



ACT 54 of 1959

THE ARMS ACT, 1959 with The Arms Rules, 1962

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INTRODUCTION

Historical Background

PRE-COLONIAL PERIOD

Prior to the advent of colonial rule in India, arms of all manner and types were freely owned and carried by all sections of society. Like any other essential tool, they were an integral part of our myths, legends, rituals and daily life. Almost every Hindu God or Goddess is depicted with one or more weapon - be it a sword, mace, bow, *chakra*, *trishul*, etc. Almost all our collective legends contain references to weapons being used effectively to trounce evil and many traditional rituals involve either the use or worship of weapons.

In those times, it was unusual for anyone to venture out of their homes without being armed in some manner. Whether it was a simple spear, sword, dagger or musket, etc., almost everyone carried some type of one/ more weapon on their person. This was both a part of our culture as well as a reflection of the fact that our ancestors were practical enough to not depend on others assistance, in times of dire need. They were both willing and able to protect themselves, as best they could - with the best tools available to them.

Even the most tyrannical of kings and emperors (many of whom came from other lands), never thought to disarm their Indian subjects. A disarmed populace was simply an incomprehensible thought! Towards the early 19th century, as India came under the control of the British, all this was to change drastically.

COLONIAL TIMES

The British colonial rulers, with an ingrained distrust of their Indian subjects, had from 1841 to 1946 passed numerous stringent Acts, with a set of harsh rules as riders, with the sole objective of initially disarming the Indian population and then subsequently discouraging future applicants from seeking a licence for one type of firearm or the other.

The attempts to disarm the Indian population started with Act No. 18 of 1841 followed by Act No. 30 of 1854, Act No. 28 of 1857 and Act No. 31 of 1860. With a view to consolidate the laws relating to arms, ammunition and military stores, the Indian Arms Act of 1878 was passed. This (Arms) Act exempted all Europeans, while placing strict controls and penalties on Indians owning any type of weapon. This was roundly condemned by all Indian leaders. Even though subsequently changes were made to the Indian Arms Act of 1878, to enable Indians to acquire arms - this was something that was very difficult if not virtually impossible for many. Punishments were harsh and applicants had to first convince the licensing authority of their loyalty to the crown before being granted a licence. The process was highly subjective and humiliating to an Indian citizen applying for an Arms licence. He was subjected to probes and inquiries. He had to dance attendance on the DM and had to keep the local police in good humour so that they would recommend his case for an arms licence.

REACTION OF INDIAN NATIONAL LEADERS TO THE ARMS ACT

The British rulers passed successively stringent rules and riders to granting an Arms licence with the objective of discouraging aspirants for an arms licence. The father of the Nation Mahatma Gandhi had observed *“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 ...”*

The (all party) Motilal Nehru Report of 1928 had for the first time introduced a list of Fundamental Rights (for all citizens) and this included, besides other rights *“the Right to Bear Arms”*.

The Indian National Congress in its Karachi Resolution of 1931 had adopted a list of Fundamental Rights that it proposed to include in **any future Constitution of a free India**. This also included the **Right to Keep and Bear Arms**.

SITUATION IN THE ERSTWHILE PRINCELY STATES OF INDIA

While the Arms Act applied to all of British India, the situation in the erstwhile Princely States was somewhat different. Subjects of such states had much greater freedom to own and carry weapons of all descriptions, within the boundaries of their own principalities. It is not without reason, that when someone wishes to acquire an antique sword/ spear/ shield to hang on their wall – the first place they go looking is in cities located within one of these erstwhile princely states. This is because in areas which were formerly under direct British administration, all such weapons were confiscated under threat of severe punishment and could only be owned on an Arms License!

It is pertinent to note here, that there was no significant difference in incidence of violent crime in these areas, when compared to adjoining areas under direct British administration. Of course then and now, controlling citizen's access to weapons had/ has little to do with preventing crime and everything to do with maintaining control over the populace!

POST INDEPENDENCE

When the Constitution was framed, the “Right to Keep and Bear Arms” was not incorporated in the list of Fundamental Rights. Responding to an amendment to incorporate it into the list of Fundamental Rights, Dr B. R. Ambedkar had observed that though this demand had relevance when India was ruled by an alien power but this was no longer the case.

Even after Indian independence in 1947, this law continued unaltered, making it difficult for law abiding citizens to possess firearms for self-defence or recreation. In 1953 the Indian Arms (Amendment) Bill (49 of 1953) was introduced in the Lok Sabha. It was discussed in the House and was circulated for public opinion. On the basis of those opinions the re-drafted Arms Bill was introduced in Parliament in 1958 and having been passed by both Houses of Parliament, received the assent of the President on 23rd December, 1959.

Thus the Right to Keep and Bear Arms was not made a Fundamental Right but was recognised as a Legal Right through the Arms Act of 1959.

Statement of objects and reasons for the Arms Act of 1959

Gazette of India (Extraordinary) Part II, Section 2, New Delhi,
Friday, Feb 20, 1959

The Indian Arms Act, 1878, was intended to disarm the entire nation. Even after independence, the law declaring “swords, daggers, spears, spear-heads, bow and arrows” as “arms” has been allowed to continue unaltered on the statute book. The rigours of the Arms Act and Rules there under continue to make it difficult for law abiding citizens to possess firearms for self defence whereas terrorists dacoit gangs and other antisocial or anti national elements are using not only civilian weapons but also bombs, hand-grenades, bren guns, 303 bore service rifles and revolvers of military type, for perpetuating heinous crimes against society and the state.

The Indian Arms (Amendment) Bill (49 of 1953) was introduced by the undersigned in the Lok Sabha on 27th November, 1953 to focus the Parliament's attention on this vital subject. It was discussed in the House on 26th March, 1954 and was circulated for public opinion.

Opinions were received from all the State Governments which contained not only their own views but also those of many legal luminaries, Bar Associations, Judges, Collectors, Senior Police Officers and local Bodies of their respective states. On the basis of those opinions this Bill has been drafted.

“The objects of this bill are –

- (a) to exclude knives spears, bows and arrows from the definition of “arms”;
- (b) to classify firearms and other prohibited weapons so as to ensure –
 - i. that dangerous weapons of military patterns are not available to civilians, particularly anti-social elements;
 - ii. that weapons for self defence are available for all citizens under license unless their antecedents or propensities do not disentitle them for the privilege; and
 - iii. that firearms required for training purposes and ordinary civilian use are made more easily available on permits;
- (c) to co-ordinate the right of the citizens with the necessity of maintaining law and order and avoiding fifth column activities in the country;
- (d) to recognise the rights of the State to requisition the services of every citizen in national emergencies. The licensee and permit holders for firearms, shikaris, target shooters and riflemen in general (in appropriate age group) will be of great service to the country in emergencies, if the govt. can properly mobilise and utilise them.

(Sd) Uma Charan Patnaik

**NOTE OF DISSENT BY MEMBER OF THE JOINT
COMMITTEE, SET UP TO REVIEW THE ARMS
BILL 1958**

(Which later on went on to become the Arms Act 1959)

Gazette of India (Extraordinary), Part II, Section 2, New Delhi,
Friday, February 20, 1959/ Phalguna 1 (vide pages 787 to 790)

“The present Bill seeks to repeal the Indian Arms Act enacted by the British rulers eighty years ago with a view to disarm the whole nation. Apart from the consideration of safeguarding the Empire, this policy of depriving the whole people of arms was motivated in the main by a sense of deep distrust and an attitude of contempt towards the Indian people. I am sorry to note that even after twelve years of independence, the present Government have not been able to shake off completely the legacy of their predecessors. The present Bill as by the Joint Committee is an improvement on the original Bill no doubt, but traces of this distrust linger still, and restrain the Bill from going as far as it should. Hence this note of dissent.”

“The right to bear and carry arms is an inviolable and sacred right of every free citizen and though this has not been included in the list of fundamental rights enumerated in the Indian Constitution, the right of self defence accepted and guaranteed by the Indian Penal Code implicitly acknowledges the right to possess arms. Since India is not in a position to run into a race of armaments with big powers, or their satellites, surrounding our boundaries and having hostile and expansionist designs against us, the only course open for us is to arm our people and make military training compulsory for all adults and able-bodied citizens....”

“...The present Bill seeks to liberalise the licensing provisions, but the liberalisation is very halting, the procedure of securing a license still remains irksome and dilatory and the license-seeker left to the whims and caprice of the bureaucracy...”

Atal Bihari Vajpayee
New Delhi, the 8th of August, 1959.
(Member of Parliament)

Note.— Atal Bihari Vajpayee would later go on to become the 11th Prime Minister of India, for 13 days in 1996 and then from 1998 to 2004.

CURRENT POLICIES AND IMPLEMENTATION SUBVERT THE OBJECTS & REASONS OF THE ACT

It is an unfortunate fact that in the decades since the Arms Act, 1959 was enacted by Parliament, successive Government's have worked towards subverting and defeating the very purpose for which this law was enacted. In stead they have used it, much like our former colonial masters, as a tool to limit access of the general citizenry to arms as well as to bestow favours upon their own supporters/ favourites. While the intent of replacing the colonial era law was clearly towards making it easier for ordinary law abiding citizens to own legal firearm, while preventing criminals, terrorists and other anti-social elements from acquiring arms, exactly the reverse has been happening. Let us examine how this has come about:-

1. Restricting firearm ownership by placing unreasonable demands on applicants

The law provides for wide flexibility and discretion to Licensing Authorities in grant or denial of licences. While these provisions were kept on the books, under the assumption that they would be used judiciously and towards serving public interest – the real life experiences of applicants belie this assumption! For e.g. in many jurisdictions the Licensing Authority perforce requires all applicants to submit for review property papers and income tax returns. This, despite the fact that the Arms Act, 1959 makes it very clear in section 14(2) that:

“(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.”

Since not possessing sufficient property cannot be grounds for refusal, why then require such documents? Isn't this a clear indication of a class bias, where the Licensing Authority is seeking to evaluate a person's net worth before grant of licence?

In other jurisdictions, applicants are perforce required to make “donations” to the local red cross and/ or purchase Government bonds of a certain value, before their applications will be considered. The media has also reported on bizarre instances of Licensing Authorities putting in place policies of only granting a licence to those who have undergone a vasectomy! Quite obviously the discretion in grant/ refusal of licences is being blatantly misused to serve other interests.

Furthermore, for the past few years, in a move that is clearly *ultra vires*, almost all Licensing Authorities are demanding that applicants prove “grave & imminent threat” to their lives – prior to grant of a licence. This is an absolutely ridiculous demand, as most citizens acquire a firearm to protect themselves against random acts of violence (which have been on a consistent upswing over the past few decades) and not based on some pre-existing threat. Usually it is only persons of prominence or large wealth who are issued “threats” by anti-social elements, thus in a way this is clearly an attempt to ensure that ordinary law abiding citizens are automatically disqualified from acquiring an arms licence and only the high and mighty would be so “blessed”.

The law as it is and the way it is being implemented on the ground today, cannot be said to be applied in a manner which is free of fear or favour. Thus it is high time that the relevant sections are amended in a manner which removes all discretionary power (except maybe for some rare cases) and encourages a fair, clean & transparent system of licensing.

2. Restricting firearm ownership by making it expensive to acquire one

The British also sought to restrict firearm ownership by taking it out of the means of all but a very small group of Indians - by heavily taxing their import. Firearms and ammunition have always been expensive in India but what the successive governments of free & democratic India have done (in this matter), far surpasses the policies of the erstwhile colonial rulers.

Independent India went a few steps further. Initially the government banned the commercial import of arms and ammunition by not renewing the import license of firms that used to previously import them for sale/ distribution. While on paper individuals were still allowed to import, by banning the import of arms via post, this was restricted to only the wealthy few who could afford to travel in those days. However, as foreign travel became more affordable in the late 1970's and early 1980's, in 1986 the government banned the import of arms altogether!

On the other hand the government continued with the colonial policy of not allowing private manufacture of any rifled firearms or ammunition. There were very few private firms who were licensed to produce smooth-bore guns and muzzle loaders, but the quantity allowed to be produced by each was severely & strictly limited. Furthermore, for more than 30 years no fresh licenses for producing even these (limited type & quantity of) guns have been granted. The only manufacturer of civilian arms & ammunition of any real size in India is the government owned monopoly - the Indian Ordnance Factory Board (IOFB). It makes products of poor quality, in quantities that have no relation to market demand and prices them a several times the cost of manufacture.

These twin policies of the import ban and a virtual government monopoly on indigenous manufacture of arms & ammunition has created skewed market conditions. In a sellers market arms & ammunition made by IOFB, despite their poor quality are retailed for several times the price that they would fetch in any other country (where civilian ownership is permitted). In fact where buyers in India have a choice they too have been voting with their wallets!

Second hand firearms imported prior to 1986, despite being 30 - 100 years old fetch huge premiums. For example, a fairly ordinary handgun like a second hand (30+ year old) Smith & Wesson .32 revolver, originally imported for ₹ 7,000/- to ₹ 8000/- now sells for upwards of ₹ 5,50,000/-. Overseas, a brand new one still would not cost more than ₹ 15,000/- to ₹ 20,000/- including the manufacturer and retailer profit. In India, dealers generally give a bill for much smaller amount, in the above example it may be only ₹ 40,000/-, the actual cost is therefore hidden. Bulk of the payments are made in undeclared funds, leading to a huge tax loss to the government. The Indian Government seems to be one up on our former colonial masters in denying arms by

restricting supply and pushing up prices. The shoddy products of the IOFB have failed to bring down these prices.

It is a shame that while we brag about our country's achievements in spheres such as our space, atomic and missile development programs, we seem to be unable to manufacture quality small arms & ammunition! The only way this will ever change is by encouraging private players to participate in a robust and unhindered domestic market, for both civilian and military users.

3. Encouraging the illegal arms industry by restricting licences for legal arms and making them too expensive

The points outlined above have had a direct fallout of encouraging the illegal arms industry. India is probably the only country in the world where, the same firearm bought without a licence in the black market, is many times cheaper than if it were bought legally, against an arms licence! The difficult and humiliating manner in which the arms licensing process is implemented and the high cost of legal firearms is luring many otherwise law-abiding citizens towards owning illegal firearms. This is a disturbing and dangerous development, and one towards which successive government's have turned a blind eye.

In the black market, while locally manufactured “*kattas*” (pipe guns) can be obtained for as little as ₹ 1000/-, imported handguns sell for ₹ 50,000/- or thereabouts. These developments are against the stated objects and reasons of the Act, as government policies are clearly having the effect of favouring criminals and other anti-social elements while penalising law abiding citizens!

The only way this can be curbed is if the government changes its mindset and makes appropriate changes to its policies and the law. It is not a good omen that a democratically elected government shows all signs of having so little trust in the very citizens that have elected it to office!

COLONIAL LEGACIES CONTAINED WITHIN THE PRESENT ARMS ACT/ ARMS RULES

The following are certain aspects of the Arms Act of 1878 that have been incorporated into the Arms Act of 1959/ Arms Rules. This section attempts to explain why these provisions were introduced by the British as well as the reasons for need to abolish them.

1. Concept of Prohibited Bores

After local uprisings, the British prohibited .450 calibre firearms in India and Sudan. The reason was that 577/450 was the service round of the British Army used in the Martini Henry rifles. In India, the Governor General-in-council prohibited the import and possession of .450 calibre rifles and ammunition and when the British switched over to the .303 as their service calibre this too was prohibited. The reason was that the British Colonial masters wanted to ensure that in case of another mutiny by Indian troops, they should not be able to get ammunition for their rifles from the local population. Similarly other service calibre arms and ammunition too were prohibited. This had nothing to do with the .303 being more effective than other rifle calibres allowed to Indians. In fact many of them were in terms of ballistics the equal

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of if not superior to the .303. Similarly while the anaemic .38-200 a.k.a. .38 S&W, which was and is a service calibre, is considered to be a prohibited bore, a .44 Magnum revolver is considered to be a non Prohibited Bore

After independence while this practice continued by keeping service calibre firearms in a distinct category. Surprisingly when the Indian army adopted the 7.62x51 as its service calibre, it too was included in the list of Prohibited Bore firearms.

The .410 musket – made by reaming out the .303 No 1 Mark 3 barrel to a smoothbore, plugging the magazine well to make it a single shot and firing a ball loaded in an un-necked .303 cartridge – was meant for local police forces of 'dubious loyalty' who could not be 'entrusted' with repeating rifles. However, as this is a service calibre, though fast becoming obsolete, it is considered to be a Prohibited Bore. It is easily outclassed by a 12 ga. shotgun that is freely available to arms licensees.

Since there is little or no possibility of a mutiny against an elected government there is no reason to continue with this policy.

2. Fixing the area of validity of an arms licence

Fresh from suppressing the uprising of 1857, in which there had been widespread local support, the British sought to ensure that no such armed challenge to their authority took place again. Since, till that time, there was no restriction on Indians owning arms, the ranks of sepoys were joined by armed Indian civilians who actively participated in the engagements with the Company and Crown troops and their Allies. Afraid of another such uprising and in an atmosphere of suspicion and the belief that the uprising was the outcome of a pan Indian conspiracy the British sought to restrict the movement of Indians who owned arms by restricting the area of validity of the licences granted.

Indian Democracy has had to face numerous challenges in terms of insurgencies, some of which have been suppressed, while others continue to simmer. In almost all these cases, the local police has been shown to be largely ineffective in preventing depredations against the civilian population – considered by the insurgents to be inimical to their 'objectives'. The solution has always been to arm civilians to fight against separatists/ insurgents/ terrorists/ militants. This happened in Punjab, is happening in J&K and also in Naxalite dominated areas.

Civilians armed with by the state or carrying their own licensed arms have always shown themselves to be true nationalists by combating those fighting against the Indian state. There is little or no reason to believe that armed Indian citizens would get together at some point of time to hatch a conspiracy to overthrow their own elected government.

3. Ammunition Quotas

This was another step to ensure that there was no stockpiling of ammunition by 'mutinous' Indian subjects and in keeping with the policy in the aftermath of the uprising of 1857. These quotas were also kept absurdly low. So low, that an arms licensee could not (and still can't) even become conversant in the use of his firearm.

The government of free & democratic India has persisted in this policy of the former colonial government.

4. Periodic renewal of license

Till the adoption of the Arms Act of 1959 and the Arms Rules of 1962, there was no fixed period of validity of an arms license. The norm was to renew it for one year. Periodic renewal was a means to emphasise the fact that the arms licensee was a mere 'subject' and reflected the deep distrust that he was viewed with by his colonial masters.

Though the 3-year period of validity of an arms license was certainly an improvement over the previous situation, this time period is also shorter than it need be. In case of people with a license for a prohibited bore firearm, in many states, by the time the license gets renewed it is time for the next renewal.

Like any other document there is a need to increase this period significantly. Maybe a ten year validity like that for passports would make more sense. It would certainly reduce the recurrent hassle for arms license holders as well as lower the needless burden on government machinery.

5. Reporting at the nearest police station on a licensee staying for more than 48 hours in the jurisdiction of another licensing authority

This was yet another way to keep a check on the movements of an arms licensee and to ensure that he did not indulge in any seditious activity (*shararat*). Initially this was not a requirement under the Arms Act 1959, however the Government of India vide two notifications in 1989 & 1990 quietly reverted back to this colonial era practice.

It is both an incursion into the civil liberties of arms license holders as well as an insulting requirement - that they be treated in the same manner as criminals and other such anti-social elements.

DEMAND FOR REVIEW OF THE ARMS ACT AND RULES

Despite the obvious distrust of Indians, an arms licensee was considered to be a honourable and a law-abiding member of the society during the British rule. In court cases, at the time of giving evidence if the witness was an arms licensee, this was emphasised to show that the witness is someone held in trust by the British government and also that his testimony was reliable. Successive governments of independent India have shown that they clearly consider arms licensees to be nothing more than criminals or at least potential criminals.

The demand for a review of the existing law arose out of the massacre of unarmed and defenceless citizens by terrorists during attacks in Mumbai in November 2008. Left defenceless by the already stringent policy on granting licenses, many citizens demanded a review of the opaque process of granting licenses for firearms that denied one to a law abiding citizen but ensured one to those well connected or willing to bribe to get one. The government, however does not seem to be listening - using the opportunity to make the laws even stricter, as if they were not tough enough!

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Perhaps the action of the DCP (Licensing) Mumbai is an example of the government's mind set. The first thing that the worthy did, in the aftermath of the attacks, was to tighten up the already draconian policy for grant of an arms license. Did he suddenly realise that his office had issued arms licenses to terrorists, for the machine guns that they used to kill civilians and policemen?

Instead of making the grant of a license as transparent as possible, to prevent manipulations and corruption, the government seeks to disarm Indian citizens and make the process even more centralised and influenced by political expediencies.

Act 54 of 1959

The Arms Bill having been passed by both Houses of Parliament received the assent of the President on 23rd December, 1959. It came on the Statute Book as THE ARMS ACT, 1959 (54 of 1959).

LIST OF AMENDING ACTS

1. The Arms (Amendment) Act, 1971 (55 of 1971) w.e.f. 13-12-1971.
2. The Arms (Amendment) Act, 1983 (25 of 1983) w.e.f. 22-06-1983.
3. The Arms (Amendment) Act, 1985 (39 of 1985) w.e.f. 28-05-1985.
4. The Arms (Amendment) Act, 1988 (42 of 1988) w.e.f. 27-05-1988.
5. The Finance Act, 1995 (22 of 1995) w.e.f. 20-05-1995.

