported by data published by the National Crime Records Bureau, for e.g. in the year 2007 only 1.79% of murders were committed using a licensed firearm.

ii) That the vast majority of firearms used in violent crimes are illegal, once again a fact that is supported by data published by the National Crime Records Bureau, for e.g. in the year 2007 12.68% of murders were committed using unlicensed firearms. Also a majority of these illegal firearms are either illegally manufactured locally or are illegally trafficked into the country, along with some firearms that have been pilfered or snatched from security personnel. In fact a Naxal leader was once quoted as stating that 90% of the arms in use by the them were stolen/ snatched from the police. Does the MHA suggest that we disband the police, because it is the single largest source of arms to Naxals?

iii) The overwhelming number of murders committed in this country are committed using means other than firearms, a fact that is supported by data published by the National Crime Records Bureau, for e.g. in the year 2007, 85.53% of all murders committed were using means and weapons other than firearms (blunt & sharp edged weapons etc.). It is of no consolation to the victims of crimes if they are assaulted or murdered using a firearm or by any other means. On the other hand firearms enable citizens to better defend themselves against criminal aggression, by helping neutralise the numerical and/ or physical advantage of the attacker. It is clear that strict gun control policies do nothing to curb violent crime, a point made even more evident by the statistics mentioned below in point (vi), the need of the hour is not stricter gun laws, but better policing and enforcement of existing criminal laws combined with more armed law abiding civilians. Furthermore a large number of the firearm related deaths occur in troubled areas like J&K and the North East etc. A fact that completely glosses over the statistics as well as the incompetence of the State in providing our citizens with a secure environment to live and raise their families in.

iv) UN estimates place the total number of firearms in India at around 40 million. Using that figure as a base, in the year 2007 only 0.012% of all firearms in the country (whether held legally or illegally) were used in the commission of murder. It is both irrational and unfair to penalise 99.988% of firearm owners, people who quite evidently keep & use their firearms responsibly, for the actions committed by a minuscule minority of citizens who are social misfits or criminals.

v) Furthermore, with Indian population estimates for 2007 placing the Indian population figure at 1,136 million, the firearm related fatalities per million population for the year 2007 amount to just 4.26 and this figure fall even further if one were to remove victims of terrorist violence from this count. In contrast the very same year motor vehicles accounted 114,590 road traffic fatalities equalling to 101 fatalities per million person. Some may argue that motor vehicles are needed for transportation, hence we should disregard how safe or unsafe they are for the safety of citizens. However, the fact remains that guns are many times safer than motor vehicles and in the current security environment they are needed by citizens more than ever before, to safeguard themselves from criminals and anti-national elements.

vi) As per trends in crimes from 1953 to 2007 published by the National Crime Records Bureau, during this period we witnessed a 229.7% increase in murders, a 733.8% increase in rapes, a 423.9% increase

in kidnapping & abduction, a 191.9% increase in riots and a 230.5% increase in other cognizable crimes. The need for an average citizen to take measures to protect himself and his family is now more than ever.

vii) There is little or no data to support the view that the vast majority of licensed firearm owners divert their arms or ammunition to anti-national forces or indulge in illegal or anti-national activities.

viii) The very first draft bill of rights for all Indians was a part of the Nehru Report of 1928, it was prepared by a committee of the All Parties Conference chaired by Motilal Nehru with Jawaharlal Nehru acting as secretary. Along with other basic rights to be enjoyed by every Indian citizen, was also the right to keep and bear arms.

ix) Throughout the freedom struggle our leaders protested against the Arms Act of 1878, demanding for every Indian citizen the right to keep and bear arms. For example in Nagpur around 1923 or 1924 there was a Satyagraha movement against the prevailing Arms Act. This movement attracted Satyagrahis from all over India, it went on for six months and the Indian National Congress put its seal of approval on this Satyagraha movement against the Arms Act. In fact even the Father of Nation, Mahatma Gandhi, protested for the right of every Indian citizen to keep and bear arms, going so far as to state that, *“Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms, as the blackest”*.

x) The Indian National Congress in its historic 1931 Resolution on Fundamental Rights passed at Karachi stated “This Congress is of opinion that to enable the masses to appreciate what Swaraj as conceived by the Congress will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them...” “...The Congress, therefore, declares that any constitution...” please note these words - any constitution, “...which may be agreed to on its behalf, should provide or enable the Swaraj Government to provide for the following...” and various fundamental rights are enumerated, among which was also this one-- “Every citizen has the right to keep and bear arms in accordance with regulations and reservations made in that behalf.” Due to the circumstances under which India gained independence and the prevailing volatile conditions, it was decided not to include the right to keep and bear arms as a fundamental right but to instead recognise it as a legal right of every citizen, but a citizen's right all the same. This can also be ascertained by reading the stated objectives of the Arms Act 1959.

xi) There are legal precedents wherein the Hon'able courts have held that the right of citizens to acquire arms to better defend themselves is equated with Article 21 of the Indian Constitution. Citizens right to protect their life and personal liberty is meaningless if they are denied the means with which to protect themselves

xii) There are already provisions under current law to prevent misuse of the right to keep and bear arms. For example, under law (as per CrPC) where there is a known conflict between two or more parties, the Investigating Officer/ the Station House Officer, if he so suspects that the parties may misuse the firearms held by them for violence, he can order all involved parties to deposit their arms. There are more than enough provisions under the IPC, CrPC as well the Arms Act itself that are more than sufficient to prevent and/ or penalise the misuse of arms, what is needed is better enforcement by police and not draconian amendments to the Arms Act, such as the ones currently being proposed.

xiii) There can be no doubt that firearms are the most effective tools for self-defence. According to the extensive surveys conducted by the eminent economist and University of Maryland Professor John Lott, “98 percent of the time when people use guns defensively, simply brandishing a firearm is sufficient to cause a criminal to break off an attack.” Lott also found that in less than 2 percent of the cases is the gun fired, and three-fourths of those shots are only warning shots”.

The Arms Act and Rules as they are, are sufficient to deal with the issue of illegal firearms and the illegal use of licensed firearms. The Indian representative to the UN sponsored movement on controlling the international trade on small arms has claimed that the Indian laws governing firearms are some of the most stringent in the world.

Equating law abiding citizens holding licensed firearms with criminals is an affront to them and will not be tenable in a court of law. This should be struck down from the proposed amendment.

Since the ground for the proposed amendment itself is faulty, there is no need to go ahead with this.

2. The second objection is to the proposal regarding the police verification at the time of grant of a license, under Paras 5, 7(b) & 7(d) of the draft. It states that while the police is to submit the report within 60 days, nothing has been proposed to be done if the report is not submitted within the stipulated time period.

The licensing authority can only send reminders and the proposal seeks to completely rescind the power of the licensing authority under Section 13(2A) of the Arms Act, to grant the license in case the police report is not made available within the stipulated time. Therefore the 60 days time limit is meaningless as the police report can be kept pending for years on end. This is nothing but a clever way to delay & deny arms licenses to honest law abiding citizens. While those who are well connected or who are not above greasing some palms will acquire licenses, honest citizens will now find it increasingly harder or even impossible to have their applications approved. It will merely give a handle to the police to extort money from potential arms license seekers.

Furthermore, 60 days is an unreasonably long time for sending in the police report. This should be no longer than 15 days to maybe a maximum 30 days, which time is more than adequate for competent and honest local police officials to verify the antecedents of the applicant.

Suggestion, make the following amendment instead:

"The licensing authority shall seek a report from the police which shall have to be submitted within 30 days. If the report is not forthcoming within 30 days, the applicant can seek the presence of the officer responsible for preparing the report in the court of the licensing authority. The licensing authority can then demand the presence of the Police officer responsible for the delayed submission of the report and seek an explanation for the delay. Thereafter the licensing authority can prescribe a time limit for the submission of the report, which is not to exceed another 30 days, and if the report is still not forthcoming, it shall be presumed that there is no objection to the grant of the license and the licensing authority can then forthwith issue the license if the applicant fulfils all other requirements for the grant of a license"

3.Third objection is to the proposal for the mandatory police verification after 6 years (as per Para 16 of the proposed amendment), at the time of renewal as being without basis. Since there is a provision in the law as it is at present to suspend or revoke the license, if there is any cause to do so, this is not required. It is an arbitrary time limit and this will only lead to harassment of law abiding citizens. How the MHA has arrived at the conclusion that there is a need for police verification after 6 years, when the present law itself envisages that in case of any wrong doing or misuse of the licensed arms and ammunition, the licensing authority can take action at any point of time, is beyond my understanding.