THE ARMS ACT, 1959

(54 of 1959)

[23rd December, 1959]

An Act to consolidate and amend the law relating to arms and ammunition.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows :-

CHAPTER I - PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Act may be called the Arms Act, 1959.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. DEFINITIONS AND INTERPRETATION

- (1) In this Act, unless the context otherwise requires, —
 - (a) “acquisition”, with its grammatical variations and cognate expressions, includes hiring, borrowing, or accepting as a gift;
 - (b) “ammunition” means ammunition for any firearm, and includes —
 - i. rockets, bombs, grenades, shells ²[and other missiles],
 - ii. articles designed for torpedo service and submarine mining,
 - iii. other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or noxious liquid, gas or other such thing, whether capable of use with firearms or not,
 - iv. charges for firearms and accessories for such charges,
 - v. fuses and friction tubes,
 - vi. parts of, and machinery for manufacturing, ammunition, and

1. Came into force on 01-10-1962 *vide* G.S.R. 992, dated 13 July, 1962.

2. Subs. by Act 42 of 1988, sec. 2, for “and other like missiles” (w.r.e.f. 27-05-1988).

- vii. such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- (c) “arms” means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharp edged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;
- (d) ¹ [“district magistrate”, in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of Police thereof and includes any such Deputy Commissioner of Police, exercising jurisdiction over the whole or any part of such area, as may be specified by the State Government in this behalf in relation to such area or parts;]
- (e) “firearms” means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy, and includes –
- i. artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other such things,
 - ii. accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof,
 - iii. parts of, and machinery for manufacturing, firearms, and
 - iv. carriages, platforms and appliances for mounting, transporting and serving artillery;
- (f) “licensing authority” means an officer or authority empowered to grant or renew licenses under rules made under the Act, and includes, the Government;
- (ff) ² [“magistrate” means an Executive Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974);]
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “prohibited ammunition” means any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other such thing, and includes rockets, bombs, grenades, shells, ³[missiles] articles designed for torpedo service and submarine mining and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition;

1. Subs. by Act 55 of 1971, sec. 2, for clause (d) (w.e.f. 13-12-1972).

2. Ins by Act 25 of 1983, sec. 2 (w.r.e.f. 22-06-1983).

3. Ins. by Act 42 of 1988, sec. 2 (w.r.e.f. 27-05-1988).

- (i) “prohibited arms” means –
- i. firearms so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty, or
 - ii. weapons of any description designed or adapted for the discharge of any noxious liquid, gas or other such thing, and includes artillery, anti-aircraft and anti-tank firearms and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms;
- (j) “public servant” has the same meaning as in section 21 of the Indian Penal Code (45 of 1860.);
- (k) “transfer”, with its grammatical variations and cognate expressions, includes letting on hire, lending, giving and parting with possession.

(2) For the purposes of this Act, the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

CHAPTER II - ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT, AND TRANSPORT OF ARMS AND AMMUNITION

3. LICENCE FOR ACQUISITION AND POSSESSION OF FIREARMS AND AMMUNITION

¹[(1)] No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

1. Section 3 re-numbered as sub-section (1) thereof by Act 25 of 1983, sec. 3 (w.r.e.f. 22-06-1983).

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.

¹[(2) Notwithstanding anything contained in sub-section (1), no person, other than a person referred to in sub-section (3), shall acquire, have in his possession or carry, at any time, more than three firearms:

Provided that a person who has in his possession more firearms than three at the commencement* of the Arms (Amendment) Act, 1983, may retain with him any three of such firearms and shall deposit , within ninety days from such commencement*, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of Section 21, with a licensed dealer, or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section.

(3) Nothing contained in sub-sections (2) shall apply to any dealer in firearms or to any member of a rifle club or rifle association licensed or recognised by the Central Government using a point 22 bore rifle or an air-rifle for target practice.

(4) The provisions of sub-section (2) to (6) (both inclusive) of Section 21 shall apply in relation to any deposit of firearms under the proviso to sub-section (2) as they apply in relation to the deposit of any arm or ammunition under sub-section (1) of that section.]

4. LICENCE FOR ACQUISITION AND POSSESSION OF ARMS OF SPECIFIED DESCRIPTION IN CERTAIN CASES

If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than firearms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry in that area arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made there under.

5. LICENCE FOR MANUFACTURE, SALE, ETC., OF ARMS AND AMMUNITION

²[(1)] No person shall—

(a) ³[use, manufacture], sell, transfer, convert, repair, test or prove, or

1. Ins by Act 25 of 1983, sec. 3 (w.r.e.f. 22-06-1983).

2. Section 5 renumbered as sub-section (1) thereof by Act 25 of 1983, sec. 4 (w.r.e.f. 22-06-1983).

3. Sub. by Act 42 of 1988, sec. 3, for “manufacture” (w.r.e.f. 27-05-1988)

*. 22nd day of June, 1983.

(b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof,

any firearm or any other arms of such class or description as may be prescribed or any ammunition, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

¹[***]

²[(2)] Notwithstanding anything contained in sub-section (1), a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act, or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession, such arms or ammunition;

Provided that no firearm or ammunition in respect of which a license is required under section 3 or any arms in respect of which a licence is required under section 4 shall be sold or transferred by any person unless—

- (a) he has informed in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or other arms, and
- (b) a period of not less than forty-five days has expired after the giving of such information.]

6. LICENCE FOR THE SHORTENING OF GUNS OR CONVERSION OF IMITATION FIREARMS INTO FIREARMS

No person shall shorten the barrel of a firearm or convert an imitation firearm into a firearm unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Explanation.— In this section, the expression “imitation firearm” means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

7. PROHIBITION OF ACQUISITION OR POSSESSION, OR OF MANUFACTURE OR SALE OF PROHIBITED ARMS OR PROHIBITED AMMUNITION

No person shall—

- (a) acquire, have in his possession or carry; or

1. Provisio omitted by Act 25 of 1983, sec. 4 (w.r.e.f. 22-06-1983).

2. Ins. by Act 25 of 1983, sec. 4 (w.r.e.f. 22-06-1983).

(b) ¹[use, manufacture], sell, transfer, convert, repair, test or prove; or

(c) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof,

any prohibited arms or prohibited ammunition unless he has been specially authorised by the Central Government in this behalf.

8. PROHIBITION OF SALE OF TRANSFER OF FIREARMS NOT BEARING IDENTIFICATION MARKS

(1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon in a manner approved by the Central Government.

(3) Whenever any person has in his possession any firearm, without such name, number or other identification mark or on which such name, number or other identification mark has been obliterated, removed, altered or forged, it shall be presumed unless the contrary is proved, that he has obliterated, removed, altered or forged that name, number or other identification mark:

Provided that in relation to a person who has in his possession at the commencement of this Act any firearm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this subsection shall not take effect until after the expiration of one year from such commencement.

9. PROHIBITION OF ACQUISITION OR POSSESSION BY, OR OF SALE OR TRANSFER TO, YOUNG PERSONS AND CERTAIN OTHER PERSONS OF FIREARMS, ETC.

(1) Notwithstanding anything in the foregoing provisions of this Act,—

(a) no person,—

i. who has not completed the age of ²[twenty-one years], or

ii. who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for ³[any term] at any time during a period of five years after the expiration of the sentences, or

1. Subs by Act 42 of 1988, sec. 4, for “manufacture” (w.r.e.f. 27-05-1988).

2. Subs by Act 25 of 1983, sec. 5, for “sixteen years” (w.r.e.f. 22-06-1983).

3. Subs by Act 25 of 1983, sec. 5, for “a term of not less than six months” (w.r.e.f. 22-06-1983).

iii. who has been ordered to execute under Chapter VIII of the ¹[Code of Criminal Procedure, 1973 (2 of 1974)] a bond for keeping the peace or for good behaviour, at any time during the term of the bond,

shall acquire, have in his possession or carry any firearm or ammunition;

(b) no person shall sell or transfer any firearm or ammunition to, or convert, repair, test or prove any firearm or ammunition for, any other person whom he knows, or has reason to believe—

- i. to be prohibited under clause (a) from acquiring, having in his possession or carrying any firearm or ammunition, or
- ii. to be of unsound mind at the time of such sale or transfer, or such conversion, repair, test or proof.

(2) Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such firearms as may be prescribed in the course of his training in the use of such firearms:

Provided that different age-limits may be prescribed in relation to different types of firearms.

10. LICENCE FOR IMPORT AND EXPORT OF ARMS, ETC.

(1) No person shall bring into, or take out of, India by sea, land or air any arms or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that—

- (a) a person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession any arms or ammunition, may without a licence in this behalf bring into, or take out of, India such arms or ammunition in reasonable quantities for his own private use;
- (b) a person being a *bona fide* tourist belonging to any such country as the Central Government may, by notification in the Official Gazette, specify, who is not prohibited by the laws of that country from having in his possession any arms or ammunition, may, without a licence under this section but in accordance with such conditions as may be prescribed, bring with him into India arms and ammunition in reasonable quantities for use by him for purposes only of sport and for no other purpose.

Explanation.— For purposes of clause (b) of this proviso, the word "tourist" means a person who not being a citizen of India visit India for a period not exceeding six months with no other object than recreation, sight-seeing, or participation in a representative capacity in meetings convened by the Central Government or in international conferences, associations or other bodies.

1. Subs by Act 25 of 1983, sec. 5, for "Code of Criminal Procedure, 1898 (5 of 1898)" (w.r.e.f. 22-06-1983).

(2) Notwithstanding anything contained in the proviso to sub-section (1), where the ¹[Commissioner of Customs] or any other officer empowered by the Central Government in this behalf has any doubt as to the applicability of clause (a) or clause (b) of that proviso to any person who claims that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be put by such person, may detain the arms or ammunition in the possession of such person until he receives the orders of the Central Government in relation thereto.

(3) Arms and ammunition taken from one part of India to another by sea or air or across any intervening territory not forming part of India, are taken out of, and brought into, India within the meaning of this section.

11. POWER TO PROHIBIT IMPORT OR EXPORT OF ARMS, ETC.

The Central Government may, by notification in the Official Gazette, prohibit the bringing into, or the taking out of, India, arms or ammunition of such classes and descriptions as may be specified in the notification.

12. POWER TO RESTRICT OR PROHIBIT TRANSPORT OF ARMS

(1) The Central Government may, by notification in the Official Gazette,—

- (a) direct that no person shall transport over India or any part thereof arms or ammunition of such classes and descriptions as may be specified in the notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder; or
- (b) prohibit such transport altogether.

(2) Arms or ammunition trans-shipped at a seaport or an airport in India are transported within the meaning of this section.

CHAPTER III - PROVISIONS RELATING TO LICENCES

13. GRANT OF LICENCES

(1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.

1. Subs by Act 22 of 1995, sec. 89, for "Collector of Customs" (w.e.f. 26-05-1995).

¹[(2) On receipt of an application, the licensing authority shall call for the report of the officer in charge of the nearest police station on that application, and such officer shall send in his report within the prescribed time.

(2A) The licensing authority, after making such inquiry, if any, as it may consider necessary, and after considering the report received under sub-section (2), shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same:

Provided that where the officer in charge of the nearest police station does not send his report on the application with the prescribed time, the licensing authority may, if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report.]

(3) The licensing authority shall grant—

(a) a licence under section 3 where the licence is required—

i. by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection:

Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection; or

ii. in respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognised by the Central Government;

(b) a licence under section 3 in any other case or a licence under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

14. REFUSAL OF LICENCES

(1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant—

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

i. where such licence is required by a person whom the licensing authority has reason to believe—

1. Subs by Act 25 of 1983, sec. 6, for sub-section (2) (w.r.e.f. 22-06-1983).

1. to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or
 2. to be of unsound mind, or
 3. to be for any reason unfit for a licence under this Act; or
- ii. where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.
- (2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

15. DURATION AND RENEWAL OF LICENCE

(1) A licence under section 3 shall, unless revoked earlier, continue in force for a period of three years from the date on which it is granted.:

Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

16. FEES, ETC. FOR LICENCE

The fees on payment of which, the conditions subject to which and the form in which a licence shall be granted or renewed shall be such as may be prescribed:

Provided that different fees, different conditions and different forms may be prescribed for different types of licences:

Provided further that a licence may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

17. VARIATION, SUSPENSION AND REVOCATION OF LICENCES

(1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the licence-holder by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence –

- (a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or
- (b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or
- (c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or
- (d) if any of the conditions of the licence has been contravened; or
- (e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) The authority to whom the licensing authority is subordinate may by order in writing suspend or revoke a licence on any ground on which it may be suspended or revoked by the licensing authority; and the foregoing provisions of this section shall, as far as may be, apply in relation to the suspension or revocation of a licence by such authority.

(7) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke the licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(8) An order of suspension or revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) The Central Government may, by order in the Official Gazette, suspend or revoke or direct any licensing authority to suspend or revoke all or any licences granted under this Act throughout India or any part thereof.

(10) On the suspension or revocation of a licence under the section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.

18. APPEALS

(1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority or the authority to whom the licensing authority is subordinate, suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by, or under the direction of, the Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908 (9 of 1908.), with respect to the computation of periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by the brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

CHAPTER IV - POWERS AND PROCEDURE

19. POWER TO DEMAND PRODUCTION OF LICENCE, ETC.

(1) Any police officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.

(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may require him to give his name and address and if such officer considers it necessary, seize from that person the arms or ammunition which he is carrying.

(3) If that person refuses to give his name and address or if the officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant.

20. ARREST OF PERSONS CONVEYING ARMS, ETC., UNDER SUSPICIOUS CIRCUMSTANCES

Where any person is found carrying or conveying any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, may arrest him without warrant and seize from him such arms or ammunition.

21. DEPOSIT OF ARMS, ETC., ON POSSESSION CEASING TO BE LAWFUL

(1) Any person having in his possession any arms or ammunition the possession whereof has, in consequence of the expiration of the duration of a licence or of the suspension or revocation of a licence or by the issue of a notification under section 4 or by any reason whatever, ceased to be lawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or subject to such conditions as may be prescribed, with a licensed dealer or where such person is a member of the armed forces of the Union, in a unit armoury.

Explanation.— In this sub-section “Unit armoury” includes an armoury in a ship or establishment of the Indian Navy.

(2) Where arms or ammunition have or has been deposited under sub-section (1), the depositor or in the case of his death, his legal representative, shall, at any time before the expiry of such period as may be prescribed, be entitled—

- (a) to receive back anything so deposited on his becoming entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, or
- (b) to dispose, or authorise the disposal, of anything so deposited by sale or otherwise to any person entitled by virtue of this act or any other law for the time being in force to have, or not prohibited by this act or such other law from having, the same in his possession and to receive the proceeds of any such disposal:

Provided that nothing in this sub-section shall be deemed to authorise the return or disposal of anything of which confiscation has been directed under section 32.

(3) All things deposited and not received back or disposed of under sub-section (2) within the period therein referred to shall be forfeited to Government by order of the district magistrate:

Provided that in the case of suspension of a licence no such forfeiture shall be ordered in respect of a thing covered by the licence during the period of suspension.

(4) Before making an order under sub-section (3) the district magistrate shall, by notice in writing to be served upon the depositor or in the case of his death, upon his legal representative, in the prescribed manner, require him to show cause within thirty days from the service of the notice why the things specified in the notice should not be forfeited.

(5) After considering the cause, if any, shown by the depositor or, as the case may be, his legal representative, the district magistrate shall pass such order as he thinks fit.

(6) The Government may at any time return to the depositor or his legal representative things forfeited to it or the proceeds of disposal thereof wholly or in part.

22. SEARCH AND SEIZURE BY MAGISTRATE

(1) Whenever any magistrate has reason to believe—

- (a) that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose, or
- (b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety,

the magistrate may, after having recorded the reasons for his belief, cause a search to be made of the house or premises occupied by such person or in which the magistrate has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in force to have the same in his possession.

(2) Every search under this section shall be conducted by or in the presence of a magistrate or by or in the presence of some officer specially empowered in this behalf by the Central Government.

23. SEARCH OF VESSELS, VEHICLES ARMS, ETC.

Any magistrate, any police officer or any other officer specially empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made there under is being or is likely to be committed, stop and search and vessel, vehicle or other means of conveyance and seize any arms or ammunition that may be found therein along with such vessel, vehicle or other means of conveyance.

24. SEIZURE AND DETENTION UNDER ORDERS OF THE CENTRAL GOVERNMENT

The Central Government may at any time order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, and may detain the same for such period as it thinks necessary for the public peace and safety.

****[24A. PROHIBITION AS TO POSSESSION OF NOTIFIED ARMS IN DISTURBED AREAS, ETC.***

(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area, it is necessary or expedient so to do, it may by notification in the Official Gazette —

- (a) specify the limits of such area;
- (b) direct that before the commencement of the period specified in the notification (which period shall be a period commencing from a date not earlier than the fourth day after date of publication of the notification in the Official Gazette), every person having in his possession in such area any arms of such description as may be specified in the notification (the arms so specified being hereinafter in this section referred to as notified arms), shall deposit the same before such commencement in accordance with the provisions of section 21 and for this purpose the possession by such person of any notified arms shall, notwithstanding anything contained in any other provision of this Act (except section 41) or in any other law for the time being in force, as from the date of publication of such notification in the Official Gazette be deemed to have ceased to be lawful;
- (c) declare that as from the commencement of, and until the expiry of, the period specified in the notification, it shall not be lawful for any person to have in his possession in such area any notified arms;
- (d) authorise any such office subordinate to the Central Government or a State Government as may be specified in the notification,—

*. Ins. by Act 25 of 1983, sec. 7 (w.r.e.f. 22-06-1983).

- i. to search at any time during the period specified in the notification any person in, or passing through, or any premises in, or any animal or vessel or vehicle or other conveyance of whatever nature in, such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container;
- ii. to seize at any time during the period specified in the notification any notified arms in the possession of any person in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) For the purposes of this section, —

- (a) “arms” includes ammunition;
- (b) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to “the period specified in the notification” shall be construed as references to the period as so extended.]

****[24B. PROHIBITION AS TO CARRYING OF NOTIFIED ARMS IN OR THROUGH PUBLIC PLACES IN DISTURBED AREAS, ETC.***

(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do, it may, by notification in the Official Gazette,—

- (a) specify the limits of such area;
- (b) direct that during the period specified in the notification (which period shall be a period commencing from a date not earlier than the second day after the date of publication of the notification in the Official Gazette), no person shall carry or otherwise have in his possession any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms) through or in any public place in such area;

*. Ins. by Act 25 of 1983, sec. 7 (w.r.e.f. 22-06-1983).

- (c) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification,—
- i. to search at any time during the period specified in the notification any person in, or passing through, or any premises in or forming part of, or any animal or vessel or vehicle or other conveyance of whatever nature, in or passing through, or any receptacle or other container of whatever nature in, any public place in such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container;
 - ii. to seize at any time during the period specified in the notification any notified arms being carried by or otherwise in the possession of any person, through or in a public place in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) For the purposes of this section, —

- (a) “arms” includes ammunition;
- (b) “public place” means any place intended for use by, or accessible to, the public or any section of the public; and
- (c) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to “the period specified in the notification” shall be construed as references to the period as so extended.]

CHAPTER V - OFFENCES AND PENALTIES

25. PUNISHMENT FOR CERTAIN OFFENCES

¹[(1) Whoever—

1. Subs. by Act 25 of 1983, sec. 8 for sub-section (1) (w.r.e.f. 22-06-1983).

(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

¹[***]

(d) bring into, or takes out of India, any arms or ammunition of any class or description in contravention of Section 11,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

²[(1A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(1AA) Whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.]

³[(1AAA) Whoever has in contravention of a notification issued under section 24A in his possession or in contravention of a notification issued under section 24B carries or otherwise has in his possession, any arms or ammunition shall be punishable with imprisonment for a term which shall not be less than ⁴[three years, but which may extend to seven years] shall also be liable to fine.

(1B) Whoever—

(a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

(b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such class or description as has been specified in that notification in contravention of that section; or

(c) sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of sub-section (1) of that section; or

1. Clause (c) omitted by Act 42 of 1988, sec. 5 (w.e.r.f. 27-05-1988).

2. Ins. By Act 42 of 1988, sec. 5 (w.e.r.f. 27-05-1988).

3. Sub-section (1A) renumbered as sub-section (1AAA) by Act 42 of 1988, sec. 5 (w.e.r.f. 27-05-1988).

4. Subs. by Act 39 of 1985, sec 2, for "one year, but which may extend to five years" (w.e.f. 28-05-1985).

(d) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or

(e) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or

(f) brings into, or takes out of, India, any arms or ammunition in contravention of section 10; or

(g) transports any arms or ammunition in contravention of section 12; or

(h) fails to deposit arms or ammunition as required by sub-section (2) of section 3 or sub-section (1) of section 21; or

(i) being a manufacturer of, or dealer in, arms or ammunition, fails, on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account of the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept;

shall be punishable with imprisonment for a term which shall not be less than ¹[one year] but which may extend to three years and shall also be liable to fine.

Provided that the Court may for any adequate and special reasons to be recorded in the judgement impose a sentence of imprisonment for a term of less than ¹[one year].

²[(1C) Notwithstanding anything contained in sub-section (1B), whoever commits an offence punishable under that sub-section in any disturbed area shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation. — For the purposes of this sub-section, “disturbed area” means any area declared to be a disturbed area under any enactment, for the time being in force, making provision for the suppression of disorder and restoration and maintenance of public order, and includes any areas specified by notification under section 24A or section 24B.]

(2) Whoever being a person to whom sub-clause (i) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

1. Subs. by Act 39 of 1985, sec 2, for “six months” (w.e.f. 28-05-1985).

2. Ins. by Act 39 of 1985, sec 2 (w.e.f. 28-05-1985).

1[(3) Whoever sells or transfers any firearm, ammunition or other arms—

(i) without informing the district magistrate having jurisdiction or the officer in charge of the nearest police station, of the intended sale or transfer of that firearm, ammunition or other arms; or

(ii) before the expiration of the period of forty-five days from the date of giving such information to such district magistrate or the officer in charge of the police station,

in contravention of the provisions of clause (a) or clause (b) of the proviso to sub-section (2) of section 5, shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.]

(4) Whoever fails to deliver-up a licence when so required by the licensing authority under sub-section (1) of section 17 for the purpose of varying the conditions specified in the licence or fails to surrender a licence to the appropriate authority under sub-section (10) of that section on its suspension or revocation shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(5) Whoever, when required under section 19 to give his name and address, refuses to give such name and address or gives a name or address which subsequently transpires to be false shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to two hundred rupees, or with both.

****[26. SECRET CONTRAVENTIONS***

(1) Whoever does any act in contravention of any of the provisions of section 3, 4, 10 or 12 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and also with fine.

(2) Whoever does any act in contravention of any of the provisions of section 5, 6, 7 or 11 in such manner as to indicate an intention that such an act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years and also with fine.

(3) Whoever on any search being made under section 22 conceals or attempts to conceal any arms or ammunition, shall be punishable with imprisonment for a term which may extend to ten years and also with fine.]