This amendment is superfluous and is not required.

4.The fourth objection is to the proposal regarding grant of All India Validity as per Para 15 of the proposed amendment.

This objection is in five parts

i)To the proposal that only MP's/Union Ministers, IAS and IPS officers, military and para military personnel and those whose job requires them to travel through out the country shall be granted All India Validity on their license by the State Govt.

The MHA has assumed that only these people need to carry their firearms, when the fact of the matter is that almost all these individuals have armed body guards provided on public expense i.e. the tax payers money and therefore have little genuine need to carry their firearm where ever they may go. When a citizen has been considered eligible to have an arms license for self protection, he should be able to carry it with him, wherever he travels.

This is discriminatory towards an ordinary citizen of the country who have a genuine need to carry their arms with them for self protection and have been granted an All India Validity on their license by the State Govt's in accordance with the very strict guidelines issued by the MHA. This provision assumes that private citizens, when they travel out of their district/ state, have no threat to their life and therefore need no protection. It also presumes that persons who are not on transferable jobs or have only local business interests, will not travel out of their state on L.T.C etc. or seek jobs out of their states.

This proposal is bad and should be done away with.

ii)The proposal to limit the All India Validity to a maximum of three states defeats the very purpose of having an All India License

iii)The proposal to renew All India Validity every three years is also not required. All India Validity would obviously be granted subsequent to grant of a license,therefore the validity of the license and All India Validity would vary and would not be concurrent. The proposal for renewal of All India Validity would double the times that an All India Validity licensee has to approach the Licensing authority. Also the proposal that the renewal would be at the level of the State Govt. would entail a lot of delay in the renewal process. As it is at present the All India Validity is granted in very rare cases and is virtually impossible to get for an ordinary citizen. Also the licensing authority is well within his right to curtail the validity of an All India license to the State or the District if he has sufficient cause to do so. It also

creates the impression that the licensing authority can't be trusted to enforce the law. There are no available statistics to suggest that an arms license holder travels to other states to commit crime. In fact criminal gangs carry illegal arms and are not dependant on arms licenses to commit crimes.

iv) The proposal that any one other than the category of people listed as being eligible for All India Validity would need to have their request for All India Validity vetted by the MHA would effectively ensure that the process would be long and tiresome and that ordinary citizens would be denied one even though they may be eligible, by a process of attrition through delay.

v) Please reference the crime statistics mentioned earlier in this document, regarding the increasingly insecure environment in the country for ordinary citizens, can the MHA please provide us with details of what percentage or even how many VIPs like sitting MPs and Hon'able Cabinet Ministers have been the victims of murder, rape, dacoity, kidnappings etc. in the preceding 10 years? Or is the MHA of the view that the life/ liberty/ security of ordinary citizens is of less/ no value when compared to the life/ liberty/ security of VIPs? No one is asking the MHA to provide every single citizen with armed guards, but how can the MHA take the view that ordinary citizens do not have the same right to protect themselves as VIPs do? I am simply amazed at the cool manner in which our elected representatives and our public servants (whose salaries are paid by our individual tax contributions) can be so very insensitive to the rights and needs of the people to whom they are sworn to serve! This was a free and democratic country the last time I checked, a set up in which the state is there to serve the people and not the other way round.

A law abiding Indian citizen is going to be denied the right to carry the legal & licensed firearm he holds for his self defence beyond his state borders. This defeats the very purpose of having a license for self defence as this can be effective only if he has the firearm with him at all times. Article 21 of the Constitution of India recognises every citizens right to protect their life and liberty, the Constitution also recognises every citizens right to freedom of movement. In any way limiting the issuance of All India Validity on licenses is tantamount to forcing a citizen to travel without the means to protect himself, thus infringing on his right to protect himself/ herself when he may need it most.