1. Subs. by Act 25 of 1983, sec 8, for sub-section (3) (w.e.f. 22-06-1983).

*. Subs. by Act 25 of 1983, sec 9, for section 26 (w.e.f. 22-06-1983)

****[27. PUNISHMENT FOR USING ARMS, ETC.,***

(1) Whoever uses any arms or ammunition in contravention of section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death.]

28. PUNISHMENT FOR USE AND POSSESSION OF FIREARMS OR IMITATION FIREARMS IN CERTAIN CASES

Whoever makes or attempts to make any use whatsoever of a firearm or an imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be punishable with imprisonment for a term which may extend to seven years ¹[and with fine].

Explanation.—In this section the expression “imitation firearm” has the same meaning as in section 6.

29. PUNISHMENT FOR KNOWINGLY PURCHASING ARMS, ETC., FROM UNLICENSED PERSON OR FOR DELIVERING ARMS, ETC., TO PERSON NOT ENTITLED TO POSSESS THE SAME

Whoever—

(a) purchases any firearms or any other arms of such class or description as may be prescribed or any ammunition from any other person knowing that such other person is not licensed or authorised under section 5; or

(b) delivers any arms or ammunition into the possession of another person without previously ascertaining that such other person is entitled by virtue of this Act or any other law for the time being in force to have, and is not prohibited by this Act or such other law from having, in his possession the same;

shall be punishable with imprisonment for a term which may extend to ²[three years, or with fine, or with both].

*. Subs. by Act 42 of 1988, sec 6, for section 27 (w.r.e.f. 27-05-1988).

1. Subs. by Act 25 of 1983, sec 10, for “, or with fine, or with both” (w.r.e.f. 22-06-1983)

2. Subs. by Act 25 of 1983, sec 11, for “six months, or with fine of an amount which may extend to five hundred rupees, or with both” (w.r.e.f. 22-06-1983)

30. PUNISHMENT FOR CONTRAVENTION OF LICENCE OR RULE

Whoever contravenes any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to ¹[six months], or with fine which may extend to ²[two thousand] rupees, or with both.

31. PUNISHMENT FOR SUBSEQUENT OFFENCES

Whoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

32. POWER TO CONFISCATE

(1) When any person is convicted under this Act of any offence committed by him in respect of any arms or ammunition, it shall be in the discretion of the convicting court further to direct that the whole or any portion of such arms or ammunition, and any vessel, vehicle or other means of conveyance and any receptacle or thing containing, or used to conceal, the arms or ammunition shall be confiscated:

Provided that if the conviction is set aside on appeal or otherwise, the order of confiscation shall become void.

(2) An order of confiscation may also be made by the appellate court or by the High Court when exercising its powers of revision.

33. OFFENCES BY COMPANIES

(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

- (a) “company” means any body corporate, and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm, means a partner in the firm.

1. Subs. by Act 25 of 1983, sec 12, for “three months” (w.r.e.f. 22-06-1983)

2. Subs. by Act 25 of 1983, sec 10, for “five hundred” (w.r.e.f. 22-06-1983)

CHAPTER VI - MISCELLANEOUS

34. SANCTION OF CENTRAL GOVERNMENT FOR WAREHOUSING OF ARMS

Notwithstanding anything contained in the ¹[Customs Act, 1962 (52 of 1962)], no arms or ammunition shall be deposited in any warehouse licensed under ²[section 58] of that Act without the sanction of the Central Government.

35. CRIMINAL RESPONSIBILITY OF PERSONS IN OCCUPATION OF PREMISES IN CERTAIN CASES

Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is reason to believe that he was aware of the existence of the arms or ammunition in the premises, vehicle or other place shall, unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone.

36. INFORMATION TO BE GIVEN REGARDING CERTAIN OFFENCES

(1) Every person aware of the Commission of any offence under this Act shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information of the same to the officer in charge of the nearest police station or the magistrate having jurisdiction.

(2) Every person employed or working upon any railway, aircraft, vessel, vehicle or other means of conveyance shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information to the officer in charge of the nearest police station regarding any box, package or bale in transit which he may have reason to suspect contains arms or ammunition in respect of which an offence under this Act has been or is being committed.

37. ARREST AND SEARCHES

Save as otherwise provided in this Act,—

(a) all arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the ³[Code of Criminal Procedure, 1973 (2 of 1974)], relating respectively to arrests and searches made under that Code;

1. Subs. by Act 25 of 1983, sec 13, for “Sea Customs Act, 1878 (8 of 1878)” (w.r.e.f. 22-06-1983)

2. Subs. by Act 25 of 1983, sec 13, for “section 16” (w.r.e.f. 22-06-1983)

3. Subs. by Act 25 of 1983, sec 14, for “Code of Criminal Procedure, 1898 (5 of 1898)” (w.r.e.f. 22-06-1983)

(b) any person arrested and any arms or ammunition seized under this Act by a person not being a magistrate or a police officer shall be delivered without delay to the officer in charge of the nearest police station and that officer shall—

- i. either release that person on his executing a bond with or without sureties to appear before a magistrate and keep the things seized in his custody till the appearance of that person before the magistrate, or
- ii. should that person fail to execute the bond and to furnish, if so required, sufficient sureties, produce that person and those things without delay before the magistrate.

38. OFFENCES TO BE COGNIZABLE

Every offence under this Act shall be cognizable within the meaning of the ¹[Code of Criminal Procedure, 1973 (2 of 1974)].

39. PREVIOUS SANCTION OF THE DISTRICT MAGISTRATE NECESSARY IN CERTAIN CASES

No prosecution shall be instituted against any person in respect of any offence under section 3 without the previous sanction of the district magistrate.

40. PROTECTION OF ACTION TAKEN IN GOOD FAITH

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

41. POWER TO EXEMPT

Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

- (a) ²[exempt any person or class of persons (either generally or in relation to such description of arms and ammunition as may be specified in the notification)], or exclude any description of arms or ammunition, or withdraw any part of India, from the operation of all or any of the provisions of this Act; and
- (b) as often as may be, cancel any such notification and again subjects, by a like notification, the person or class of persons or the description of arms and ammunition or the part of India to the operation of such provisions.

42. POWER OF TAKE CENSUS OF FIREARMS

(1) The Central Government may, by notification in the Official Gazette, direct a census to be taken of all firearms in any area and empower any officer of Government to take such census.

1. Subs. by Act 25 of 1983, sec 14, for “Code of Criminal Procedure, 1898 (5 of 1898)” (w.r.e.f. 22-06-1983)

2. Subs. by Act 25 of 1983, sec 15, for “exempt any person or class of persons” (w.r.e.f. 22-06-1983)

(2) On the issue of any such notification all persons having in their possession any firearm in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such firearms if he so requires.

43. POWER TO DELEGATE

(1) The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under section 41 or the power under section 44 may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government,

as may be specified in the notification.

(2) Any rules made by the Central Government under this Act may confer powers or impose duties or authorise the conferring of powers or imposition of duties upon any State Government or any officer or authority subordinate thereto.

44. POWER TO MAKE RULES

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the appointment, jurisdiction, control and functions of licensing authorities¹[including the areas and the categories of arms and ammunition for which they may grant licenses];

(b) the form and particulars of application for the grant or renewal of a licence and where the application is for the renewal of a licence, the time within which it shall be made;

(c) the form in which and the conditions subject to which any licence may be granted or refused, renewed, varied, suspended or revoked;

(d) where no period has been specified in this Act, the period for which any licence shall continue to be in force;

(e) the fees payable in respect of any application for the grant or renewal of a licence and in respect of any licence granted or renewed and the manner of paying the same;

(f) the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm shall be stamped or otherwise shown thereon;

(g) the procedure for the test or proof of any firearms;

(h) the firearms that may be used in the course of training, the age-limits of persons who may use them and the conditions for their use by such persons;

1. Ins. by Act 25 of 1983, sec 16 (w.r.e.f. 22-06-1983)

- (i) the authority to whom appeals may be preferred under section 18, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and the refund of such fees;
- (j) the maintenance of records or accounts of anything done under a licence other than a licence under section 3 or section 4, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf;
- (k) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which arms or ammunition are or is manufactured or in which arms or ammunition are or is kept by a manufacturer of or dealer in such arms or ammunition and the exhibition of the same to such officer;
- (l) the conditions subject to which arms or ammunition may be deposited with a licensed dealer or in a unit armoury as required by sub-section (1) of section 21 and the period on the expiry of which the things so deposited may be forfeited;
- (m) any other matter is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in ¹[two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid]; both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

45. ACT NOT TO APPLY IN CERTAIN CASES.

Nothing in this Act shall apply to—

- (a) arms or ammunition on board any sea-going vessel or any aircraft and forming part of the ordinary armament or equipment of such vessel or aircraft;
- (b) acquisition, possession or carrying, the manufacture, repair, conversion, test or proof, the sale or transfer or the import, export or transport of arms or ammunition—
 - i. by or under orders of the Central Government, or
 - ii. by a public servant in the course of his duty as such public servant, or
 - iii. by a member of the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (31 of 1948.), or by any officer or enrolled person of the Territorial Army raised and maintained under the Territorial Army Act, 1948 (56 of 1948.) or by any member of any other forces raised and maintained or that may hereafter be raised and maintained under any Central Act, or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify, in the course of his duty as such member, officer or enrolled person;

1. Subs. by Act 25 of 1983, sec 16, for certain words (w.r.e.f. 22-06-1983)

- (c) any weapon of an obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a Firearm either or without repair;
- (d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used with complementary parts acquired or possessed by that or any other person.

46. REPEAL OF ACT 11 OF 1878

(1) The Indian Arms Act, 1878 (11 of 1878.), is hereby repealed.

(2) Notwithstanding the repeal of the Indian Arms Act, 1878 (11 of 1878.), and without prejudice to the provisions of sections 6 and 24 of the General Clauses Act, 1897 (10 of 1897), every licence granted or renewed under the first-mentioned Act and in force immediately before the commencement of the Act shall, unless sooner revoked, continue in force after such commencement for the unexpired portion of the period for which it has been granted or renewed.

THE ARMS RULES 1962*

In exercise of the powers conferred by sections 5, 9, 10, 11, 12, 13, 16, 17, 18, 21, 41 and 44 of the Arms Act 1959 (54 of 1959), the Central Government hereby makes the following rules, namely:-

1. SHORT TITLE

- (1) These rules may be called the Arms Rules, 1962.
- (2) They shall come into force on the 1st October, 1962.

2. INTERPRETATION

In these rules, unless the context otherwise requires, —

- (a) “Act” means the Arms Act, 1959 (54 of 1959);
- (b) “appellate authority” means the appellate authority referred to in rule 5;
- (c) “authority” or “officer” means, except where otherwise specifically provided in these rules, the District Magistrate or such other officer as may, from time to time, be notified in the official Gazette by the Central Government;
- (d) “company” has the same meaning as that assigned to it in the explanation under Sec. 33;
- (e) “dealer” means a person who by way of trade or business, manufactures, converts, repairs, proves, tests, sells, exports, imports, or transfers or keeps for sale, repair or test arms or ammunition;
- (f) “District Magistrate” includes -
 - ¹[***]
 - (ii) in relation to any district or part thereof, an Additional District Magistrate or any any other officer specially empowered in this behalf by the Government of the State concerned;
 - (iii) in relation to a Union territory, any officer specially empowered by the Central Government in this behalf;
 - (iv) in relation to the tribal areas of Assam, specified in Part B of the Table appended to para. 29 of the Sixth Schedule to the Constitution, a Political Officer; and
 - ²{(v) in relation to the suburbs of Calcutta, as defined by notification issued from time to time by the Government of West Bengal in their official Gazette under the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), the Commissioner of Police, Calcutta, and a Deputy Commissioner of Police, Calcutta, nominated by the State Government in this behalf;}
- (g) “form” means a form as set out in Sch. III;
- (h) “port” includes an airport;
- (i) “schedule” means a schedule appended to these rules;
- (j) “section” means a section of the Act;
- ³[(k) “Sub-divisional Magistrate” includes Additional Sub-divisional Magistrate, Sub-divisional Officer and Additional Sub-divisional Officer.]

* Vide G.S.R. 987, dated 13th July, 1962, published in the Gazette of India, Pt. II, Sec. 3(i), dated 28th July, 1962.

1. Clause (i) omitted by G.S.R. 947, dated 24th August, 1973, (w.e.f. 08-09-1973).

2. Subs. by S.O. 1470, dated 23rd May, 1963.

3. Ins. by G.S.R. 1567, dated 20th August, 1968.

3. CLASSIFICATION OF ARMS OR AMMUNITION

For the purposes of the Act and these rules, “arms” or “ammunition” shall be of the categories specified in columns 2 and 3 respectively of Schedule I and references to any category of arms or ammunition in these rules shall be construed accordingly.

*[4. LICENSING AUTHORITY AND FORMS OF LICENSES

(1) Licenses under Chapter II of the Act may be granted or renewed for such purposes, by such authorities, in such forms and to be valid for such period and in such areas as are specified in Schedule II, subject to such conditions as are specified in that Schedule and in the license:

Provided that the licenses granted or renewed by a licensing authority may be signed by such officer subordinate to that authority as may be specially empowered in this behalf by the State Government.

(2) Every such licences granted by the District Magistrate under section 13 shall be recorded in Form XXIII and a copy of it shall be forwarded to the concerned State Government by the licensing authority at the end of each quarter i.e. March, June, September and December each year.

(3) The State Government shall, on the basis of the reports received under sub-rule (2), consolidate all the data concerning licences issued under section 13 and send the same to the Government of India in Ministry of Home Affairs which shall create a suitable database.]

5. APPELLATE AUTHORITIES

(1) For the purposes of the Act and these rules the appellate authority to whom an appeal shall lie from an order of the ¹[licensing or other authority] specified in column (1) of the Table below shall be that specified in the corresponding entry in column (2) thereof:

TABLE

| ¹ [Authority] | Appellate authority |
|--|---|
| (1) | (2) |
| a) Tehsildar; or 1st or 2nd class Magistrate, or ² [Sub-divisional Magistrate]. | District Magistrate. |
| ¹ [b) Additional District Magistrate, District Magistrate. | ³ [(i) Commissioner of the Division or, in an Union territory, the Administrator thereof, or |

* Subs. by G.S.R. 453(E), dated 21st May, 2010, for rule 4 (w.e.f. 28-05-2010). Earlier rule 4 was amended by G.S.R. 1011(A), dated 7th August, 1972. Rule 4, before substitution by G.S.R. 453(E) stood as under:

“4. Licensing authority and forms of licenses. — Licenses under Chapter II of the Act may be granted or renewed for such purposes, by such authorities, in such forms and to be valid for such period and in such areas as are specified in Schedule II, subject to such conditions as are specified in that Schedule and in the license:

Provided that the licenses granted or renewed by a licensing authority may be signed by such officer subordinate to that authority as may be specially empowered in this behalf by the State Government.”.

1. Subs. by S.O. 1470, dated 23rd May, 1963.

2. Subs. by G.S.R. 1567, dated 20th August, 1968.

3. Subs. by G.S.R. 755, dated 11th May, 1964.

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| (1) | (2) |
|---|--|
| | (ii) in the State of ¹ [Tamil Nadu], Andhra Pradesh and Kerala, the Board of Revenue, or |
| | (iii) in the State of Jammu and Kashmir, ² [***] West Bengal, Gujarat and any other State not being a State mentioned in entry (ii) above, in which there is no post of Commissioner of a Division, the State Government. |
| c) Commissioner of Police | State Government. |
| d) ³ [Commissioner of the Division or, in an Union territory, the Administrator thereof] | State Government. |
| (e) Head of Indian Mission, or Political Officer. | Central Government. |
| (f) Other specially empowered officers. | Authority that empowered. |

(2) For the purpose of sub-section (6) of section 17 of the Act, the licensing authority shall be deemed to be subordinate to the appellate authority.

6. REASONS TO BE COMMUNICATED TO THE APPELLATE AUTHORITY IN CERTAIN CASES

Where a licensing authority is of opinion that it will not be in the public interest to furnish reasons for the refusal, renewal, variation of conditions, revocation or suspension, of a licence, to the applicant, the recorded reasons therefore and the facts of the cases shall be communicated by the him to the appellate authority.

7. DIRECTION AND CONTROL OVER LICENSING AUTHORITIES

All licensing authorities shall work under the direction and control of their respective appellate authorities.

8. RESTRICTION IN GRANTING LICENSES FOR ACQUISITION, POSSESSION OR CARRYING OF ARMS OR AMMUNITION OF CATEGORY-I

(a) No Licence shall be granted for acquisition, possession or carrying of arms or ammunition of categories I (b), I (c) and I (d) Unless they have been lawfully imported into India or are being imported into India with the sanction of the Central Government.

1. Subs. by G.S.R. 773, dated 1st July, 1974.

2. Omitted by G.S.R. 681(E), dated 11th November, 1991.

3. Subs. by G.S.R. 1377, dated 9th August, 1963

(b) A licence for acquisition, possession or carrying of ammunition of categories I (b), I (c) shall be granted only if the licensing authority is satisfied that the ammunition is to be used with rifles or muskets which are lawfully possessed for sporting purposes or with pistols or revolvers which have been lawfully imported into India; and the amount of ammunition which the licensee may possess during each period of twelve months immediately succeeding the date of grant of licence shall be entered in the licence.

9. COPIES OF LICENSES OF CATEGORIES I AND II TO BE SENT TO CERTAIN AUTHORITIES

A copy of every licence granted for arms or ammunition of categories I (a), I (b), I (c), I (d) and II shall for with be sent—

(a) to the District Magistrate of the place in which arms and ammunition are to be kept, or

(b) to the State Government if such place is in the State of Jammu and Kashmir.

10. POSSESSION OF ARMS OR AMMUNITION FOR CERTAIN PURPOSES TO INCLUDE USE THEREOF

Possession of the following arms or ammunition for the purposes mentioned against each includes use thereof, for such purposes only provided that such use does not involve manufacture of any arms or ammunition (including explosives and fireworks):-

(a) arms, for theatrical performance, cinematograph production or signalling for starting races or athletic meets;

(b) ingredients of ammunition, for *bona fide* industrial, agricultural or medicinal purposes.

11. RESTRICTION MAYBE IMPOSED BY CENTRAL GOVERNMENT

¹[(1)] Any licence having effect outside the State in which it is granted, shall be subject to any restrictions which may be imposed by a general or special order of the Central Government.

²[(2) Save where he is specially authorised in this behalf by the District Magistrate concerned, the licensee shall not carry any arms covered by the licence within the campus or precincts of any educational institution.]

12. ³[*]**

1. Rule 11 re-numbered as sub-rule (1) thereof by G.S.R. 1259, dated 27th November, 1980.

2. Ins. By G.S.R. 1259, dated 27th November, 1980.

3. Rule 12 omitted by G.S.R. 1418, dated 15th September, 1965

13. OF RETAINER

(1) When the owner of any arms or ammunition licensed in Form III applies for permitting his agent, relative or employee to possess or carry any of the arms or ammunition covered by the licence for sport, protection or display, on his behalf, whether in attendance on him or not, and in circumstances different from those mentioned in the proviso to Section 3, such agent, relative or employee may, if the licensing authority considers it fit, be shown as a retainer by entering his name and other particulars in Column 6 of the owner's licence in Form III.

(2) A licence in Form III granted to A for the protection of its premises or property shall be in the name of member, agent or other representative of the company, who shall be responsible for the custody of the weapon. The name of a servant or any other employee entrusted with the weapon for guarding the premises or property of the company shall be entered as a retainer in the appropriate column of the licence. The licensing authority shall issue to the licensee a permit in Form III-B for each of such retainers shown in the licence. The permit shall remain in the personal custody of the representative of the company and shall be made over to the retainers when they are entrusted with the weapon covered by the licence:

¹[Provided that the licensing authority shall obtain a report from the police about the antecedents of the retainer and take into consideration such report before admitting him as a retainer.]

(3) A licence in Form III-A for possession and carrying of arms or ammunition may be granted to a person nominated to be his retainer by a person exempted from licensing requirements:

Provided that the retainer shall have no right, independent of the person so exempted, to use the arms or ammunition covered by the licence, and the licence shall cease to be in force on the day on which the person so exempted has ceased to be an exemptee, or the retainer has ceased to be in the service of the exemptee:

¹[Provided further that the licensing authority shall obtain a report from the police about the antecedents of the retainer and take into consideration such report before admitting him as a retainer.]

14. LICENCES FOR PROTECTION OF CROPS AND CATTLE

(1) Where a licence is granted in Form V, any member of the family of the licensee or a servant employed by the licensee to watch the crops or cattle and residing with him, may, in the discretion of the licensing authority, be allowed to carry any of the arms or ammunition covered by the licence to protect crops or cattle against wild animals in the area specified in the licence by entering his name and particulars in Column 2 thereof.

(2) Where, after the end of any harvest season, the State Government considers it expedient that for the protection of wild life in any area, any arms or ammunition licensed in Form V should be deposited in a police station or with a licensed dealer, it may, by order, require any licensee to deposit such arms or ammunition for such period as the arms or ammunition are not required for the protection of crops or cattle and as may be specified therein, and thereupon the licensee shall be bound to comply with such order.

1. Ins. by G.S.R. 703, dated 15th July, 1981.

15. LICENSE FOR TARGET PRACTICE

Where a license in Form VI has been granted in the name of any military mess, club or association, it shall be lawful for any member of such mess, club or association to use the fire-arms or ammunition covered by such license for the purpose of the mess, club or association in accordance with the conditions of the license.

16. AGE LIMIT FOR TRAINING AND TARGET PRACTICE

Any person below the age of sixteen years but not below the age of twelve years may be allowed to use a fire-arm for the purpose of training in the use of such firearm in the immediate presence, or under the direct supervision and guidance of an adult instructor or the licensee:

Provided that no person below the age of sixteen years shall be allowed carry any firearm requiring a licence, in a public place, except in the immediate presence and supervision of the person who is lawfully entitled to carry such firearm.

Explanation. - for the purposes of this rule, an “adult” means a person who has completed the age of twenty one years.

17. TRAVELLER’S (TEMPORARY) LICENSE

(1) Subject to the provisions of rule 8, a license in Form VIII may be granted to any *bona fide* traveller, proceeding from the place of his arrival in India to his place of destination in India, for the possession and carrying of arms or ammunition for the duration of the journey, by the licensing authority at the place of arrival.

(2) A copy of every such license shall be forthwith sent to the District Magistrate having jurisdiction over the place of destination of the licensee; such authority shall satisfy himself, when necessary, that the licensee has complied with Condition 7 entered on the Form of the license.

18. APPLICATION OF SEC. 4 OF THE ACT

In any area specified in the notification issued by the Central Government under Sec. 4, licenses for acquisition, possession or carrying in that area of arms of such class or description as may be specified in that notification, may also be granted or renewed as provided in Schedule II, subject to such conditions as are specified in that schedule and in the license.

19. ARMS OTHER THAN FIRE ARMS

Unless the Central or State Government by notification in the Official Gazette so directs, no license shall be required for the manufacture, sale, possession for sale or test, of arms of category V except in the areas notified under Sec. 4.

20. MANUFACTURE, CONVERSION, SHORTENING, REPAIR, TEST, SALE ETC. OF ARMS OR AMMUNITION

(1) The licensing authority while granting a license in Form IX shall show clearly in the license Form—

- i. The categories and description of the arms or ammunition covered by the license;
- ii. The transactions permitted in present of the different categories of arms or ammunition, and

omit any transactions or categories of arms or ammunition, not covered by the license.

(2) A copy of every license granted in Form IX by an authority other than the District Magistrate of the place of business, factory or shop of the licensee shall forthwith be sent to that District Magistrate.

21. CONVERSION, REPAIR, TEXT, SALE, ETC.

(1) Where a license is granted in Form IX or Form XI for conversion or repair, but not manufacture, of any category of firearms or ammunition, it entitles the licensee to fabricate components or parts for the purpose of conversion or repair of such firearms or ammunition but not to manufacture such components or parts to be utilised for assembling into complete firearms or ammunition of any category which he is not allowed to manufacture.

(2) (a) A license in Form XI shall not entitle the dealer to shorten a firearm or to convert an imitation firearm into a firearm, unless he has a licence in Form IX showing specifically that he is permitted to shorten a firearm or convert an imitation firearm into a firearm.

(b) Under no circumstances shall a dealer shorten the barrel of a rifle or smooth-bore gun so that the resultant length becomes less than 20 inches.

(c) The detail of the cases in which barrels are shortened and imitation firearms are converted into firearms shall be reported every month to the District Magistrate, in such form, if any, as may be required.

(3) A dealer having a licence in Form XI, Form XII or Form XIII to ¹[repair or test] or to sell firearms or ammunition shall not take the firearms or ammunition for testing to a testing range or other place, unless specifically permitted to do so by his licence, and he shall carry out tests only in such manner and subject to such conditions as are laid down therein.

²[(4) Where a licence is granted in Form IX or Form XI for conversion of ammunition, it shall not entitle the licensee to convert blank cartridges or any ammunition having no projectile into single/ multiple projectile ammunition or to load or reload any ammunition.]

22. PROOF TESTING OF FIREARMS

(1) Proof testing of firearms manufactured by a licensed dealer shall be carried out only in accordance with the regulations which may be framed by the Central Government or framed by such authorities as the Central Government may specify in this behalf and approved by that Government.

(2) No dealer shall sell a firearm which has not been duly proof-tested.

1. Subs. by G.S.R. 1689, dated 9th September, 1970.

2. Ins. by G.S.R. 703, dated 15th July, 1981.

23. LICENSING AUTHORITIES TO FURNISH INFORMATION TO THE DISTT. MAGISTRATE

A copy of every licence 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.

24. SALE OR KEEPING FOR SALE CERTAIN ARMS AND AMMUNITION

(1) The State Government or, in the States of ¹[Tamil Nadu], Andhra Pradesh or Kerala, the Board of Revenue, may, by licence granted by it in Form XI or Form XII, authorise selected dealers to sell or keep for sale a specified amount of ammunition of category I (c).

(2) A dealer possessing a licence in Form IX, Form XI or Form XII shall not sell or transfer any arms or ammunition of category I (b) or I (c) to any person, unless the acquisition or possession of such arms or an ammunition is expressly permitted in his licence or in his certificate of exemption.

25. IDENTIFICATION MARKS ON FIRE-ARMS

(1) A manufacturer of firearms shall get every firearm manufactured by him stamped so as to show distinctly -

- (a) the marker's name and registered trade mark, if any
- (b) the serial number of the weapon as entered in his register and the year of stamping; and

(c) proof-mark;

as shown in the following table

²TABLE

| | Weapons | Manufacturer's name | Serial Number (Register no.) | Proof-mark |
|----|--------------|--|---|---|
| | 1 | 2 | 3 | 4 |
| 1. | DBBL Weapons | (i) On the rib at the top near the breach (ii) On the side of the action body | (i) On the fastener (ii) On the flats of barrels (iii) On the flats of the action body | (i) On the flats of the barrels (ii) On the side of action body |
| 2. | SBBL Weapons | (i) On the barrel near the beach. (ii) On the side of the action body. | (i) On the fastener. (ii) On the flat of the barrel (iii) On the flat of the action body. | (i) On the flat of the barrel (ii) On the side of the action body. |
| 3. | ML Weapons | (i) On the barrel or on the rib near the nozzle. (ii) On the side plates | (i) On the barrel near the nozzle. (ii) On the action body. | (i) On the barrel |
| 4. | Revolvers | On the barrel | (i) On the barrel (ii) On chamber (iii) On the body | (i) On the barrel (ii) On the body. (iii) On the cylinder. |
| 5. | Pistols | On the frame | On the frame | (i) On the barrel (ii) On the body. |

1. Subs. by G.S.R. 733, dated 1st July, 1974.

2. Subs. G.S.R. 165, dated 11th February, 1988.

(2) When an imported firearm kept for sale by a dealer does not bear the manufacturer's name, such distinguishing mark of the importer as allotted by the State Government shall be engraved on the barrel (adjacent to the number, if any, existing thereon) and on other parts as shown in column (2) of the Table under sub-rule (1); if a barrel bears more than one number, the distinguishing mark shall be affixed to the number appearing on the original invoice. When the manufacturer's number appears only on the trigger-guard or other replaceable part, that number shall be engraved on the parts shown in column (3) of that Table.

(3) A person, who has in his possession any firearm which does not bear distinctly a manufacturer's name, number or other identification mark as mentioned in sub-rule (1), shall get the identification mark stamped on the firearm consisting of —

(a) Such distinct letters as may be prescribed for the purpose by the State Government;

(b) Serial number of the possession licence in the Arms Register of the licensing authority concerned or, in respect of the firearms in possession of a person exempt from the obligation to take out licence for their possession, the letter "Ex", and

(c) The year of stamping,

in that order and in the following manner :—

1. Rifles — On the barrel and breech
2. Guns and pistols — On the barrel
3. Revolvers — On the breech and cylinder

26. RECORDS OF TRANSACTION IN ARMS AND AMMUNITION

(1) Every dealer shall maintain such registers as may be prescribed by the Central Government to show receipts, disposals, balance of stock in hand and daily sales of arms or ammunition of different categories and provide such other information as may be required.

(2) Every entry of transactions in such registers shall be made before the close of business hours on the same day and in the case of a sale or transfer, the dealer shall, at the time of the transaction, require the purchaser or transferee, if not known to him to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the registers.

27. INSPECTION OF PREMISES, STOCK AND RECORD

Every Magistrate and any police-officer not below the rank of Inspector, or, if the Central Government so directs, of Sub-Inspectors, ¹[acting within the local limits of his authority, or any officer of the Central Government specially empowered in this behalf may] —

1. Subs. by G.S.R. 3, dated 28th December, 1967.

(a) enter and inspect the premises in which arms or ammunition are manufactured or in which arms or ammunition are kept by a manufacturer or dealer in such arms or ammunition; and

(b) examine the stock and accounts of receipts and disposals of arms and ammunition or any other register or document.

28. RESTRICTIONS UPON IMPORT OR EXPORT FOR RE-IMPORT OF ARMS OR AMMUNITION

A licence shall not be granted for the import or export for re-import of any arms or ammunition through the medium of post office.

29. IMPORT BY SEA OR AIR

Arms or ammunition shall be deemed to have been brought into India by a person when such arms or ammunition are imported through an agent and are either—

(i) consigned to such person direct, or

(ii) consigned to the said, agent, if the agent, possesses a certificate from the said person that the arms or ammunition are *bona fide* his property and the agent only clears the arms or ammunition from the customs house and forwards the same.

30. VESSELS ENTERING THE TERRITORIAL WATERS OF INDIA

Arms or ammunition carried by a vessel entering the territorial waters of India or leaving such waters, shall be deemed to be imported or exported, as the case may be, irrespective of whether the vessel carrying the arms or ammunition does not berth.

31. IMPORTED BY LAND OR RIVER OF ARMS AND AMMUNITION

(1) Where a licence is granted in Form XVI and the articles are consigned to an area not on the frontier of India, a copy of the licence shall forthwith be sent by the authority granting it to the Government of the State concerned or the District Magistrate having jurisdiction over the area in which they cross such frontier; and the State Government/ District Magistrate may in its/ his discretion require the licensee to produce the arms or ammunition for its/ his inspection before allowing the same to be taken out.

(2) Where arms or ammunition are imported by rail, a copy of the licence shall forthwith be sent by the authority granting it to the railway authorities at the place to which such arms or ammunition are consigned.

32. BRINGING OF ARMS OR AMMUNITION INTO INDIA BY “BONA FIDE” TOURISTS

(1) ¹[A licence, valid for the period of six months from the date of endorsement referred to in sub-rule (1-A) , may be granted in Form III to *bona fide* tourists referred to in clause (b) of the proviso to sub-section (1) of section 10, so far as practicable, six months prior to the expected date of arrival of the tourist in India :

Provided that the validity of the licence so granted shall commence only from the date of endorsement of the licence and that the arms and ammunition covered by the license shall not be used till the date of endorsement of the license.

(1-A) when the licence is granted in Form III to a *bona fide* tourist, under sub-rule (1), the licence, together with the passport/ visa of the tourist, shall be presented to the licensing authority as soon as may be after the disembarkment of the tourist and the latter shall —

- (a) after obtaining the undertaking referred to in sub-rule (2), endorse the licence making it valid for a period of six months from the date of endorsement; and
- (b) make an entry in the passport/ visa giving full particulars of all the arms and ammunition for which the licence has been granted.]

(2) The licensing authority shall obtain an undertaking in writing from the licensee that he shall not sell or transfer the arms or ammunition to anyone in India without the prior permission of the District Magistrate having jurisdiction over the place where such sale or transfer is to be made, and where the arms or ammunition are sold or transferred he shall inform the customs authority and pay duty, if any.

(3) The passport-checking authority or any other officer empowered by the District Magistrate in this behalf at the port or other place of departure from India shall verify that the arms entered in the passport/ visa are being taken out of India by the licensee and recover the licence and forward the same to the authority who issued it with the remarks that the arms have been duly re-exported or lawfully sold or transferred in India, as the case may be.

33. OF EXPORTS

(1) The authority granting a licence in Form XVII for export by sea or air of arms or ammunition from customs ports to ports in foreign territory or Commonwealth shall send a copy of such licence to the agent or master of the vessel or to the air carrier by which the arms or ammunition covered by the licence are intended to be taken out of India.

(2) The weapons of the following description shall not be allowed to be exported, namely:—

- (i) weapons falling within the definition of “antiquity” under the Antiquities (Export Control) Act, 1947 (31 of 1947)*;

1. Subs. by G.S.R. 1019, dated 22nd May, 1968.

*. See now the Antiquities and Treasures Act, 1972 (52 of 1972).

(ii) weapons of current and popular bores for which ammunition is available in the country; and

(iii) automatic weapons and weapons which are in use by the police or the armed forces of the Union.

(3) Every application for the grant of a licence in Form XVII or Form XVIII for export of firearms shall be accompanied by a certificate from the Director-General of Archaeology of the Central Government to the effect that the arms intended to be exported do not fall within the definition of “antiquity” under the Antiquities (Export Control) Act, 1947 (31 of 1947)*. If the application is made to the Central Government, it shall be accompanied by a further certificate from the licensing authority of the place from where the weapons are intended to be exported certifying that the weapons do not belong to any of the descriptions mentioned in sub-rule (2).

34. EXPORT BY LAND OR RIVER OF ARMS AND AMMUNITION

When a licence for export of arms or ammunition by land or river is granted in Form XVIII a copy of the licence shall forthwith be sent by the licensing authority—

- (a) where the arms or ammunition are exported by rail, to the District Magistrate of the place from which the consignment is to be despatched or, in the State of Jammu and Kashmir, to the State Government, and such authority shall forthwith send a copy to the railway authorities at the station from which the consignment is to be despatched;
- (b) where the arms or ammunition are exported by road or river, to the District Magistrate having jurisdiction over the area out of which they are to cross the frontier of India; and such Magistrate may, in his discretion, require the licensee to produce the arms or ammunition for his inspection before allowing them to leave the area.

35. EXPORT AND RE-IMPORT OF ARMS AND AMMUNITION BY SEA OR AIR

(1) A licence in Form XIX may be granted for export of arms or ammunition by sea or air from one place in India and its re-import into another place in India —

- (a) by the Central Government or any other officer specially empowered by it, if —
 - (i) the arms or ammunition are taken by sea or by an International Air Service or across intervening territory not forming part of India, or
 - (ii) the arms or ammunition form part of the estate of deceased or insane person who was or is subject to the Indian Navy Act, 1957 (62 of 1957), or whose estate is dealt with under the Army and Air Force (Disposal of Private Property) Act 1950 (40 of 1950), where such arms or ammunition are to be sent to the wife, widow, legal representative or next-of-kin of such deceased or insane person; or

*. See now the Antiquities and Treasures Act, 1972 (52 of 1972).

- (b) by the licensing authority —
- (i) for import, at the place of destination, or
 - (ii) for export, at the place of despatch subject to the previous consent of the licensing authority at the place of destination as required under rule 50,

if the arms or ammunition are carried by sea or by an internal air service.

Explanation. - For the purpose of this rule, “India” includes any of ex-French settlements in India.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent by the authority granting it to —

(a) the licensing authority/ authorities of the place of despatch/ destination of the articles, as the case may be; or if the place of despatch/ destination is in any of the ex-French settlements in India, to the Secretary, General Administration Department, Government of Pondicherry; and

(b) where the place of despatch/ destination of the articles is other than a port—

(i) to the licensing authority at the port of export/ re-import; and

(ii) if the route includes transport by rail, to the railway authorities at the station from which the consignment is to be despatched.

36. ARMS OR AMMUNITION TO BE DELIVERED TO CUSTOMS COLLECTOR IN CERTAIN CASES

Where a vessel or aircraft bound for a port other than a part in India calls at any port in India in the course of its voyage, and remains there for a period exceeding forty eight hours, any arms or ammunition in the possession of any passenger not exempted from liability to take out a licence in respect of such possession shall be delivered by him to the Customs Collector, to be detained until the departure by sea or air, as the case may be, of such passenger, and it shall not be necessary for such passenger to take out any licence in respect of the arms or ammunition so delivered and detained.

37. PROHIBITION TO TRANSPORT OF ARMS AND AMMUNITION

(1) Save as herein otherwise provided, no person shall transport over India or any part thereof any firearms or ammunition or any arms of category V, except under and in accordance with the conditions of, a licence granted under these rules.

(2) Nothing in sub-rule (1) or in section 12 shall be deemed to apply to arms or ammunition—

(a) transported personally or as personal luggage, in reasonable quantities for his own use, by a person lawfully entitled to possess or carry such arms or ammunition;

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(b) transported by a person licensed to manufacture such articles, for proof-testing, in a case or package legibly addressed to a Government establishment or to an establishment approved in this behalf by the Central Government, or re-transported by such establishment to such person;

(c) of category V, transported through an area where the Central Government has, by notification in the Official Gazette, applied section 4, or from such area to an area where section 4 does not apply, provided that the weapons are properly packed and labelled, showing clearly the description of the articles and the name and address of the consignee;

(d) transported by a licensed dealer for export or after import, in accordance with a licence for their export or import —

- (i) from the place of despatch to the port or other place of export, or
- (ii) from the port or other place of import to the place of destination, or
- (iii) by transshipment in the port of import for re-export by sea or air;

(e) Transported —

- (i) by a person lawfully entitled to possess such articles, in reasonable quantities for his own use from the premises of a licensed dealer, or for purposes of examination or repair or test to or from any such premises, or to the address of any other person lawfully entitled to possess such articles; or
- (ii) by a licensed dealer, in a case or package legibly addressed to a person lawfully entitled to possess such articles, in compliance with an order given by such person for the supply of such articles, in reasonable quantities, for his own use or after carrying out necessary repairs thereto;

(f) being chlorates, transported for *bona fide* industrial, agricultural or medicinal purposes:

Provided that —

(i) transport of arms or ammunition under clause (d), clause (e) or clause (f) shall be subject to obtaining a certificate of no objection from the licensing authority at the destination of the articles as provided for in rule 50;

(ii) transport of arms or ammunition personally for any of the purposes stated in sub-clause (i) of clause (e) without using them through any area outside the area of validity of his possession licence, shall be subject to his obtaining a permit from the licensing authority at the starting place of transport; and

(iii) prior intimation of the transport of arms of category V under clause (c) or of chlorates under clause (f) shall be given to the officer-in-charge of the nearest police station or a Magistrate having jurisdiction over the place of despatch.

(3) The officer or magistrate receiving prior intimation under sub-clause (iii) of the proviso to sub-rule (2) shall immediately inform the District Magistrate, and if the articles are transported by rail the Superintendent of Railway Police having jurisdiction—

- (i) over the place of destination, in the case of transport of chlorates, and

- (ii) over the place of entry into the area where section 4 applies, in the case of transport of arms of category V.

Explanation.— For the purpose of this rule, “transport” includes movement of arms or ammunition across any part of the country, but does not include movement of arms or ammunition by a licensed dealer from a warehouse, godown or any other similar place to his factory, shop or other place or business within the same village, town or city.

38. TRANSPORT OF ARMS OR AMMUNITION

(1) A copy of licence granted in Form XX for transport of arms of ammunition beyond the local limits of the jurisdiction of the authority granting it shall forthwith be sent to the District Magistrate having jurisdiction over the area where the place to which the articles are consigned is situated, or if such place is in the State of Jammu and Kashmir to the Government of the State.

(2) A copy of every such licence granted by a District Magistrate for transport within the limits of his jurisdiction shall forthwith be sent to the Subordinate Magistrate (if any) having jurisdiction over the place to which the arms or ammunition are consigned.

(3) Where arms or ammunition are transported by rail, a copy of such licence or a copy of the no-objection certificate referred to in rule 50 shall be attached to the way-bill or invoice, as the case may be, and telegraphic advice of every such consignment shall be sent by the railway authorities from the forwarding to the receiving station.

(4) A licence for the transport of arms or ammunition shall not, save for special reasons to be recorded by the authority granting it, be granted for a period longer than twice the time likely to be occupied in the journey to the place of destination by the route indicated in the licence:

Provided that a licence for a longer period, not exceeding a quarter of a year at one time, may be granted in connection with industrial purposes for transporting ingredients of munition in instalments from the godown to the factory of the licensee situated within the same district but not in the same locality. A licensee transporting any ingredients of ammunition under such licence shall give prior intimation to the nearest Magistrate/ Officer-in-charge of the police station; and he shall make necessary entries promptly in the stock registers maintained for the purposes at both the godown and the factory.

39. LICENCE FOR IMPORT, TRANSPORT, AND RE-EXPORT OF ARMS AND AMMUNITION

Where under the authority of a licence for import, transport and re-export of arms or ammunition granted in Form XIX, the arms or ammunition are to be—

(a) transported across Indian territory entirely by rail, a copy of the licence shall forthwith be sent by the authority granting it, to the licensing authority and to the railway authority at the place from which the consignment is to be despatched; or

(b) transported across Indian territory and re-exported by land or river, a copy of the licence shall forthwith be sent by the authority granting it to the District Magistrate having jurisdiction over the area out of which the consignment is to cross the frontier of India.

40. SCRUTINY BY AUTHORITIES OF CONSIGNMENT CONTAINING ARMS AND AMMUNITION

(1) (a) (i) Where a package or case containing arms or ammunition is brought for export or transport, to a railway authority or shipping agent or a master of vessel of air-carrier, the latter shall, before receiving the articles for despatch or despatching them, verify that they are accompanied by the original licence in the case of export or an attested copy of the licence in the case of transport or of export for re-import.

(ii) Where a consignment is received after import or transport, by an authority at a port checking import or by a railway authority, such authority shall require the production of the original licence before delivering the consignment.

(b) Where arms or ammunition consigned to an area not on the frontier of India are imported, or where a consignment of arms or ammunition is exported, by land or river, the District Magistrate having jurisdiction over the area in India into or out of which it crosses the frontier of India or an officer appointed by him in this behalf shall require the licensee to produce the original licence and may, in his discretion, require the licensee to produce the arms or ammunition for his inspection before allowing the articles to leave the area.

(c) The aforesaid authority shall satisfy himself—

(i) that the licence accompanying the consignment or produced by the licensee is identical, in substance with the copy sent to him; and

(ii) that the arms or ammunition correspond with the description given in such licence.

(2) Where in any case referred to in sub-rule (1) —

(a) the original licence is not produced by the consignee or the original or attested copy of the licence does not accompany the case or package, as the case may be, or

(b) the licence is not identical in substance with the copy sent to the authority, or

(c) the arms or ammunition do not correspond with the description given in such licence,

the authority shall not receive the articles for despatch or allow the articles to proceed further or deliver the consignment, as the case may be, and shall, in case he is not a Magistrate, forthwith inform the nearest Magistrate.

41. PRODUCTION AND DELIVERY OF LICENCE FOR IMPORT/EXPORT/ TRANSPORT

(1) The consignee of arms or ammunition imported/ transported under a licence or his agent in the case of arms or ammunition exported under a licence shall –

(a) produce the licence, where the consignment in the course of import crosses the frontiers of India by land or river, within six days of such crossing before the District Magistrate having jurisdiction over the area into which the consignment so crosses or before such other officer as the District Magistrate may appoint in that behalf;

(b) deliver the licence within six days of the arrival of the consignment –

(i) at the destination, in case such consignment has been imported or transported to a place in India, or

(ii) in the area out of which such consignment, being exported/ transported across Indian territory for re-export, is to cross the frontier in India and before it so crosses.

the District Magistrate having jurisdiction over the area in which the destination or place or crossing, as the case may be, is situated, or such other officer as the District Magistrate/ State Government may appoint in that behalf.