5. Next objection is to the proposal to have the licensee maintain a record of where, when, how many times and to what purpose he/ she has fired a gun (as per Para 14 of the proposed amendment). This is again going to lead to needless harassment of licensees, without in any manner whatsoever offering any more increased security for the general public. This is an ill conceived amendment which seeks only to harass legitimate license holders. Does the government propose to also have anti-national elements and criminals to provide them with a similar record of how and where they used their firearms? Then why penalise those citizens who make every effort to remain within the purview of the law?

It is also totally impractical that a citizen should be asked to provide proof of having fired a gun. The only real proof that he would have is the empties of the cartridges. If he is firing from a semi-automatic a large number of them generally get lost as they are automatically ejected. The army generally has some one holding either a cap or a bag next to the ejection port to catch the empties. This would not be possible for a civilian to do as he/ she may be alone when firing the gun to check for functioning, accuracy or the like. This would lead to nothing more than a thriving market for empty cartridge cases, and serve no practical purpose whatsoever.

6. The proposal that enhanced ammunition quotas are to be granted only by the State Govt., something that was being done at the level of the licensing authority, is also impractical (as per Para 14 of the proposed amendment). Local licensing authorities enhance quotas only in few cases. Taking it to the level of the State Govt. is not going to serve any useful purpose other than create logistical difficulties and to make it increasingly harder for genuine applicants to have their case considered. As it is, the current policy as well as the proposed policy sets ridiculously low ammunition quotas. Also, Govt. policies have ensured that ammunition prices in India are probably some of the highest of anywhere in the world, while ammunition quality is surely the worst.

These two facts combined together mean that most ordinary arms licensees can never hope to shoot enough each year to make sure that they are actually adept at the safe and skilful use of their firearms. If the MHA is genuinely concerned for the safety and security of ordinary citizens it should instead consider removing ammunition quotas completely as well as to provide subsidised or even free ammunition at shooting ranges across the country where ordinary licensees are encouraged to come and learn the finer points of shooting the guns they own. This will have the following benefits:

- a) Citizens would be trained in the aspects of safe gun handling, thus eliminating or minimising the chance of a firearm related accident. It would be pertinent to mention here that the figures for firearm related deaths also include people who have died from accidental discharge of firearms, their deaths are a direct result of the Govt. policy of limiting ammunition quotas and not providing easily accessible facilities to ordinary citizens, wherein they may practice and learn the safe, responsible & effective use of their firearms.
- b) Citizens would be trained to be proficient in the use of the guns they own, thus ensuring that they would be in a better position to defend themselves and others in case the need arises.
- c) Citizens would be in a better position to support the State in emergency situations wherein they are called in to do so by the state as was envisaged by the Joint Parliamentary Committee to look into the draft of the Arms Bill, which later became the Arms Act of 1959.

7. The proposed central database for licences issued (as per Paras 8 and 25 of the proposed amendment) is both needless and a waste of taxpayer money. It seems that the MHA is more interested in policing arms license holders than in really combating crime and terror. As has been proved by the facts stated in the very beginning of this document, licensed firearms are used in an insignificant number of crimes. Fully well knowing this fact why is the MHA so keen to spend tax payer money on wasteful things like a national database? Is it because the MHA seeks to further harass arms license holders? Are the owners of licensed arms criminals? If so why have such people been issued licenses? Would the money and effort not be better spent trying to catch real criminals and terrorists? As the law stands today the Govt. is anyway empowered to order a census of licensed firearms, what additional security benefits can a common citizen expect from this proposal? Does this also not infringe on the federal nature of our constitution, by trying to whittle down the powers of individual states to manage law & order within their own borders, something that is clearly listed as a state subject in the constitution? Does the MHA contend that State Governments are not competent enough to manage the law & order situation within their individual jurisdictions? Will we also soon see a central database to monitor all driving license holders? After all driving license holders are responsible for the death of many many times the number of citizens than are gun owners. Carrying this argument further, even in a country like USA with a very high standard of medical care, there are 195,000 hospital deaths from medical errors every

single year, I shudder to even speculate what the number of such deaths would be in India, but you can be certain the figure will be much much higher in India. How about the MHA set up a central database to monitor all doctors and other medical professionals?

Clearly this proposal of the MHA is without any merit whatsoever.

8. I also object to Para 7 (a) of the proposed amendments wherein in reference to applications under the self-defence category it states that “*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.*” Unfortunately even without these proposed amendments many licensing authorities are following this practice, wherein they require any applicant under the “self-defence” category to show provable direct threats, FIRs etc. before they will issue them an arms license. Making a requirement of first getting the police to verify whether someone has a verifiable personal direct threat, as per police assessment, completely ignores the fact that the vast majority of people acquire licenses to protect themselves from random acts of violence, dacoity, robbery, home invasion, muggings, potential rapists, etc. The general citizen is not important enough for a Mafia gang or a terror outfit to make a specific direct threat to him, they are almost always targeted by such groups as “soft targets”. Threats by such organisations are made towards “hard targets” which can get them maximum mileage in the media, for e.g. people like the Hon'able Minister of Home himself, who along with others like him is anyway is quite well protected at the taxpayer's expense. Such threats may also be made to industry bigwigs, locally prominent persons etc. people who have never and will never face any problem in acquiring the required permits/ licenses. etc. People who die in terror attacks or random criminal violence are overwhelmingly ordinary citizens, to the best of my knowledge thus far no serving Cabinet Minister has ever been assassinated. Not to deny the fact that such persons do face a threat to their lives, by virtue of the office they hold, but it can also not be denied that in the current security environment, each and every citizen has very good reasons to feel insecure and threatened.

Does any victim of crime have any prior information of the crime about to happen? Did the victims of 26/11 in Mumbai have any prior so called “threat perception”, did they not have the right to be armed and defend their lives. Even in situations where the criminals, like the terrorists in Mumbai, want to cause harm at the cost of self-destruction, they can be neutralised and taken out of action with judicious and skilful use of guns, by armed citizens in the course of defending themselves. At the least, the odds against the enemy can be greatly increased and the damage drastically restricted. All it takes is the right tools, skills and the will to use them. The same logic applies to victims of every single violent crime against every single citizen. The concept of “threat” or “no threat” should be removed, moreover there have been numerous rulings by the Hon'able Courts, that while issuing firearm licenses this should not be taken into account as life of any citizen can come under threat from any unknown quarter without any prior information.

9. I also object to the proposed amendment listed under Para 13, on the grounds that it is superfluous. If the current system is free & fair, they should anyway be issued licenses in the normal course and no special provisions are needed for them. In the preceding 10 years, exactly how many arms license applications have been denied to “*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.*”? It is the common citizen who is regularly denied arms licenses, not serving police officers. Or does the MHA contend that under the present system which is

officially supposed to be free and fair, even serving police personnel are facing problems in having their own fellow officers verify their antecedents?

10. Lastly I object to the continued strict licensing norms for firearms listed under Categories 1(b) & 1(c) of Schedule I of the Arms Rules, as per Para 6 of the proposed Amendment. Licenses for such arms were earlier issued by the local licensing authority based on his assessment of the applicant's case and licenses for said arms were routinely issued. In what way has the current policy of making firearm licenses almost impossible for ordinary citizens helped make our country a safer place? If one is to go by available crime statistics, the data shows that if anything, India is a more unsafe to live in now, than it was in the years preceding 1987. The change in these rules in 1987 was undoubtedly a regressive step and continuing with the same policy smacks of an elitist attitude, which only places value on the lives of VIPs, completely disregarding the safety and security needs of the common citizen. Are VIPs the only people who can be considered as responsible citizens of this country?

Besides the above objections, I would like to propose the following amendments to the law as it stands today:

1. The arms license application procedure should be made objective and free of encumbrance. As things stand today, if an honest law abiding citizen applies for an arms license, his chances of success are very low. This is because the law as it stands today encourages licensing authorities to deny most applications outright, irrespective of merit. In fact it is not uncommon to read in the news about licensing authorities and / or senior police officials boasting about how few arms license applications they approve each year. This does not even consider those applicants whose forms are not even accepted for submission by many licensing authorities.

This completely violates the stated objectives of the Arms Act, which amongst others states as two of its primary objectives to be “(b)(ii) that weapons for self-defence are available for all citizens under license unless their antecedents or propensities do not entitle them for the privilege; and (iii) that firearms required for training purposes and ordinary civilian use are made more easily available on permits.”