(2) Every officer, to whom a licence is produce or delivered under sub-rule (1) shall satisfy himself that –

(a) the arms or ammunition correspond with the description given in the licence, and

(b) any deficiency is properly accounted for.

(3) If the officer to whom a licence is delivered under sub-rule (1) is an officer other than the District Magistrate, the licence shall be forwarded by such officer to the District Magistrate.

42. IMPORT, TRANSPORT AND EXPORT OF ARMS AND AMMUNITION FOR THE GOVERNMENT OF NEPAL OR THE KING OF NEPAL

(1) Where arms or ammunition are imported into India for despatch to the Government of Nepal or His Majesty the King of Nepal, the customs authorities at the port of disembarkation, or the licensing authority in other places, shall check the consignment against the list of arms or ammunition received from the Central government; the packages shall be sealed thereafter in the presence of a Customs Examiner or any other authority appointed for the purpose by the Central Government.

(2) (a) Where arms or ammunition imported into, or acquired in India are to be despatched to Nepal for the Government of Nepal or His Majesty the King of Nepal, they shall be accompanied by a certificate from the Commissioner of Customs or the licensing authority of the area concerned to that effect; the certificate shall also

contain a description of the marks on each package or case sufficient to enable it to be readily identified and a general statement of the contents of such package or case.

(b) On receipt of requisition from the clearing agents or the firm concerned, as the case may be, the District Magistrate shall arrange for necessary export to the railway station.

(c) The railway authorities shall not receive for despatch any package or case containing arms or ammunition unless accompanied by a certificate as required under clause (a).

(3) Where in any case —

- (i) The list referred to in sub-rule (1) is not received from the Central Government, or
- (ii) The arms or ammunition imported into, or intended to be despatched from, India do not correspond with the description given in such list,

the authorities concerned shall not allow the consignment to be despatched to Nepal and shall forthwith inform the Central Government.

43. TRANSPORT OF ARMS FROM ANY PLACE IN NEPAL TO ANY OTHER PLACE IN NEPAL THROUGH INDIAN TERRITORY

(1) Notwithstanding anything contained in rules 8 and 28, the Ambassador of India in Nepal, on application made by or on behalf of His Majesty the King of Nepal, or the Government of Nepal, and subject to confirmation by the Central Government, may grant a licence in form XXI for the import into, possession in, transport across, or export out of, India from any place in the territory of Nepal to any other place in that territory across the frontiers of India, of arms or ammunition of categories I and II or any other category, by His Majesty the King of Nepal, personnel accompanying him, his brothers, the Prime Minister of Nepal and Nepal Government's Troops or Police, as the case may be.

(2) Where under the authority of a licence granted under sub-rule (1), arms or ammunition are to pass across Indian territory—

(a) if entirely by rail, a copy of the licence shall forthwith be sent by the Ambassador to the District Magistrates having jurisdiction over the areas through which the arms or ammunition shall pass across the frontiers of India and also to the railway authorities of the place in the Indian territory through which the consignment shall pass;

(b) if by road or river, a copy of the license shall forthwith be sent to the District Magistrates having jurisdiction over the areas through which the arms or ammunition shall pass to Nepal across the frontiers of India.

(3) The Central Government, or the Ambassador with the approval of the Central Government, may make any order regulating the safe transit to Nepal across the frontiers of India of the arms or ammunition mentioned in this rule.

44. TRANSIT LICENCES FOR BONA FIDE TRAVELLERS

(1) Where a licence is granted in Form XXII, the licensing authority shall endorse the passport/visa of the tourist to that effect.

(2) A copy of every licence granted in Form XXII shall forthwith be sent to such officer of the Government of the State in which the place of his departure from India is situated as may be specially empowered in this behalf by the State Government or the Administrator or Lieutenant-Governor or Chief Commissioner of a Union territory, as the case may be.

(3) (a) The licensee shall not, while in India, sell or transfer any arms or ammunition covered by his licence without prior permission of the licensing authority of the place where such sale or transfer is to be effected. He shall produce the arms or ammunition or the permission of the licensing authority, as the case may be, at the time of leaving India and return his licence to the passport-checking authority, or other authority empowered by the District Magistrate in this behalf, at the port or other place of departure from India.

(b) The passport checking authority or other authority to whom the licence is returned by the licensee, shall forward the same to the authority who issued it, with the remarks that the arms or ammunition have been duly exported, or sold or transferred with the permission of the authority concerned as required under clause (a).

45. LICENCE TO KEEP IN CUSTODY ARMS AND AMMUNITION

The licensee in Form XIV shall not accept for custody arms or ammunition without satisfying himself that there is no *mala fide* intention on the part of the depositor or any person on whose behalf the deposit is being made. The dealer shall either inform, the nearest police station and the District Magistrate personally, or despatch information to the officer-in-charge of the police station and the District Magistrate by registered post on the day of deposit or return or disposal, as the case may be, of such arms or ammunition.

46. DEPOSIT OF ARMS AND AMMUNITION UNDER SEC. 21

When a licensing authority decides to suspend or revoke a licence or to refuse to renew it, he shall, while communicating his decision in writing to the licensee, inform him that –

- (a) under section 21(1) he is required to deposit within such time as may be specified in the order suspending, revoking or refusing to renew the licence, the arms or ammunition covered by the licence, either with the officer-in-charge of the nearest police station or with a dealer holding a licence in Form XIV, or, in case he is a member of the armed forces of the Union, in the unit armoury;
- (b) subject to the proviso to section 21(2), during the period prescribed under sub-rule (4), he or, in the case of his death, his legal representative is entitled to

sell or otherwise dispose of the arms or ammunition to any person lawfully entitled to possess the same and to receive the sale-proceeds, if any; and

- (c) if the arms or ammunition have not been disposed of or their possession by the licensee or his legal representative, as the case may be, has not become lawful within the prescribed period they shall, subject to the proviso to section 21(3), be forfeited to Government by order of the District Magistrate.

(2) Where any arms or ammunition is deposited by an owner under section 21(1), in a police station or unit armoury, or with a dealer holding a licence in Form XIV, the officer-in-charge of the police station or unit armoury or the licensed dealer, as the case may be, shall –

- (a) attach to each article deposited, a card showing the following:

Deposit under section 21(1)—

- | | |
|---|-------|
| (i) Description (No. etc.) of the article | |
| (ii) Particulars of licence or exemption (if any) | |
| (iii) Name and address of depositor | |
| (iv) Serial No. in register and date of deposit | |
| (v) Date due for forfeiture/ disposal | |
| (vi) | |
| Signature of depositor | |
| (vii) | |
| Signature of dealer/ or officer-in-charge of police station/ unit armoury. | |

- (b) issue to the depositor a receipt containing the same details as in (a); and
(c) immediately send a copy of the receipt to the authority who granted the licence or renewed it last.

(3) (a) (i) Any arms or ammunition deposited in a unit armoury under section 21(1) may, unless returned or disposed of earlier, be transferred, after the expiry of a period of thirty days after such deposit to the nearest police station.

(ii) Any arms or ammunition deposited in a police station under section 21(1) which have not been returned or disposed of within thirty days of the deposit and the arms or ammunition transferred under clause (i) may be transferred for the sake of better maintenance or safety to a police armoury in the district/*taluka* headquarters or such other place as may be specified by the District Magistrate, in accordance with such instructions as may be issued by the State Government for the purpose:

Provided that the District Magistrate may, when he considers it desirable, extend the said period of thirty days.

(b) Intimation of such transfer shall be given to the depositor of the article and to the licensing authority who granted or last renewed the licence for the article.

(4) The period within which a depositor or his legal representative may exercise his rights under sub-section (2) of section 21 shall be—

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(a) six months from the date of deposit, if the arms or ammunition are deposited as a consequence of contravention by its owner of any provision of the Act or these rules or any condition of the licence;

(b) one year-

(i) from the date of deposit, if the arms or ammunition are deposited as a consequence of its possession becoming unlawful under section 21(1) otherwise than as under clause (a), or

(ii) if it is already in deposit, from the date of communication to the owner, of the order revoking, suspending or refusing to renew the licence, or

(iii) from the date of notification issued under section 4:

Provided that any period under clause (a) or clause (b) shall be reckoned-

(i) where an appeals preferred by the owner under section 18 from the date of the final order of the appellate authority;

(ii) where the arms or ammunition is the subject of a legal suit or dispute or is owned or inherited by a person who has not completed the age of sixteen years—from the date of termination of the dispute or of completion by that person of the age of sixteen years; and

(iii) where the owner of the arms or ammunition is on active service, outside India—from the date of his return to India:

¹[Provided further that—

(i) when the arms and ammunition is owned by a person who is considered by the licensing authority to be unfit, for the time being to carry the arms or ammunition for any reason, or in any other suitable case, the District Magistrate or the Commissioner of Police, in relation to any metropolitan area, may extend the period prescribed under clause (a) or clause (b) for a period up to six months; and

(ii) the State Government may by special or general order extend the period beyond six months:]

¹[Provided further that when the arms or ammunition is owned by a person who is considered by the licensing authority to be unfit, for the time being, to carry the arms or ammunition for any reason, the the period prescribed under clause (a) may be extended suitably by the District Magistrate, or the Commissioner of Police in relation to any metropolitan area.]

²[(c) ³[two years] if the firearms are deposited as a consequence of proviso to sub-section (2) of Sec. 3.]

(5) (a) Any arms or ammunition not returned or disposed of before the expiry of the period prescribed under sub-rule (4) shall be notified to the District Magistrate; and subject to the provisions of sub-rule (4) and the proviso to section 21(3), transferred to the district *malkhana* or such other place as required by order of the District Magistrate for the purpose of forfeiture under section 21(3).

1. Subs. by G.S.R. 509, dated 26th May, 1982.

2. Subs. by G.S.R. 673 (E), dated 19th September, 1984.

3. Subs. by G.S.R. 283 (E), dated 18th March, 1985.

(b) The District Magistrate shall, before making an order of forfeiture after the expiry of the prescribed period, serve a notice as required under section 21(4) in like manner as for summons under the Code of Criminal Procedure, 1898 (5 of 1898)¹:

Provided that, in the case of the depositor being a member of the armed forces of the Union, the notice shall be served personally through the Commanding Officer of such member.

(6) Charges for maintaining in good condition articles deposited may be levied at such rates as may be fixed from time to time by the State Government.

47. DEPOSIT OF ARMS AND AMMUNITION FOR SAFE CUSTODY OTHERWISE THAN UNDER SEC. 21.

(1) (a) A person lawfully possessing arms or ammunition may deposit them for safe custody with a dealer holding a licence in form XIV or in a police station or, if he is a member of the armed forces of the Union, in a unit armoury.

(b) Before accepting the arms or ammunition for deposit otherwise than under section 21(1), the dealer or officer-in-charge of a police station or unit armoury shall satisfy himself that they are possessed under a valid licence issued under the Act and these rules or under exemption from the need for such licence.

(c) Members of the armed forces of the Union may be allowed to keep their arms or ammunition in safe custody in a unit armoury only during the tenure of their service.

(2) Where the arms or ammunition have been deposited under sub-rule (1), the dealer or the officer-in-charge of the police station or unit armoury shall—

(a) attach to each article deposited a card, easily distinguishable from that described in rule 46(2)(a) showing the following:

Deposit for safe custody—

- (i) Description (No. etc.) of the article
- (ii) Name and address of depositor
- (iii) Particulars of licence/ exemption
- (iv) Serial No. in register and date of deposit
- (v) Date of expiry of license
- (vi) Date up to which deposited
- (vii)
- Signature of depositor
- (viii)
- Signature of dealer or officer-in-charge
of police station/ unit armoury.

1. See now the Code of Criminal Procedure, 1973 (2 of 1974).

(b) issue to the depositor a receipt containing the same particulars as in clause (a); and

(c) on the same day send a copy of the receipt to the authority who granted the licence or renewed it last.

(3) (a) In the event of failure to get the licence renewed, the arms or ammunition shall continue to be possessed by the dealer on the authority of his licence in Form XIV or by the officer-in-charge of the police station or unit armoury; but, if the licence is not renewed for a period of three years after its expiry, the dealer or the officer-in-charge of the police station or unit armoury shall bring this to the notice of the District Magistrate for such action as he may consider necessary.

(b) The articles shall in no case be returned to the owner unless the licence to possess them is renewed or a new licence is obtained.

[(4) The depositor may be charge a fee for the custody of the article deposited at the following rates:—

1. For each firearm—Fifty rupees per year or portion thereof.
2. For every other weapon or package of ammunition—Twenty five rupees per year or portion thereof.

Any extra charges for maintenance of the articles in good condition may be levied at such rates as may be fixed from time to time by the State Government.]

48. RECORDS AND RETURNS OF THE ARTICLES DEPOSITED

(1) The dealer or the officer-in-charge of the police station or unit armoury shall maintain such registers as may be prescribed by the Central Government.

(2) A copy of the entries in the registers relating to the quarters ending on the last day of March, June, September and December each year, certified as true copy under the signature of the dealer or officer-in-charge of the police station or unit armoury, as the case may be, shall be forwarded to the District Magistrate as early as possible after the expiry of each quarter.

(3) The licensed dealer or the officer-in-charge of the police station or unit armoury or of any other place specified under rule 46(3)(a)(ii) where the arms or ammunition are kept, shall submit to the District Magistrate by the 11th December each year, a report showing the particulars of arms or ammunition in their custody which have, or will become liable to forfeiture by the end of that year.

49. INSPECTION

(1) Arms and ammunition deposited in a police station or with a dealer and those transferred to the district *malkhana* and the register maintained for the purpose shall be inspected periodically by the District Magistrate or other officer appointed by the State Government in this behalf in accordance with such procedure as may be prescribed by the State Government.

1. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

(2) The arms or ammunition deposited in a unit armoury and the register maintained for this purpose shall be inspected periodically by the officer commanding the unit or any other officer empowered by him in accordance with the procedure prescribed by the Government of the State, where the unit is for the time being located.

50. PREVIOUS CONSENT IN CERTAIN CASES

(1) A licence having effect beyond the local limits of the authority of the officer granting it shall not be granted for the transport or export or re-import of any arms or ammunition to a place, without ascertaining that there is no objection to the grant of such licence on the part of —

(i) the District Magistrate having jurisdiction over the area in which such place is situated; or

(ii) the Government of the State of Jammu and Kashmir, if such place is in that State; or

(iii) the Secretary, General Administration Department, Government of Pondicherry, if such place is in any of the ex-French Settlements in India.

(2) For the purposes of sub-rule (1), either—

(i) a certificate of “no objection” may be obtained by the applicant for the licence; or

(ii) an enquiry may be made by the authority to whom application for grant of such licence is made.

51. APPLICATION FOR LICENCE

Every application for the grant of a licence under these rules—

(a) shall be submitted in Form A;

(b) may be presented by the applicant in person or sent through the medium of post office or otherwise, to the licensing authority, as far as possible having jurisdiction in respect of the place where he ordinarily resides or has his occupation;

(c) shall contain all such information as is necessary for the consideration of the application, and in particular—

(i) where the application is for a licence for the acquisition, possession and carrying of arms or ammunition for crop protection, shall specify details of the land and cultivation requiring protection and area within which the arms or ammunition are required to be carried;

(ii) where the application is for a licence for import by land or river or for export or for transport or for export and re-import, or for import, transport and re-export of arms or ammunition, shall specify the place of destination, the route, the time likely to be occupied in the journey and the quantity, description and price of each kind of arms or ammunition in respect of which the licence is required and the purpose for which they are intended;

(d) where the grant of licence requires a certificate of no objection from some other authority as provided in rule 50, shall state whether such certificate has been obtained and, if so, shall be supported by evidence thereof;

¹[(e) where an application is for the grant of licence in Form II, Form III, Form III-A, Form IV, Form V or Form VI from a person other than a *bona fide* tourist as defined in section 10(1)(b) of the Act, it shall be accompanied by two passport size copies of the latest photograph of the applicant:]

Provided that—

(i) an application by a member of the armed forces of the Union shall be made through his Commanding Officer to the licensing authority having jurisdiction in respect of the place to which he is for the time being posted; and

(ii) the licensing authority may in accordance with any instructions issued by the State Government in respect of all or any class of firearms, require the personal attendance of the applicant before granting or renewing the licence applied for.

****[51-A.- THE APPLICANT SHALL NOT SUPPRESS ANY FACTUAL INFORMATION OR FURNISH ANY FALSE OR WRONG INFORMATION IN THE APPLICATION FORM.]***

52. FORM OF LICENCES

²[(1) A licence in Form II, Form III, Form III-A, Form IV, Form V or Form VI, if granted for more than a year, to a person other than a *bona fide* tourist as defined in section 10(1)(b) of the Act, shall be in a book form and shall contain the latest photograph of the licensee.]

(2) When a licence is granted in Form II, Form III, Form IIIA, Form IV, Form V, or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force:

Provided that, if during the period so specified or extended the licensee wishes to acquire and possess any weapon or weapons of a different description and the licensing authority has no objection to allow the acquisition and possession of such weapon or weapons, he may amend the licence accordingly:

1. Ins. by G.S.R. 431, dated 11th February, 1969.

*. Ins. by G.S.R. 52(E), dated 24th January, 1989 (w.e.f. 24-01-1989).

2. Subs. by G.S.R. 634, dated 3rd April, 1970.

¹[Provided further that—

(i) where the licensing authority is the State Government, the licensee residing at any place within the State in which the licence was issued may produce the licence or the arms or both for inspection before the State Government or any authority which the State Government may, by a general or special order, specify in this behalf;

(ii) where the licensing authority is the State Government, the licensee may, if he changes his place of residence from one State to another State, produce the licence or arms or both for inspection before the Government of the second mentioned State or any authority which that Government may, by a general or special order, specify in this behalf;

(iii) where the licensing authority is other than the State Government, the licensee may, if he changes his place of residence, produce the licence or arms or both for inspection before the licensing authority of the place of his new residence to which the licensee may have shifted after the grant of licence, within the period so specified, or extended and the authority other than the licensing authority who inspected the arms as well as the licensee shall intimate the fact of such inspection to the authority who issued the licence.]

53. VARIATION OF CONDITIONS OF LICENCES

(1) On application from a licence- holder, a licensing authority may extend the area of validity specified in his licence, if he is satisfied about the need of such extension, subject to the condition that the licensing authority has the power to grant a licence in relation to the area to which extension is sought.

(2) On application from a company holding a licence in Form II or form III, for a change in the name of the member, agent or other representative of the company in whose name the licence has been granted or of a retainer included in the licence, the necessary amendments may be made in the licence by the licensing authority.

54. RENEWAL OF LICENCES

(1) Every licence may, at its expiration and subject to the same conditions (if any) as to the grant thereof, be renewed by the authority mentioned in Schedule II and renewing authority.

²[Provided that the licence so renewed may be signed in the appropriate column of the licence by such officer as may be specially empowered in this behalf by the State Government under rule 4.]

(2) The authority issuing a licence shall ordinarily be responsible for watching all future renewals of the licence. Where a licence is renewed by an authority other than the authority who granted it, the former shall forthwith inform the latter of the fact or renewal and the period for which such renewal is valid. The applicant for the renewal of a licence under this rule shall always be required to state his permanent

1. The Proviso subs. by G.S.R. 634, dated 3rd April, 1970. Earlier the Proviso was inserted by S.O. 1283, dated 3rd May, 1963.

2. Added by by G.S.R. 1011 (A), dated 7th August, 1972.

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 henceforward become responsible for watching all future renewals of his licence and shall inform the original issuing authority accordingly. The procedure shall be repeated on each subsequent occasion of renewal of the licence, the necessary intimation being sent by the renewing authority to the original issuing authority or to the authority who last renewed the licence on a permanent change of residence, as the case may be.

(3) An application for renewal of a licence for arms or ammunition deposited under sub-rule (1) of rule 47 may be made by the depositor, or where it is not practicable to make the application direct, through the dealer or any other person authorised by him in this behalf, while the arms or ammunition continue to be so deposited.

(4) The licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and all renewal fees for the intervening period are paid; other wise the application may be treated as one for grant of a fresh licence.

¹[(5) The licensing authority and the renewing authority at the Centre or at the State level, while granting a license or renewing a license, as the case may be, shall enter the data of the record in an electronic format duly approved by the Central Government or the State Government, as the case may be.]

¹[(6) The licensing authority and the renewing authority shall also enter such data as are required in an electronic automated system as developed by the National Informatics Centre for this purpose and the aforesaid electronic automated system shall generate a unique number without which no arms license shall be considered as valid with effect from 1st October, 2015.]

55. *[APPEAL AGAINST THE ORDER OF A LICENSING AUTHORITY OR AN AUTHORITY SUSPENDING OR REVOKING A LICENCE UNDER SEC. 17 (6)

In any case in which an authority issues an order —

(a) refusing to grant or renew a licence or to give a no-objection certificate for such grant or renewal, or

(b) varying any condition of a licence or suspending or revoking a licence under sub-section (1), or sub-section (3), or sub-section (6) of section 17, the person aggrieved by such order may, within thirty days from the date of issue of the order, and subject to the proviso to sub-section (2) of section 18, prefer an appeal against that order to the concerned appellate authority.]

1. Ins. by G.S.R. 585(E), dated 24th July, 2012 (w.e.f. 22-09-2012).

*. Subs. by S.O. 1470, dated 23rd March, 1963

56. PROCEDURE TO BE FOLLOWED BY THE APPELLATE AUTHORITY

On receipt of an appeal, the appellate authority may call for the records of the case from the authority who passed the order appealed against and after giving the appellant a reasonable opportunity of being heard, pass final orders.

57. FEES PAYABLE FOR LICENCES

(1) ¹[(a) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) specified in schedule IV.]

(b) In any case where fee is prescribed for a year, fee for a fraction of a year shall be the same as for a whole year.