The process needs to be made objective, in that if a citizen is of sound mind and does not have any criminal convictions, he should be automatically issued an arms license. If the licensing authority finds that in a particular case, even after satisfying the above mentioned conditions, issuing a license to a particular applicant may not be suitable, then the licensing authority should be required to perforce record the reasons for denial along with justifications. This entire process should also be time bound, say within 30 days from the date of application, which time period should be sufficient to verify that the above conditions are satisfied by the applicant, this would ensure that licensing authorities do not deny applications by resorting to infinite delays or that genuine eligible applicants are not unduly harassed or denied arms licenses.

As things stand today, it is harder today than it was in the days of the British Raj, for a citizen to get an arms license. These arbitrary and subjective procedures of evaluating arms license applications, almost always lead to licenses being denied to weaker sections of the society, minorities and other vulnerable sections like senior citizens and women. Arguably the segments of society that most need to be armed

to be able to better protect themselves. This would also make the system transparent and free of favour or graft; something I am certain would meet with the whole hearted approval of everyone who is truly concerned about the safety and security of the average citizen.

2. It is well known that there are a number of illegal weapons in India, some estimates put the figure of illegal firearms in India as high as over 90% of all arms in the whole of India. These illegal weapons are, in a large part, procured by those under threat or those in crime infested states like Bihar, Uttar Pradesh, etc. as a deterrent against raging crime in those areas. It is better to offer a general amnesty to have all Arms Holders to come under the ambit of licensing, so that the Authorities can better monitor Arms and Ammunition by licensing the same. Also as argued above, licenses should be made easier and more available so that more peaceful people can hold their Arms legally.

It is a well known and documented fact that after the ban was imposed on legally held handguns, by the United Kingdom in 1996, the market for illegally procured arms exploded and led to a 10% increase in violent crime within the next year. Today, post the ban, United Kingdom suffers from the highest violent crime rate of all Western Europe. A similar increase in violent crime was also observed in Australia, after they tightened their gun laws a few years ago. Controlling license holders is actually counterproductive to your goals of reducing crime. It is rather, a better policy to give a general amnesty for illegal arms holders, who do not have any criminal cases against them and provide them with an arms license. In that way monitoring is possible.

This policy of openness has proved correct in the past. Whenever you make anything difficult to procure, it becomes more expensive and therefore more lucrative for smugglers and other criminals to supply, so this act will lead to an increase in illegal arms and not help in regulating illegal arms at all. We have seen that also in the case of Gold, Income Taxes, Electronic Goods, other imported equipment in the past. The more you regulate, the more revenue loss and the more crimes are committed to procure the same and sell for a higher profit.

3. Section 3(2) of the Arms Act should be deleted. This section places a maximum limit of no more than three firearms to be possessed by any person. What I find unreasonable is, if someone is considered to be responsible enough to own one firearm or two or even three, then why not more? If the arms license applicant is of unsound mind, or has a criminal record, or if the licensing authorities can make a valid case of his owning a firearm to be a potential threat to public safety, then the license would be denied in any case. I have already demonstrated irrefutably that motor vehicles pose a far greater danger to citizens, than do firearms, and they also add to environmental pollution. So, if public safety is the over riding concern, then I would imagine that the Govt. should have been quick to limit ownership of motor vehicles. Or is there some other logic for imposing this unreasonable limit on responsible citizens, who have never shown any previous propensity for violence? Since the Govt. seeks to limit my liberties by placing restrictions on my owning more than 3 firearms, for absolutely no clear or justifiable reasons, it is only fair that they bear the onus of justifying such a limit.