(2) Where a licensee submits his application for renewal of his licence after the expiry of the period for which the licence was granted, the licensing authority may, if he decides to renew the licence, at his discretion levy—

(a) full fee as for initial grant of the licence, and

(b) if he is satisfied that the delay is not justifiable or excusable, nor serious enough to warrant revocation of the licence or prosecution of the licensee, a late fee not exceeding the amount of the licence fee, if fee is charged, or ²[₹ 100] in other cases.

(3) The Central Government may, by general or special order and for reasons to be recorded in writing and subject to such conditions, if any, as it may specify in the order, grant exemption from or reduction of, the fee payable in respect of any licence:

Provided that it shall be a condition of every exemption from payment of the fee chargeable in respect of the grant or renewal of any licence in Form III that if application for renewal of such licence is not made within one month from the date on which the licence expires, the licensing authority may, unless the applicant satisfies the licensing authority that he had sufficient cause for not making the application within that period, levy renewal fee at the rate specified in the Form.

(4) No separate fee shall be chargeable from retainers.

(5) No fee shall be chargeable in respect of the grant or renewal of a licence in Form XV by a State Government or the Board of Revenue (in the State of Andhra Pradesh, Kerala or ³[Tamil Nadu]) for the import of sulphur in reasonable quantities, if the State Government or the Board of Revenue is satisfied that the sulphur is required in good faith for medicinal, industrial or agricultural purposes (other than for manufacturing arms, ammunition or explosives).

1. Subs. by S.O. 1470, dated 23rd March, 1963

2. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03.01.1998).

3. Subs. by G.S.R. 783, dated 1st July, 1974.

(6) Any political representative authorised to grant licences in Form XVIII may remit the fee payable in respect of the grant or renewal of any such licence in the case of arms or ammunition exported for personal use, or in the case ammunition exported for use for blasting purpose (whether on a public work or not) of the Government of any territory or place outside India.

(7) (i) No fee shall be chargeable for the grant of a licence for export and re-import of any arms or ammunition in a case or package legibly addressed to a person lawfully entitled to process such articles, in compliance with a requisition made by such person for the supply of such articles in reasonable quantities for his own use or after carrying out necessary repairs thereto.

(ii) Where any arms or ammunition are imported under a licence into any customs port in India and re-exported thence for re-import into any other customs port in India under rule 35, the necessary licence for such re-export and re-import under the said rule shall be chargeable with a fee of rupee one only.

(8) No fee shall be chargeable in respect of —

(i) a change of description of the weapon entered in a licence, granted for its acquisition under the proviso to rule 52 (2) but if the licence fee in respect of the weapon so changed is higher than that for the original weapon, the difference of such fee may be charged;

(ii) an endorsement under rule 12 of a licence granted in the State of Pondicherry or endorsement to extend or change the area of validity of a licence under sub-rule (1) of rule 53;

(iii) a change of name, under rule 53 (2), of member, agent or other representative of the company or a retainer; or

(iv) a grant of consent or permit/certificate or endorsement or any other document under these rules, except as otherwise expressly provided.

58. FEE PAYABLE FOR COPIES AND DUPLICATES

Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

(a) where the original licence was granted without the payment of any fee, on payment of a fee of ¹[₹ 50]; and

(b) in any other case on payment of a fee of ¹[₹ 100] or of the fee with which the original licence was chargeable; whichever is less.

1. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03.01.1998).

59. FEE PAYABLE ON A PETITION FOR APPEAL MADE UNDER SEC. 18 (1)

Every petition for appeal under Sec. 18 (1) shall be accompanied by a fee of—

- (a) ¹[₹ 100], if the fee for the licence in relation to which the appeal is preferred is ¹[₹ 50] or more; and
- (b) ¹[₹ 5] in any other case.

60. COLLECTION OF FEES

All fees payable shall be paid in cash either in person or, at the option of the person concerned, by a money order/ postal order, at the time of application.

61. DEALERS TO MAINTAIN REGISTERS, ETC. IN CERTAIN CASES

Where no licence is required for the manufacture, sale, import, export or transport of any category or description of arms or ammunition by or through a dealer, the dealer may be asked to register his name and address and place of business in such manner and at such place as the Central Government may prescribe and the dealer shall maintain such register and furnish such information to the Central Government as it may require in respect of the arms or ammunition so manufactured, sold, imported, exported or transported.

62. PRODUCTION OF LICENCES

(1) Any person who—

- (a) holds a licence granted or renewed or a pass, permit or certificate granted under these rules, or
- (b) is acting under colour of such licence, pass, permit or certificate, shall forthwith produce such licence, pass, permit or certificate upon demand by any Magistrate or any police officer of a rank not below that of an officer-in charge of a police station.

(2) While granting or renewing a licence, no authority shall impose a condition inconsistent with sub-rule (1).

²[(3) If a person who holds a licence in Form III changes his place of residence, permanently, or temporarily for more than thirty consecutive days and carries with him the weapon covered by the licence, to a place other than that indicated in column (2) of the licence, he shall ³[within thirty days of such change], send intimation about such change to the licensing authority of the place of his new residence as well as to the authority which granted the licence or last renewed it, as the case may be, and shall on demand forthwith produce the licence and the weapon to the first-mentioned authority for making necessary entry in the licence to indicate these in the particulars of the new residence of the licensee.]

1. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03.01.1998).

2. Ins. by G.S.R. 653, dated 17th May, 1975.

3. Subs. by G.S.R. 1198, dated 29th August, 1977 (w.e.f. 17-09-1977).

¹[(4) The licensee shall intimate within a period of thirty days in regard to change of residence to the licensing authority of the new place of his residence and produce his licence before the licensing authority of the new place for appropriate endorsement. On such change of residence and after such endorsement on the licence, the said licence shall be deemed to have been transferred to the jurisdiction of the licensing authority and renewing authority of the new place of residence and such authority shall be the licensing authority and the renewing authority in relation to the said licence for purposes of the provisions of the Arms Act, 1959 and the Arms Rules, 1962.]

63. PRODUCTION OF ARMS

The authority by whom any licence in Form II, Form III, Form IV, Form V or Form VI has been granted or renewed, may, for the purpose of satisfying itself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by order in writing, require the licensee—

- (a) to produce the arms at such time and place for inspection of such officer as may be specified in the order; or
- (b) at the option of the licensee, to produce a certificate from—
 - (i) a Magistrate or the officer-in-charge of the nearest police station in whose jurisdiction the licensee resides or has his occupation, or
 - (ii) if he is a Government servant, a gazetted officer to whom he is subordinate,

to the effect that he has seen the arms in the possession of the licensee and that they correspond to the description given in the licence.

64. SAVINGS

(1) The Indian Arms Rules, 1951, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any exemption, exclusion or withdrawal made, fee imposed, levied, remitted or reduced or power conferred) or deemed to have been done or taken under the said rules, shall, so far as it is consistent with these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

1. Ins. by G.S.R. 1250, dated 4th October, 1978.

SCHEDULE I

(See rule 3)

| Category | Arms | Ammunition |
|----------|--|---|
| 1 | 2 | 3 |
| I | (a) Prohibited arms as defined in section 2(1) (i) and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms. | Prohibited ammunition as defined in section 2(1) (h) and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition. |
| | ¹ (b) Semi-automatic firearms, other than those included in categories I (c) and III(a), smooth-bore guns having barrel of less than 20" in length. | Ammunition for arms of category I (b) |
| | (c) Blot action or semi-automatic rifles of .303" or 7.62 mm. bore or any other bore which can chamber and fire service ammunition of .303" or 7.62 mm, calibre; muskets, of .410" bore or any other bore which can fire .410" musket ammunition; pistols, revolvers or carbines of any bore which can chamber and fire .380" and .455" rimmed cartridges or service 9mm, or .45" rimless cartridges.] | Ammunition for fire-arms of category I (c). |
| | d) Accessories for any firearms designed or adapted to diminish the noise or flash caused by the firing thereof. | Nil |
| II. | Machinery for manufacture of proof testing of a firearm | Machinery for manufacture of ammunition |
| III. | Firearms other than those in categories I, II and IV, namely:— | Ammunition for firearms other than those in categories I, II and IV, namely:— |
| | (a) Revolvers and pistols. | Ammunition for fire arms of category III (a) |
| | (b) Breech-loading rifles other than .22 bore rifles mentioned in category III (c) below. | Ammunition for fire arms of category III (b) |
| | (c) .22 bore (low velocity) rifles using rimfire cartridges, breech-loading smooth-bore guns and air-rifles. | Ammunition for fire arms of category III (c) |
| | (d) Air-guns and muzzle-loading guns. | Ammunition for fire arms of category III (d) |
| IV. | Curios and historical weapons other than those excluded under section 45 (c) | Curios and historical ammunition |
| V. | Arms other than firearms: Sharp edged and deadly weapons, namely— swords (including sword-sticks), daggers, bayonets, spears (including lances and javelins); battle-axes, knives (including <i>kirpans</i> and <i>khukries</i>) and other such weapons with blades longer than 9" or wider than 2" other than those designed for domestic, agricultural, scientific or industrial purposes, steel baton; "Zipo" and other such weapons called "life preservers"; machinery for making arms other than category II; and any other arms which the Central Government may notify under section 4. | |
| VI. | (a) ² [Articles containing explosive or fulminating materials; fuses and friction tubes other than blank fire cartridges]. | |
| | (b) Ingredients as defined in section 2(1) (b) (VII). | |

Note.— Parts and accessories of any arms or ammunition and charges for firearms and accessories for charges belong to the same category as the arms or ammunition.

1. Subs. by G.S.R. 1638, dated 2nd July, 1969.

2. Subs. by G.S.R. 994 (E), dated 19th December, 1990 (w.e.f. 19-12-1990)

***[SCHEDULE II**

(see rule - 4)

LICENSING AUTHORITIES, ETC.

| Item No. | Purpose | Categories of arms/ammunition as defined in Schedule I | Place/ Class of persons | Licensing Authority | Area for which licences can be granted | Renewing Authority | Form No. | Conditions |
|----------------|---|--|-----------------------------------|---|---|--|------------|------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1. | Acquisition/ Possession/ import and transport. | I(a), II | Whole of India | Central Government in the Ministry of Home Affairs | Whole of India or any specified area | Central Government in the Ministry of Home Affairs | I | — |
| 2. | Acquisition and possession only | III(b), III(c), III(d), V, VI | District or any specified area | District Magistrate | Throughout the District or his area of jurisdiction or any specified part of his jurisdiction | District Magistrate | II | — |
| ¹ 3 | Acquisition/ possession/ carrying and use for protection/ sport/ target practice/ display | (a), I(b), I(c) | Whole of India | Central Government in the Ministry of Home Affairs | Whole of India or any specified part thereof. | ² [District Magistrate] | III | — |
| | | (b) I(d), III, V, VI | (i) District | District Magistrate | Throughout the district or his area of jurisdiction or any specified part of his jurisdiction | District Magistrate | III/ IV | — |
| | | | (ii) State | District Magistrate | Whole of the State or any specified part thereof | District Magistrate | III/ IV | — |

*. Subs. by G.S.R. 52 (E), dated 24th January, 1989 (w.e.f. 24-01-1989).

1. Subs. by G.S.R. 404 (E), dated 28th March, 1990 (w.e.f. 28-03-1990).

2. Subs. by G.S.R. 755 (E), dated 18th October, 1995 (w.e.f. 18-10-1995), for the words "State Government"

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---------|---|--|---|---|--|--------|--|
| | | | (iii) Whole of India | State Government | Whole of India or any specified part thereof. | District Magistrate | III/IV | Note.– In case of target practice, premises for target practice to be specified in licence on Form IV. |
| | (c) III | | (a) In case of persons residing in Nepal | Ambassador of India in Nepal | India or any specified part thereof | Same as licensing or any other authority empowered to grant a licence of the description | III | — |
| | | | (b) In case of persons residing in Bhutan | Ambassador of India in Bhutan | India or any specified part thereof | Same as licensing or any other authority empowered to grant a licence of the description | III | — |
| | | | (c) In case of tourists as defined in section 10(1)(b) if the place of arrival of the tourists is: | | | | | |
| | | | (i) Jammu & Kashmir | (i) State Government or an officer specially empowered by the Government | (i) India or any specified part thereof | No renewal | III* | *The licence shall be valid for a period of six months only and granted only for the purpose of sport and possession |
| | | | (ii) Any other place in India | (ii) Head of the Mission or Head of the Chancery in the country notified under section 10(1)(b) to which tourist belongs, or District Magistrate or any other officer specially empowered by Central Government | (ii) India or any specified part thereof | No renewal | III* | *The licence shall be valid for a period of six months only and granted only for the purpose of sport and possession |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|----|--|-----------------------------|------------------------------------|--|--|--|------|--|
| | | (d) I (b), I(c) | In case of retainers of exemptees | Central Government in the Ministry of Home Affairs | India or any specified part thereof | State Government or any officer specially empowered by the State Government in this behalf | IIIA | — |
| | | (c) I (d) III, V, VI | In case of retainers of exemptees— | | | | | |
| | | | (i) District | District Magistrate | Throughout the District or his area of jurisdiction or any specified part of his jurisdiction | District Magistrate | IIIA | — |
| | | | (ii) State | District Magistrate | Whole of the State or any specified part thereof | District Magistrate | IIIA | — |
| | | | (iii) Whole of India | State Government | Whole of the State or any specified part thereof | District Magistrate | IIIA | — |
| 4. | Acquisition/ possession & carrying for destruction of wild animals which do injury to human beings/ cattle and for protection of crops and cattle. | III (b), III(c), III (d), V | District or any specified area. | District Magistrate or any officer specially empowered by the State Government in this behalf. | Throughout the District or his area of jurisdiction or any specified part of his jurisdiction. | Same as licensing authority. | IV/V | The licence shall be granted in the appropriate form to the purpose for which it is applied. |
| 5. | Carrying on Journey in or through any part of India. | All | (i) In Jammu & Kashmir | (i) State Government. | | | | |
| | | | (ii) In other places. | (ii) District Magistrate, Sub-Divisional Magistrate specially empowered by the State Government. | India or any specified part thereof. | No renewal | VII | — |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|----|---|----------------------|--|--|--|---|----------|--------|
| | | | (iii) In case of persons residing in Nepal | (iii) Ambassador of India in Nepal | India or any specified part thereof | No renewal | VII | — |
| 6. | Temporary possession by <i>bona fide</i> travellers visiting India. | I(c), III, V | At place of arrival : | | | | | |
| | | | (i) In Jammu & Kashmir | (i) State Government or any officer specially empowered by that Government | India or any specified part thereof. | No renewal | VIII | — |
| | | | (ii) Elsewhere in India | (ii) District Magistrate or an officer specially empowered by the State Government | India or any specified part thereof | No renewal | VIII | — |
| 7. | Manufacture, conversion, shortening, repair, test (other than proof test), sale, transfer, keeping for sale, transfer, conversion or test of arms and ammunition. | (a) All (b) V, VI | (a) Throughout India (b) Throughout India | (a) Central Government in the Ministry of Home Affair (b) District Magistrate or any other officer specially empowered in this behalf by the State Government/ Administrator of Union Territory | Within the premises to be specified in the licence. Within the premises to be specified in the licence. | (a) State Government (b) Same as licensing authority | IX IX | — — |
| 8. | Conversion (except firearms), repair or test (other than proof test), transfer, sale, keeping for sale, repair or test or transfer | 1 (b) 1 (c) | Throughout India | Central Government in the Ministry of Home Affairs | Within the premises to be specified in the licence. | State Government | XI | — |
| 9. | Conversion (except firearms), repair or test (other than proof test), transfer, sale, keeping for sale, repair or test or transfer | I (d), III, V, VI | State | State Government | Within the premises to be specified in the licence. | State Government | XI | — |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|-----|--|-------------------------|----------------------------------|--|---|-----------------------------|------|---|
| 10. | Conversion of ingredient of ammunition into explosives/ or transfer | VI (b) | (i) In Jammu and Kashmir | State Government | Within the premises to be specified in the licence. | State Government | XI | — |
| | | | (ii) In other places | District Magistrate or any officer specially empowered by the State Government | Within the premises to be specified in the licence. | Same as licensing authority | XI | — |
| 11. | Sale, Transfer, or test (other than proof-test) and keeping for sale, transfer or test | I (b) and I (c) | Throughout India | State Government | Within the premises to be specified in the licence. | State Government | XII | — |
| 12. | Sale, Transfer, or test (other than proof-test) and keeping for sale, transfer or test | I (d), III, V | State | State Government | Within the premises to be specified in the licence. | State Government | XII | — |
| 13. | Sale, Transfer, or test (other than proof-test) and keeping for sale, transfer or test | III (c), III (d), V, VI | State | State Government or any officer specially empowered by State Government | Within the premises to be specified in the licence. | Same as licensing authority | XIII | — |
| 14. | Keeping for safe custody | All | State | State Government or any officer specially empowered by State Government | Within the premises to be specified in the licence. | Same as licensing authority | *XIV | *To be given only to holders of licence in any of the Forms IX, XI, XII, XIII |
| 15. | Import by sea or air | (a) I (b), I (c), I (d) | (a) At any customs port in India | (a) Central government in the Ministry of Home Affairs | — | No renewal | XV | — |
| | | | (b) At any customs port in India | (b) District Magistrate in whose jurisdiction the port lies | — | No renewal | XV | — |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|--|--|---|---|---|---|------------|--------|--|
| | | (c) Sulphur | (c) At ports of Kakinada, Tuticorin & Cochin | (c) State Government in* Tamil Nadu, Andhra Pradesh or Kerala | — | No renewal | XV | *In reasonable quantities for medical, agricultural or Industrial purpose |
| 16. Import by land or river | (a) I (b), I (c), I (d) | (a) Throughout India | (a) Central Government in the Ministry of Home Affairs | | — | No renewal | I, XVI | — |
| | (b) III, IV, V, VI | (b) (i) In Jammu and Kashmir | (b) (i) State Government | | — | — | XVI | — |
| | | (ii) At other places | (ii) District Magistrate | | — | — | XVI | — |
| 17. Export by sea or air to foreign territory including commonwealth countries | (a) All | Form any Customs port in India to a port in a foreign territory | (a) Central Government in the Ministry of Home Affairs or any officer specially empowered by the Central Government in the Ministry of Home Affairs | | — | No renewal | XVII | *Subject to the condition that the licensing authority is satisfied that: |
| | * (b) III (b), III(c), III(d), IV, V, VI | From any customs port in India to a port in a foreign territory | Government of the State in which the port is situated | | — | | | (i) The arms are not meant for sale or for military purpose but are meant for the personal use of the consignee, and |
| | (c) III (b), III(c), III(d), IV, V, VI | From any customs port in India to a port in the commonwealth | District Magistrate | | — | No renewal | XVII | Subject to the condition (ii) above |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|--|--|---|--|---|---|------------|-------|---|
| 18. Export by land or river | (a) All | | To any place outside India | Central Government in the Ministry of Home Affairs or any officer specially empowered by the Central Government in the Ministry of Home Affairs | — | No renewal | XVIII | — |
| | (b) III, V, Sulphur or Chlorate required for manufacture of matches, Bengal lights and paper caps for toy pistol | | Sikkim— Sikkim Police Bhutan | Commissioner Representative of India in Bhutan | — | Renewal | *XVII | *To be given only for personal use of the licence in Bhutan |
| | (c) All | | To Nepal | *Ambassador of India in Nepal | — | No renewal | XVIII | *Subject to previous sanction of the Central Government in the Ministry of Home Affairs in respect of categories I and II |
| 19. Export and re-import, import transport and re-export | (a) I (a) I (b), II | | (a) Between one part of India to another | (a) Central Government in the Ministry of Home Affairs | — | No renewal | XIX | — |
| | (b) I (c), I (d), III (b) | | (b) Between one port of India to another | (b) Central Government in the Ministry of Home Affairs, or an officer specially empowered for the purpose by the Central Government in the Ministry of Home Affairs | — | No renewal | XIX | — |
| | (c) III (a) III (c), III (d), IV, V, VI | | (c) Between one port of India to another | (c) District Magistrate | — | No renewal | XIX | — |

Indians For Guns

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|-----|--|--|-----------------------------|---|---|-----------------------------|------|--|
| | | (d) III, IV, V, VI | (d) From any place in Nepal | (d) Ambassador of India in Nepal | — | No renewal | XIX | — |
| 20. | Transport | I (b), I (c), I (d), III, IV, V, VI | (i) In Jammu & Kashmir | (i) State Government | — | No renewal | XX | — |
| | | | (ii) In other places | (ii) District Magistrate | — | No renewal | XX | — |
| 21. | Import into, possession and transport out of India by His Majesty the King of Nepal, Personnel accompanying him, his Brothers, the Prime Minister of Nepal and Nepal Government's forces and police | All | Nepal | *Ambassador of India in Nepal | — | No renewal | XXI | *Subject to confirmation by Central Government in the Ministry of Home Affairs |
| 22. | Import into, possession (without use) for the duration of his journey in transport across and export out of India by <i>bona fide</i> travellers of their personal arms and ammunition passing through India | I(b), I (c), I (d), III, VI, V | — | District Magistrate or an officer specially empowered by the Central Government in the Ministry of Home Affairs or in the case of persons residing in Nepal by the Ambassador of India in Nepal | — | No renewal | XXII | — |
| 23. | Acquiring, possessing during the course of his stay in (but not use) and carrying in, and export out of India by <i>bona fide</i> tourist | III, IV, V (Country made weapons only) | — | District Magistrate or any officer specially empowered by the State Government | — | Same as licensing authority | XXII | — |

SCHEDULE III

FORM I

LICENCE FOR— (A) ACQUISITION, POSSESSION/ IMPORT AND TRANSPORT OF FIRE-ARMS OR AMMUNITION OF CATEGORIES I (A) AND II; AND (B) IMPORT OF FIRE-ARMS AND AMMUNITION OF CATEGORIES I(B), I(C), I(D)

¹[***]

| Name, description and residence of licensee and agent (if any) | Number of packages | Description with specification of calibre of artillery or other articles | Number of articles | Columns to be Filled in Case of Import or Transport | | | Period for which the licence is valid | Use to which the articles are to be put |
|--|--------------------|--|--------------------|---|----------------------|--|---------------------------------------|---|
| | | | | Place of despatch and route | Place of destination | Name, description and residence of consignee | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

From.....
To.....

The..... day of.....20.....

Date on which copy is sent to—

- (1) The District Magistrate of..... District.
- (2) The Government of the State of Jammu and Kashmir.

The..... day of.....20.....
²[Signature and designation of the officer specially empowered to sign the licence under rule 4.]

(Signature)
Secretary/ Joint Secretary to the Government of India, Ministry of Home Affairs.

(SEAL)

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|
|--------------------------|---------------------------------------|---|------|

1. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

2. Subs. by G.S.R. 1101 (A), dated 7th August, 1972.

CONDITIONS

1. This license is granted subject to all the provisions of Arms Act, 1959 and of the Arms Rules, 1962.
2. It covers only the arms or ammunition specified in columns 2, 3 and 4 and for the purposes shown in column 9.
3. In case of import or transport—
 - (a) an account of the contents of each package shall be legibly written thereon;
 - (b) bulk shall not be broken before the articles reach the place of destination;
 - (c) the articles shall be delivered only to a person lawfully entitled to receive them.
4. In cases of transport by rail, each package shall be marked with the words “Firearms Category I” or “Firearms Category II” as the case may be, in such manner as to be readily recognisable by the Railway authorities.
5. In the case of possession, the licensee shall—
 - (a) on demand by an authorised officer produce the arms possessed under this license;
 - (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
 - (c) forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by this license; and
 - (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any firearms or ammunition or any part thereof (otherwise than as mentioned in the note below); failing which, proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.
6. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether the weapon for which it has been granted is still in the possession of the licensee and may require the production of the weapon for the purpose of such an enquiry.

Note:— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licence possessed by them to any person, they shall forthwith inform in writing the District Magistrate, having jurisdiction or the officer-in-charge of the nearest police-station, of such sale or transfer together with the particulars of the firearms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to ₹ 500, or with both [section 25(3) of the Act].

FORM II
LICENCE FOR ACQUISITION AND POSSESSION OF ARMS AND
AMMUNITION OF CATEGORIES III(B), III(C), III(D), V OR VI

¹[***]

| Name, description and residence of licensee and agent (if any) | Number and description of arms | Ammunition | | Place (with description) where articles are to be kept | Period for which the licence is valid |
|--|--------------------------------|-------------|----------|--|---------------------------------------|
| | | Description | Quantity | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

The..... day of.....20.....

(Signature)
 Licensing Authority.....
 Designation.....
 Place.....

SEAL

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|
| | | | |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the arms or ammunitions specified in Columns 2, 3 and 4 so long as they are kept in the place described in Column 5, but does not authorise the licensee—

(i) to carry arms;

(ii) to keep Government arms or ammunition.

Explanation.— For the purposes of this condition—

(a) “Government arms” means a firearms or other weapon which is the property of Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory as prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

3. Condition 2(ii) may be cancelled by the authority granting that licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms or ammunition which the licensee is authorised to possess.

4. The licensee, shall—

(a) on demand by an authorised officer produce the arms possessed under this licence;

(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;

(c) forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by this licence; and

(d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any fire-arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

5. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an enquiry.

6. Where a licence in this form is granted for the possession of potassium chlorate by an educational institution, the following further conditions shall apply:—

(a) The quantity of chlorate stored should be the minimum required for laboratory purposes as certified by the head of the institution to the licensing authority.

(b) The stock of chlorate should be kept in a well-made cupboard or *almirah* under lock and key under the control and supervision of a responsible member

of the staff and the place where the chemicals are kept should be adequately secured.

(c) Accounts of issues and balances of chlorate possessed should be kept and checked with the actual stock at frequent intervals by a responsible member of the staff. The account book should be available for inspection on demand by any Magistrate or any police officer of a rank not below that of Inspector.

7. Chlorates shall be kept in a building constructed of unflammable materials only and separated from any dwelling-house, other building, highway, street, public thorough fare or public place by a distance not less than 10 feet:

Provided that where the total quantity stored does not exceed 100 kg. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

8. Sulphur shall not be kept in the same room with saltpetre in the premises specified in Column 5:

Provided that where the quantity of each does not exceed 100 kgs. sulphur and saltpetre can be kept in separate closed receptacles in the same room.

9. No person shall smoke and no open fires shall be allowed at any time in the premises in Column 5, or in the vicinity of the receptacles mentioned in provisos to conditions 7 and 8.

10. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence by an Electrical Inspector appointed under the Indian Electricity Act, 1910, ¹[or if these installations are in Sikkim by an authority notified in this behalf by the State Government of Sikkim], to ensure that there is no danger of fire or sparking.

11. Any accident, fire or explosion occurring within the premises specified in Column 5 which is attended with loss of human life or serious injury to person or property shall be reported at once by the licensee to the officer-in-charge of the nearest police station having jurisdiction over the premises as well as to the Inspector of Explosives of the circle concerned.

Note. — Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the District Magistrate having jurisdiction or the officer-in-charge of the nearest police-station of such sale or transfer together with the particulars of the fire-arms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine, which may extend to ₹ 500, or with both [section 25 (3) of the Act].

1. Ins. by G.S.R. 1462 (E), dated 21st July, 1976.

**LICENCE FOR THE ACQUISITION,
POSSESSION AND CARRYING OF ARMS OR
AMMUNITION FOR SPORT/
PROTECTION/DISPLAY***

I. The fees payable in respect of the initial grant and each subsequent year of grant or renewal of licences in this Form shall be at the rates as shown against Sl. No. 3 under Schedule IV.

II. The reduced fees for renewal will ordinarily be available only if application for renewal is made within one month after the date of expiry of the licence and if application is not made within that period, the licensing authority may in his discretion, levy—

- (a) Full fee as for initial grant of the licence; and
- (b) if he is satisfied that the delay is not justifiable, or excusable, nor serious enough to warrant revocation of the licence or prosecution of the licensees, a late fee not exceeding the amount of the licence fee, if fee is charged, or ₹ 100 in other cases, unless he considers it is not necessary to renew the licence.

III. Where a licence in this form is granted or renewed for a period exceeding one year, the fee shall be calculated at the rates prescribed against Sl. No. 3 under Schedule IV, fractions of a year being reckoned as one whole year for the purpose:

- (i) Provided that the fee shall be-
 - (a) the actual rates prescribed against Sl. No. 3 under Schedule IV for initial grant in respect of the first year; and
 - (b) the annual rate prescribed against Sl. No. 3 under Schedule IV for renewal in respect of each year or part thereof beyond the first year.

| Serial No. of licence | Name, description and residence of licensee | Arms and ammunition that licensee is entitled to possess | | Name, ² [parent name] and address of retainer (if any) covered by the licence | |
|-----------------------|---|---|---|--|------------------------------|
| | | Brief description of each weapon with details e.g., identification marks, register number, etc. | Quantity & description of each kind of ammunition to be possessed at any one time | | purchaseable during the year |
| 1 | 2 | 3 | 4 | 5 | 6 |

1. Subs. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

2. Subs. by G.S.R. 99, dated 14th May, 1998 (w.e.f. 23-05-1998).

Indians For Guns

| Arms or ammunition that retainer is entitled to possess | | Area within which the licence is valid | **Date on which licence expires | Date on which the licence or the arms or both shall be produced for inspection before licensing authority under rule 52 (2) |
|--|------------|--|--|---|
| Arms | Ammunition | | | |
| 7 | 8 | 9 | 10 | 11 |

The..... of..... 20.....

Name (in capitals)/ Signature
of the licensing authority

Designation.....

Place.....

(SEAL)

Or

Signature of the officer
specially empowered to sign
the licence under rule 4

Designation.....

Place.....

* The inappropriate term(s) should be deleted. The word "Tourist" shall be stamped across a licence issued under Entry 3 (c) (c) of Schedule II.

**Provided that where a licence is granted in Form III, IV, V or VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that within a period specified by him in this behalf which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Name (in Capitals)/ Signature and designation of the renewing authority | Signature and designation of the Officer specially empowered to sign the license under rule 4 | SEAL |
|--------------------------------|---|--|--|------|
| | | | | |

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the person named, and the arms or ammunition described therein and such retainers (if any) as may be entered in Column 6:

Provided that if the licensee is a recognised *shikar* agent in possession of a certificate to that effect from the Central Government he shall be able to lend his weapons covered by his licence for use by any foreign tourist accompanying him and in possession of a shooting licence under the local games rules, valid for the area where shooting by the latter is intended:

Provided further that the licensee shall be able to lend his weapon temporarily for a period not exceeding a fortnight for the purpose of sport only to a person lawfully entitled to possess such type of weapon and subject to the conditions that—

(a) the weapon is used by the borrower in the presence of the licence-holder or under his written authority, which shall show the number and other identification marks of the weapon and the period for which it is lent;

(b) in the event of the weapon being misused by, or stolen or lost due to the gross negligence of the borrower, the licence thereof shall be liable to be revoked; and

(c) the borrower shall, on demand, produce proof of such lending.

3. If the licensee is a *bona fide* foreign tourist, the word “TOURIST” shall be stamped on his licence by the licensing authority.

4. This licence is valid to the extent specified in column 9 subject, in the case of a licence having effect in any area outside the State in which it is granted or renewed, to any restrictions which may be imposed in such area by any general or special order of the Central Government.

5. The licensee or any retainer acting under this licence shall not carry any arms covered thereby otherwise than in good faith for the purpose of sport/ protection/ display; and, save where he is specially authorised in this behalf by the District Magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage (or within the campus or precincts of any educational institution).

6. The licensee, at the time of purchasing any arms or ammunition shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely:—

(a) the name, description and residence of the person who takes delivery of the articles purchased;

(b) the nature and quantity of the articles purchased; and

(c) the date of purchase,

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased, the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

7. He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time. If, however, a licensee exhausts the total quantity of ammunition purchasable in a year earlier than the close of the year, he may for good and sufficient reasons be given a temporary increase in the total quantity purchasable at the discretion of the licensing authority.

8. He shall not possess Government arms and ammunition.

Explanation.— For the purpose of this condition—

(a) “Government arms” means a firearm or other weapon which is the property of the Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory, or prepared for and supplied to Government, other than such ammunition as may be released by Government for civilian use.

9. The licensee shall—

(a) on demand by an authorised officer produce the arms possessed under this licence;

(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;

(c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and

(d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any fire-arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which, proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

10. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms or ammunition which the licensee is authorised to possess.

11. Where the licence is granted for the purposes of sport, the licensee or any retainer or any foreign tourist or other person referred to in the proviso to condition 2 or any other person using the weapon under the licence shall observe such close season as may be prescribed by the State Government concerned in respect of the game birds and animals.

12. (a) The licensee may, at his option, apply to the nearest licensing authority having jurisdiction for renewal of the licence as and when it becomes necessary.

(b) If a person who holds a licence in Form III changes his place of residence, permanently or temporarily for more than thirty consecutive days and carries with him the weapon covered by the licence to a place other than that indicated in Column (2) of the licence, he shall, (within thirty days of such change) send intimation about such change to the licensing authority of the place of his new residence as well as to the authority which granted the licence or last renewed it, as the case may be, and shall, on demand, forthwith produce the licence and the weapon to the first-mentioned authority for making necessary entry in the licence to indicate therein the particulars of the new residence of the licensee.

13. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if—

(a) the licensee dies, or

(b) any weapon covered thereby—

(i) is sold, or transferred, or

(ii) is attached in execution of a decree:

Provided that where a weapon is sold or transferred, the licensing authority may permit the holder of the licence to acquire a fresh weapon of the same description within such period as may be specified by him in this behalf and subject to—

(a) the production of the weapon so acquired or the licence or both before the aforesaid licensing authority for inspection as required under sub-rule (2) of rule 52, and

(b) the payment of the prescribed licence fee in respect of the weapon so acquired.

14. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon or weapons for which it has been granted is or are still in the possession of the licensee, and to require its or their production for the purposes of such enquiry.

Note 1.— Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to ₹ 2000, or with both (section 30 of the Act).

Note 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing the District Magistrate having jurisdiction or the office-in-charge of the nearest police station, of such sale or transfer, together with the particulars of the firearms and/ ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ₹ 500, or with both [section 25(3) of the Act].

FORM III A
LICENCE FOR POSSESSION AND CARRYING BY A RETAINER OF ARMS
OR AMMUNITION FOR THE PURPOSE OF SPORT/ PROTECTION/ DISPLAY

¹[***]

| Sec. No. of Licence | Name, description and residence of person exempted under section 41, who has nominated the licence | Name and residence of licensee | ² [Name and residence of parent of licensee] | Arms or ammunition that licensee is entitled to possess and carry | Area of validity of license, <i>i.e.</i> , throughout India, State or District | Date on which license expires or the date on which the person specified in column 2 ceases to be exempted under section 41 (whichever is earlier) |
|---------------------|--|--------------------------------|---|--|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | Brief description of each weapon with details, <i>e.g.</i> , identification marks, register No. etc. | Quantity and description of each kind of ammunition | 8 |

The..... of..... 20.....

(SEAL)

³[Name (in capitals)/ Signature of the licensing authority.....
 Designation.....
 Place.....
 Or
 Signature of the officer specially empowered to sign the licence under rule 4.....
 Designation..... Place.....

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | ³ [Name (in capitals)/ Signature and designation of the renewing authority | ⁴ [Signature and designation of the Officer specially empowered to sign the license under rule 4 | SEAL |
|--------------------------|---------------------------------------|---|---|------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03.01.1998).
2. Subs by G.S.R. 99, dated 14th May, 1998 (w.e.f. 23.05.1998).
3. Subs by G.S.R. 1011(A), dated 7th August, 1972.
4. Added by G.S.R. 1011(A), dated 7th August, 1972.

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.
 2. It covers only the person named in column 3 of this licence and the arms or ammunition described in columns 5 and 6.
 3. This licence is valid to the extent specified in column 7, subject in the case of a licence having effect in an area outside the State in which it is granted, or renewed, to any restrictions which may be imposed in such area by any general or special order of the Central Government
- ¹[3-A. A Licensee having an arms licence valid through India, who carries the licensed weapon or weapons to any place outside the State where he normally resides, shall, within 48 hours of his arrival at such place, intimate in writing to the officer in charge of the police station or the Superintendent of Police having jurisdiction over that place the fact of his arrival at that place and the particulars of any such weapon.]
4. This licence shall only be granted to a person nominated in that behalf and certified to be his own retainer by a person exempted under Section 41 of the Act, and it shall only be granted in respect of the arms or ammunition specified in this behalf by, and being the property of, such exempted person.
 5. The grant/ renewal of this licence is subject to the condition that it shall expire on the date on which the person specified in Column 2 of this licence ceases to be exempted under Section 41 of the Act where such date is earlier than the date on which it would otherwise expire in the normal course.
 6. The licensee shall not carry any arms covered by this licence otherwise than in good faith for the purpose of sport/ protection/ display; and save where he is specially authorised in this behalf by the District Magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage ²[or within the campus or precincts of any educational institution].
 7. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee and to require its production for the purposes of such enquiry.

Note.— Any breach of the condition of this licence is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹ 500 or with both (section 30 of the Act).

1. Omitted by G.S.R. 52(E) 1, dated 24th January, 1989 (w.e.f. 24.01.1989) and subs. by G.S.R. 404(E), dated 28th March, 1990 (w.e.f. 28-03-1990).

2. Ins by G.S.R. 1259, dated 27th November, 1980.

FORM III B
PERMIT

Shri.....son ofvillage/ town.....district.....is hereby appointed to be an armed retainer of the company entitling him to possess, carry and use, for all lawful orders, issued by me as a representative of the company, the following arms or ammunition covered by the said licence:—

| Arms | Ammunition |
|------|------------|
|------|------------|

Shrimust carry this permit with him when carrying the arms or ammunition; he shall not carry the arms or ammunition to an area not covered by the licence.

Signature Holder of licence
Designation No
and full addressValid for the period
of the Company.....

Signature or thumb-impression and identification marks of the retainer.

FORM IV
LICENCE FOR ACQUISITION/ POSSESSION AND CARRYING OF ARMS OR
AMMUNITION FOR DESTRUCTION OF WILD ANIMALS WHICH DO INJURY TO
HUMAN BEINGS OR CATTLE

| Name, description and residence of licensee | Arms and ammunition | | Place or area for which the licence is granted | Specification of the wild beasts which are permitted to be destroyed under this licence | *Period for which the licence is valid | Title and residence of Magistrate to whom the licence and weapon must be shown between 15th November and 31st December of each year | Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under rule 52(2) | |
|---|--|---|--|---|--|---|--|---|
| | Brief description of each weapon with details, e.g., registered No. and identification marks | Quantity and description of each kind of ammunition Maximum to be possessed at any one time Maximum purchasable during the year | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

The..... of..... 20.....

¹[Signature and designation of the officer specially empowered to sign the licence under rule 4.]

(SEAL)..... (Signature)

Licensing Authority.....

Designation.....

Place.....

*Provided that where a licence is granted in Form III, Form IV, Form V, or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him In this behalf, which he may from time to time extend, the arm covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease so to be in force on the expiry of such period.

1. Ins. by G.S.R. 1011(A), dated 7th August, 1972.

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewal of licence expires | ¹ [Name (in capital) and designation of renewing authority] | Signature | Seal |
|--------------------------|--|--|-----------|------|
| 1 | 2 | 3 | | 4 |

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.
2. Once every year, between the 15th November and the 31st December, the licensee shall produce this licence and every weapon covered thereby before the Magistrate referred to in Column 8.
3. He shall not keep Government arms or ammunition.

Explanation - For the purposes of this condition—

(a) “Government arm” means a fire-arm or other weapon which is property of the Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory, or prepared for and supplied to Government, other than such ammunition as may be released by Government for civilian use.

4. He shall not carry any arms covered by this licence otherwise than in good faith for the destruction of wild animals which do injury to human beings or cattle, nor shall he take any such arms to a fair, religious procession or other public assemblage or to any considerable distance beyond the place or area entered in Column 5:

²[Provided that save where he is specially authorised in this behalf by the District Magistrate concerned, the licensee shall not carry any arms covered by the licence within the campus or precincts of any educational institution.]

5. Condition 3 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms or ammunition which the licensee is entitled to possess.

6. He shall not purchase or possess ammunition of any kind in excess of the maximum allowed under Columns 3 and 4 of the licence or of the maximum which may from time to time be fixed by the Central Government for the amount purchasable in a year and for the amount that may be possessed at any one time.

1. Subs. by G.S.R. 1011(A), dated 7th August, 1972.

2. Ins. by G.S.R. 1259, dated 27th November, 1980.

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7. At the time of purchasing any arms or ammunition he shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely:—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms are purchased from any person other than a licensed dealer he shall also cause the particulars specified in Clauses (b) and (c) to be furnished, in writing, to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

8. Without prejudice to the voidance of this licence for breach of any of the following conditions, it shall be void if—

- (a) the licensee dies, or
- (b) any weapon covered thereby—
 - (i) is sold or transferred, or
 - (ii) is attached in execution of a decree:

¹[Provided that where a weapon is sold or transferred, the licensing authority may permit the holder of the licence to acquire a fresh weapon of the same description within such period as may be specified by him in his behalf and subject to—

- (a) the production of the weapon so acquired or the licence or both before the aforesaid licensing authority for inspection as required under sub-rule (2) of rule 52; and
- (b) the payment of the prescribed licence fee in respect of the weapon so acquired.]

9. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether any weapon for which it has been granted is still in the possession of the licensee and to require the production of the weapon for the purposes of such enquiry.

10. The licensee shall—

- (a) on demand by the licensing authority or an authorised officer produce the weapons covered by this licence;
- (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and

1. Ins. by G.S.R. 9, dated 14th December, 1968.

(d) give prior intimation to the licensing authority concerned of his intention so break up or dispose of any arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

Notes 1.— Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹ 500, or with both (section 30 of the Act).

Notes 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing to the District Magistrate having jurisdiction or the officer-in-charge of the nearest police station, of such sale or transfer, together with the particulars of the fire-arms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ₹ 500, or with both [section 25(3) of the Act.]

FORM V
LICENCE FOR THE ACQUISITION/ POSSESSION AND CARRYING OF
ARMS OR AMMUNITION FOR THE PROTECTION OF CROPS OR CATTLE

1[***]

| Name description and residence of licensee | Name and description of any member of the licensee's family or servant employed to watch crops or cattle, residing with him, by whom the arms or ammunition covered by this licence may also be used | Arms and ammunition | | Place or area within which the licence is valid | *Period for which the licence is valid | Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under rule 52(2) | |
|--|--|--|---|---|--|--|---|
| | | Brief description of each weapon with details, e.g., Registered No. and other identification marks | Quantity and description of each kind of ammunition Maximum to be possessed at any one time Maximum purchasable during the year | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

The..... of..... 20.....

(Seal)

Signature

Licensing authority.....

Designation.....

Place.....

*Provided that where the licence is granted in Form III, Form IV, Form V or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time, of granting the same direct that within a period specified by him in this behalf, which may be extended from time to time, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

FORM OF RENEWAL OF LICENCE

| | | | |
|--------------------------|---------------------------------------|---|------|
| Date and year of renewal | Date on which renewed licence expires | Signature and designation of renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

CONDITIONS

¹[1. This licensee is granted subject to—

(a) all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962, and

(b) the provisions of sections 11 and 39 of the Wild Life (Protection) Act, 1972, or other relevant sections, as the case may be, in respect of the States and Union Territory where the said Act is applicable.]

2. The licensee shall not carry any arms covered by this licence otherwise than in good faith for the destruction of wild animals which do injury to crops or cattle, nor shall he take any such arms to a fair, religious procession or other public assemblage or to any considerable distance beyond the place or area entered in Column 6:

²[Provided that save where he is specially authorised in this behalf by the District Magistrate concerned, the licensee shall not carry any arms covered by the licence within the campus or precincts of any educational institution.]

3. He shall not lend any arms or ammunition covered by this licence to any person, other than a member of his family or servant who may be employed by the licensee to protect the crops or cattle situated in the area specified in the licence and who is mentioned in Column 2 of the licence.