4. Category 1(c) should be deleted from Schedule I of the Arms Rules 1962. The restriction on these calibres was initiated under British rule, as the Govt. of the time did not completely trust Indian citizens or it's native soldiers. It was thought at the time that if the Govt. restricted civilian access to firearms in these calibres, even if Govt. arms were captured by rebels, they would be unable to source ammunition for use with them from the civilian population. In the current scenario this is at best a specious argument, it is a fact that anti-national elements have no dearth of ammunition supplies in any and all

calibres they so desire. Arms as well as ammunition are illegally smuggled in to India for use by such persons, as well as for sale to all manner of criminal elements. None of these people are queuing up to purchase ammunition legally from licensed dealers. Furthermore, it was also argued in some quarters that civilians owning firearms in these calibres could lead to black marketing of ammunition by native troops. In the present scenario, India is a free country and we have implicit faith in the loyalty of our men & women in uniform, if we cannot trust those who have sworn to lay down their lives to protect us, then who do we trust? Even the parliamentary committee set up to review the proposed Arms Bill which eventually became the Arms Act of 1959 had also envisaged a situation wherein the State could use civilian riflemen as the last line of defence for the country, or has our Govt. of the people, for the people & by the people lost faith in the people? My proposal to do away with category 1(c) of Schedule I, would have the following benefits:

- a) The government has a vast surplus of bolt action rifles, pistols and revolvers chambered for the calibres listed under category 1(c), which have been or are in the process of being phased out from service. Ordinarily these would be scrapped, however most of these are serviceable or can be made serviceable for use by civilians for sport as well as for self-defence. Once category 1(c) is scrapped these could be auctioned off by the Govt. and considering the prevailing extortionate prices of legal firearms in India, the sale from these phased out firearms could earn the Govt. enough revenue to re-equip every single soldier in the military, para-military and police forces with modern firearms more suitable for use in the current security scenario. Scrapping usable firearms in such large quantities is nothing, if not a huge national waste.
- b) A large number of citizens owning firearms in these calibres, would mean that in times of need the State would be able to call on citizens to provide the arms and ammunition held by them in service of the nation, without the associated logistical difficulties of calling into service firearms chambered for all sorts of different calibres, which would literally be impossible to keep supplied with required ammunition. For precisely this reason, many nations actively encourage their citizens to keep firearms chambered for the same calibres as in use by their own forces.
- c) A large number of citizens owning firearms in these calibres, would also mean that the military, para-military and police forces, could maintain large stores of ammunition in reserve, without incurring the heavy cost of disposing off large quantities of ammunition after their use by date has expired. This would be possible, as expired ammunition could be auctioned off to licensed dealers, for supply to arms license holders. Since expired ammunition is prone to misfire, while it may not be usable for front line use by Govt. forces, citizens could put this to use for getting in more practice at the range, at a reduced cost - a scenario in which one may be willing to forgo 100% reliability in favour of a much lower cost. This is a win-win situation for both licensed firearm owners as well as the State.

5. Category 1(b) of Schedule I should be deleted. In today's day and age when citizens anywhere in the country can be hit by terrorists and all manner of criminals armed with fully automatic rifles, it does not make any sense to broadly limit citizens access to even semi-automatic rifles and shotguns. If one is preparing to defend oneself, one should have access to reasonably adequate tools as well. If the Govt. feels that for now it is unable to completely do away with this category, the relevant licensing authority for firearms covered by this category, should be the District Magistrate in stead of the MHA. The local licensing authorities are competent enough to verify individual licensees need for the requested category of firearms, as they are present on the ground, they interview the applicant in person etc. No beneficial purpose has been served by the MHA taking away the authority (in 1987) of the District

Magistrate to issue licenses for arms covered by this category. The only thing that has happened is that now such firearm licenses are being exclusively issued to VIPs, people who in most cases already have heavily armed guards provided at the taxpayers expense.

There are a number of other suggestions I would like to make, but since (while related to this issue) they are beyond the scope of the Arms Act, I will end here. I would like to thank you for taking the time to read my objections and suggestions and hope that the present and future generations will more fully enjoy all the liberties that should be available to every citizen of a free country.

Thanking you.

Yours sincerely,

Name:

Address:

Copy to:

The office of the Hon'able Home Minister – For review and action

The office of the Hon'able Prime Minister of India – For information

The office of the Hon'able Chairperson of the National Advisory Council – For information

The office of the Hon'able Leader of the Opposition (Lok Sabha) – For information

The office of the Hon'able Leader of the Opposition (Rajya Sabha) – For information

Various Members of Parliament & other concerned parties – For information

Enclosures: “Right to Protection- A Fundamental Responsibility & Failure of the Indian State”, a white paper by Mr. Vikram Kona. http://www.indiansforguns.com/right_to_protection.pdf