4. The licensee shall—

(a) on demand by an authorised officer, produce the weapons covered by this licence;

(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;

(c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by his licence; and

(d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any arms or ammunition or any part thereof [otherwise than as mentioned in (b) above]; failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

5. He shall not keep Government arms or ammunition.

Explanation.— For the purpose of this condition—

(a) “Government arms” means a fire-arm or other weapon which is the property of the Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory, or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

1. Subs. by G.S.R. 509, dated 26th May, 1982.

2. Ins. by G.S.R. 1259, dated 27th November, 1980.

6. Condition 5 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

7. He shall not purchase or possess ammunition of any kind in excess of the maximum allowed under Columns 3 and 4 of the licence or of the maximum which may from time to time be fixed by the Central Government for the amount purchasable in a year and for the amount that may be possessed at any one time.

8. At the time of purchasing any arms or ammunition he shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely:—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase,

and if the arms are purchased from any person other than a licensed dealer, he shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

9. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if—

- (a) the licensee dies, or
- (b) any weapon covered thereby—
 - (i) is sold or transferred, or
 - (ii) is attached in execution of a decree:

[¹Provided that where a weapon is sold or transferred, the licensing authority may permit the holder of the licence to acquire a fresh weapon of the same description within such period as may be specified by him in this behalf and subject to—

- (a) the production of the weapon so acquired or the licence or both before the aforesaid licensing authority for inspection as acquired under sub-rule (2) of rule 52, and
- (b) the payment of the prescribed licence fee in respect of the weapon so acquired.]

1. Ins. by G.S.R. 4, dated 19th December, 1968.

10. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether any weapon for which it has been granted is still in the possession of the licensee and to require the production of the weapon for the purpose of such enquiry.

11. Where, after the end of any harvest season, the State Government considers it expedient that for the protection of wild life in any area, any fire-arm or ammunition licensed in this form should be deposited in a police station or with a licensed dealer, it may, by order, require any licensee to so deposit such fire-arm or ammunition for such period as the arms are not required for protection of crops or cattle and as may be specified therein, thereupon the licensee shall be bound to comply with such order.

Note 1.— Any breach of the condition of this licence is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹ 500, or with both (section 30 of the Act.)

Note 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing the District Magistrate having jurisdiction or the officer-in-charge of the nearest police station, of such sale or transfer, together with the particulars of the fire-arms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ₹ 500, or with both ¹[section 25(3) of the Act].

1. Subs. by G.S.R. 4, dated 19th December, 1968.

FORM VI
LICENCE FOR ACQUISITION/ POSSESSION AND USE FOR THE PURPOSE
OF TARGET PRACTICE OF FIRE-ARMS OR AMMUNITION

¹[***]

| Serial No. of licence | Name, description and location of mess, club or association | Arms and ammunition that licensee is entitled to possess | | Place within which the licence is valid | *Date on which the licence expires | Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under rule 52 (2) |
|-----------------------|---|--|-------------------------------------|---|------------------------------------|---|
| | | Maximum to be possessed at any one time | Maximum purchasable during the year | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

The..... of..... 20.....

²[Name (in capital)]/ Signature of the Licensing Authority.....
 Designation.....
 (SEAL) or
 Signature of the officer specially empowered to sign the license under rule 4.
 Designation..... Place.....

*Provided that where the licence is granted in Form III, Form IV, Form V or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which may be extended from time to time, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his Inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
 2. Subs. by G.S.R. 1011 (A), dated 7th August, 1972.
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FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | ¹ [Name (in capital)/ Signature and designation of renewing authority] | ² [Signature and designation of the officer specially empowered to sign the licence under Rule 4] | Seal |
|--------------------------|---------------------------------------|---|--|------|
| 1 | 2 | 3 | 4 | 5 |

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

³[2-A. Save where he is specially authorised in this behalf by the District Magistrate concerned, the licensee shall not carry any arms covered by the licensee within the campus or precincts of any educational institution].

3. The licensee shall, at the time of purchasing any arms or ammunition, cause the following particulars to be endorsed upon licence under the vendor's signature, namely:—

(a) the name, description and residence of the person, who takes delivery of the articles purchased on behalf of this mess, club or association;

(b) the nature and quantity of articles purchased; and

(c) the date of purchase;

and if the fire-arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in Clauses (b) and (c) to be furnished, in writing, to the authority who granted this licence within such period as may be prescribed by that authority for this purpose. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time or his total allowance for the year.

4. The mess, club or association shall not purchase or possess ammunition in excess of the quantities allowed under Columns 2 and 4 of the licence or the maximum which may from time to time be fixed by the Central Government for the amount purchasable in a year and for the amount that may be possessed at any one time.

5. The mess, club or association shall—

(a) on demand by an authorised officer produce the weapons covered by this licence;

1. Subs. by G.S.R. 1011 (A), dated 7th August, 1972.

2. Added by G.S.R. 1011 (A), dated 7th August, 1972.

3. Ins. by G.S.R. 1259, dated 13th December, 1980.

(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;

(c) forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by this licence; and

(d) give prior intimation to the licensing authority concerned of its intention to break up or dispose of any arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

6. The licence does not authorize any member of the mess, club or association to keep Government arms or ammunition.

Explanation.— For the purposes of this condition—

(a) “Government arm” means a fire-arm or other weapon which is the property of the Government; and

(b) “Government ammunition” means ammunition manufactured in a Government factory, or prepared for and supplied to Government, other than such ammunition as released by Government for civilian use.

7. The Central Government or the State Government or in the State of ¹[Tamil Nadu], Andhra Pradesh or Kerala, the Board of Revenue, may require any fire-arm or ammunition possessed by the mess, club or association to be registered in such manner as the Central Government or the State Government or the Board of Revenue may think fit.

8. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such enquiry.

Note.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform, in writing, to the District Magistrate having jurisdiction or the office-in-charge of the nearest police-station, of such sale or transfer together with the particulars of the fire -arms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to ₹ 500, or with both, [section 25 (3) of the Act].

1. Previously, “Madras”.

FORM VII
LICENCE FOR CARRYING ARMS OR AMMUNITION ON A JOURNEY IN
OR THROUGHOUT ANY PART OF INDIA

¹[***]

| Name, description and residence of the licensee and agent (if any) | Arms or ammunition that licensee is entitled to carry | | Name of retainer | Retainers (if any, covered by the licence) | | Arms or ammunition that retainer is entitled to carry | Place of departure, route and place of destination | Period which the journey is likely to occupy | Period for which the licence is valid | |
|--|--|---|------------------|--|---------------------|---|--|--|---------------------------------------|-------------|
| | Brief description of each weapon with details, e.g., Registered No. and other identification marks | Quantity and description of each kind of ammunition | | ² [Name of retainer's Parent] | Address of retainer | | | | | Description |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

From the..... to the..... 20.....

The..... of..... 20..... (Seal)

(Signature)
 Licensing Authority.....
 Designation.....
 Place.....

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
 2. Subs. by G.S.R. 99, dated 14th May, 1998 (w.e.f. 23-04-1998).

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and the Arms Rules, 1962.
2. It covers only the persons named, and the arms or ammunition described therein and such retainers (if any) as may be entered in Column 4.
3. The licensee or any retainer acting under this licence shall not, unless specially empowered in this behalf by the authority granting the licence, carry any arms to a fair, religious procession or other public assemblage, ¹[or within the campus or precincts of any educational institution].
4. He shall not carry Government arms or ammunition.

Explanation.— For the purpose of this condition—

- (a) “Government arm” means a fire-arm or other weapon which is the property of the Government; and
 - (b) “Government ammunition” means ammunition manufactured in any Government factory, or prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.
5. He shall—
- (a) on demand by any authorised officer, produce the weapons covered by this licence; and
 - (b) forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

Note 1.— Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹ 500, or with both (section 30 of Act).

Note 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing to the District Magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer, together with the particulars of the arms or ammunition and the person to whom they have been sold or transferred (Sec. 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ₹ 500, or with both ¹[Sec. 25 (3) of the Act].

1. Ins. by G.S.R. 1259, dated 27th November, 1980.

FORM VIII
TRAVELLER'S (TEMPORARY) LICENCE FOR THE POSSESSION AND
CARRYING OF ARMS OR AMMUNITION FOR THE DURATION OF HIS JOURNEY
FROM THE PORT OR OTHER PLACE OF HIS ARRIVAL IN INDIA TO THE PLACE
OF HIS DESTINATION IN INDIA

¹[***]

| Name and description of licensee | Arms and ammunition that licensee is entitled to possess and carry | | Place of Destination | Period for which the license is valid |
|----------------------------------|--|---|----------------------|---------------------------------------|
| | Brief description of each weapon | Quantity and description of each kind of ammunition | | |
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

From the..... to the..... 20.....

Date on which copy is sent to the District Magistrate
of..... district [*Vide* sub-rule (2) of rule 17]

The..... of..... 20.....
The..... of..... 20.....

(Seal)

(Signature)
Licensing Authority.....
Designation.....
Place.....

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of renewing authority | SEAL |
|--------------------------|---------------------------------------|---|------|
| | | | |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and the Arms Rules, 1962.

2. It covers only the persons named, and the arms or ammunition described therein.

3. The licensee shall not, unless specially empowered in this behalf by the authority granting the licence, carry arms or ammunition to a fair, religious procession or other public assemblage ¹[or within the campus or precincts of any educational institution].

4. He shall not carry Government arms or ammunition.

Explanation.— For the purposes of this condition—

(a) “Government arm” means a fire-arm or other weapon which is the property of the Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory, prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.

5. Condition 4 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms or ammunition which the licensee is authorised to possess.

6. He shall—

(a) on demand by an authorised officer, produce the weapons covered by this licence;

²(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them; and

(c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence.

7. The licensee shall, on arrival at the destination, forthwith apply to the nearest licensing authority for a licence in Form II or Form III, as the case may be, in respect of the arms or ammunition described herein and shall at the same time deliver this licence in original to that authority.

Note 1.— Any breach of the condition of this licence is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹ 2,000, or with both (section 30 of Act).

Note 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licenses possessed by them to any person, they shall forthwith inform in writing to the District Magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer, together with the particulars of the arms or ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to ₹ 500, or with both [Sec. 25 (3) of the Act.]

1. Ins. by G.S.R. 1259, dated 27th November, 1980.

2. Subs. by S.O. 1283, dated 3rd May, 1963.

FORM IX
**LICENCE TO — (1) MANUFACTURE, (2) CONVERT, SHORTEN, REPAIR
 OR TEST (OTHER THAN PROOF-TEST), SELL OR TRANSFER, KEEP FOR SALE OR
 TRANSFER, CONVERSION, REPAIR OR TEST OF ARMS OR AMMUNITION**

¹[***]

| Serial No. of licence | Name, description and residence of licensee and of duly authorised agent or agents (if any) | Place of business, factory or shop | Description and number of arms | | Description and quantity of ammunition | | Name of range or other place where allowed to test | Date and year on which licence expires |
|-----------------------------|--|---|--|--------------------------------|--|--------------------------------|--|--|
| | | | To be manufactured, converted, shortened, repaired | To be sold or keep for sale | To be manufactured, converted, etc. | To be sold or kept for sale | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

The 31st December, 20.....

| | | |
|--|---|---|
| The..... of..... 20..... The..... of..... 20..... | The date on which copy is sent to the District Magistrate of..... district [Vide sub-rule (2) of rule 20] ² [Signature and designation of the Officer specially empowered to sign the licence under rule 4] (SEAL) | (Signature) ² [Licensing Authority..... Designation..... Place..... |
|--|---|---|

FORM OF RENEWAL OF THE LICENCE

| | | | |
|--------------------------|--|--|------|
| Date and year of renewal | Date on which renewed licence expires | ³ [Name (in capital)/ signature and designation of renewing authority] | SEAL |
|--------------------------|--|--|------|

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
 2. Ins. by G.S.R. 1011(A), dated 7th August, 1972.
 3. Subs. by G.S.R. 1011(A), dated 7th August, 1972.

CONDITIONS

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.
(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose or to prove, any fire-arms.
(c) This licence is valid only so long as the licensee carries on the trade or business in the premises shown in column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.
[(d) The licensee shall not enter into any partnership connected with this licence without the approval of the licensing authority].
2. The licensee shall maintain registers of all arms manufactured or converted or shortened or repaired or tested or transferred, of all ammunition manufactured, converted, repaired or transferred, of all stock in hand, and of all sales, showing the particulars in such forms as may be prescribed for the purpose by the Central Government.
3. He shall make available for inspection his stock and his registers on the demand of any Magistrate or any police officer of a rank not below that of Inspector or, if the Central Government so directs, of Sub-Inspector.
4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard on which shall be painted in large letters in English/ Hindi and in the language of the district his name and the words "Licensed to manufacture/ convert/ shorten/ repair/ test/ transfer/ sell arms or ammunition".
(2) He shall also affix in his place of business, factory or shop a copy of section 36 of the Arms Act 1959, either in English/ Hindi or in the language of the district.
5. He shall not manufacture fire-arms of any category or description other than those allowed to be manufactured under column 4, nor expand his business, except with the prior permission of the Central Government and subject to such conditions as may be prescribed by the Central Government.
6. He shall not sell to any one any fire-arm manufactured by him unless such fire-arm—
 - (a) is duly proof-tested at a Government establishment or an establishment approved in this behalf by the Central Government;
 - (b) bears proof-marks; and
 - (c) bears identification marks required by rule 25.
7. He shall not sell arms or ammunition elsewhere than at the place of business, factory or shop specified in column 3.
8. He shall not keep Government arms or ammunition except under the special or general orders of the Central Government.

1. Added by G.S.R. 590, dated 8th May, 1982.

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Explanation.— For the purposes of this condition—

- (a) “Government arm” means a fire-arm or other weapon which is the property of the Government; and
- (b) “Government ammunition” means ammunition manufactured in a Government factory or prepared for and supplied to Government other than such ammunition as released by the Government for civilian use.

9. He shall, at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence—

- (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
- (b) the nature and quantity of the articles sold, or transferred, and
- (c) the date, of sale or transfer, and shall sign the endorsement (and affix his seal).

10. He shall at the time of sale or transfer, of a weapon, enter in his register the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

11. He shall give information of all sales or transfers of arms and ammunition, to such person and in such manner as the Central Government may direct.

12. He shall not sell or transfer any quantity of ammunition to any person licensed to possess or carry arms or ammunition without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be purchased by him, the total quantity of ammunition in his possession will not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not, in any case, sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such period or which is endorsed on such person's licence.

13. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

14. Where the licence is granted in and for any local area in West Bengal and Assam, the licensee shall not sell arms or ammunition without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may, from time to time by notification, apply this condition.

¹[14A. Where a licence is granted for conversion of ammunition, it shall not entitle the licensee to convert blank cartridges or any ammunition having no projectile into single/multiple projectile ammunition or to load or re-load any ammunition].

15. The licensee shall not sell or transfer any arms of category V to a person residing in an area to which section 4 applies, unless the said person produces a licence, or is exempted from the obligation to take out a licence, acquire, possess or carry such arms in that area.

16. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

1. Ins. by G.S.R. 703, dated 15th July, 1981.

17. Chlorates shall be kept in a building, constructed of unflammable materials only and separated from any dwelling-house, other building, highway, street, public thorough fare or public place by a distance of not less than 10 feet:

Provided that, where the total quantity stored does not exceed 100 kgs. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature,

18. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 3 :

Provided that when the quantity of each does not exceed 100 kgs. sulphur and saltpetre may be kept in separate closed receptacles in the same room.

19. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 3, or in the vicinity of the receptacles mentioned in provisos to conditions 17 and 18.

20. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

21. Any accident, fire or explosion occurring within the premises specified in column 3 which is attended with loss of human life or serious injury to persons or property shall be reported at once by the licensee to the officer-in-charge of the nearest police station having jurisdiction over the place of his business, factory or shop as well as the Inspector of Explosives of the circle concerned.

¹[22. Subject to the other conditions contained herein, no licensee shall, without reasonable cause, refuse to sell arms or ammunition to any person, who is entitled to purchase or acquire such arms or ammunition under the provisions of the Arms Act, 1959 or the Arms Rules, 1962.

Explanation.— The possibility or expectation of the seller obtaining a higher price at a later date or the refusal by a person to purchase or acquire arms or ammunition partly of a description demanded by him and partly of a different description suggested by the licensee, shall not be deemed to be a reasonable cause for the purpose of this condition.]

²[23. The conversion into explosives of sulphur in admixture with Chlorates shall be permitted for the following purposes only (and for no other purposes):—

(i) in small quantities for scientific purposes; or

(ii) for the purposes of manufacturing heads of matches; or

(iii) for use in toy amorces (paper caps for toy pistols).

1. Subs. by G.S.R. 788, dated 16th May, 1964.

2. Ins. by G.S.R. 1324, dated 9th September, 1964.

FORM X
LICENCE FOR PROOF-TEST AND KEEPING FOR PROOF-TEST OF FIRE-ARMS

¹[***]

| Serial No. of licence | Name, description and residence of licensee and of duly authorised agent(s) (if any) | Place of businesses, factory or shop | Categories of firearms allowed to be proof-tested | Range of other place where allowed to test | Date on which the licence expires |
|-----------------------|--|--------------------------------------|---|--|-----------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

The..... of..... 20.....

The date on which copy is sent to the District Magistrate of..... District (*vide* rule 23).

(Signature)
Secretary/ Joint Secretary to the Government of India, Ministry of Home Affairs.

²[Signature and designation of the officer specially empowered to sign the licence under rule 4] [*vide* rule (23)],

The..... of..... 20.....

(SEAL)

Date of issue of the licence.

FORM FOR RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|
|--------------------------|---------------------------------------|---|------|

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
2. Ins. by G.S.R. 1011(A), dated 7th August, 1972.

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.
2. The licensee shall carry on the work of proof-testing and stamp proof-marks on the fire-arms which are proved, in accordance with regulations framed or approved by the Central Government for the purpose.
3. This licence is valid only so long as the licensee carries on the work of proof-test and if the work is discontinued for a continuous period of more than one year, the licence shall *ipso facto* expire.
4. The licensee shall maintain a register of all fire-arms received for proving or of those proof-tested, of all stock in hand, of all fire-arms disposed of after proof test, showing the particulars in such forms as may be prescribed by the Central Government for the purpose.
5. He shall make available for inspection his stock and his registers on the demand of any Magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.
6.
 - (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard on which shall be painted in large letters in English/ Hindi and in the language of the district his name and the words "Licensed to proof-test fire-arms of categories as shown in Column 4 of the licence".
 - (2) He shall also affix, to his place of business or factory a copy of Section 36 of the Arms Act, 1959, either in English/ Hindi or in the language of the district.
7. He shall not proof-test fire-arms elsewhere than at the place of business or factory specified in Column 3.
8. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

FORM XI

¹[LICENCE TO ²[CONVERT FIRE-ARMS], REPAIR, TEST (OTHER THAN PROOF-TEST), SELL OR TRANSFER OR KEEP FOR SALE, REPAIR OR TEST, OR TRANSFER ARMS OR AMMUNITION OF CATEGORIES I(B), I(C), I(D), III(A), III(B), III(C), III(D), V AND VI]

³[***]

| Serial No. of licence | Name, description and residence of licensee and of duly authorised agent or agents (if any) | Place of businesses, factory or shop | Description and number of arms | | Description and number of ammunition | | Name of the range or other place where to allow to test | Date and year on which the licence expires |
|-----------------------|---|--------------------------------------|--------------------------------|--------------------------------|--------------------------------------|-----------------------------|---|--|
| | | | To be converted or repaired or | To be sold kept for sale, etc. | To be converted or repaired | To be sold or kept for sale | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

The 31st December, 20.....

⁴[Name (in capital)/ Signature of the Licensing Authority.....
Designation..... Place.....]

The..... of..... 20..... (SEAL) Signature of the officer specially empowered to sign the licence under rule 4.
Designation..... Place.....]

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | ⁴ [Name (in capital)/ Signature and designation of the renewing authority] | ⁵ [Signature and designation of the officer specially empowered to sign the licence under rule 4] | Seal |
|--------------------------|---------------------------------------|---|--|------|
| 1 | 2 | 3 | 4 | 5 |

1. Subs. by S.O. 1283, dated 3rd February, 1963.
2. Subs. by G.S.R. 1689, dated 9th September, 1970.
3. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
4. Subs. by G.S.R. 1011(A), dated 7th August, 1972.
5. Added by G.S.R. 1011(A), dated 7th August, 1972.

CONDITIONS

1. (a) This licence is granted subject to all the provision of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence entitles the licensee to fabricate components and parts of fire-arms and ammunition for the purpose of ¹[repair of fire-arms or conversion or repair of] ammunition of the categories shown in Column 4, but does not entitle him to manufacture such components or parts for the purpose of; or utilised for assembling into complete arms or ammunition.

(c) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(d) This licence is valid only so long as he carries on the trade or business, in the premises shown in Column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.
2. The licensee shall maintain registers of all arms and ammunition in stock, and of all sales, showing the particulars in such forms as may be prescribed by the Central Government for the purpose.
3. He shall make available for inspection his stock and his registers on the demand of any Magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.
4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English/ Hindi and in the language of the district his name and the words "Licensed to convert/ repair/ test (other than proof-test)/ sell/ transfer arms and ammunition".

(2) He shall also affix in his place of business, factory or shop a copy of Section 36 of the Act, either in English/ Hindi or in the language of the district.
5. He shall not convert an imitation fire-arm into a fire-arm or shorten a fire-arm on the strength of this licence.

²[5-A. Where a licence is granted for conversion of ammunition, it shall not entitle the licensee to convert blank cartridges or any ammunition, having no projectile into single/ multiple projectile ammunition or to load or re-load any ammunition.]
6. He shall not sell the arms or ammunition covered by the licence, elsewhere than at the place of business factory or shop specified in Column 3.

1. Subs. by G.S.R. 1689, dated 9th September, 1970.

2. Ins. by G.S.R. 703, dated 15th July, 1981.

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7. He shall not keep Government arms or ammunition unless he is specially authorised in this behalf by the Central Government.

Explanation.— For the purposes of this condition—

(a) “Government arm” means a fire-arm or other weapon which is the property of the Government; and

(b) “Government ammunition” means ammunition manufactured in any Government factory or prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.

8. He shall at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII, endorse on the licence—

(a) the name, description and residence of the person who takes delivery of the articles sold or transferred,

(b) the nature and quantity of the articles sold or transferred, and

(d) the date of sale or transfer,

and shall sign the endorsement and affix his seal.

9. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

10. He shall give information of all sales or transfers of arms and ammunition, to such person and in such manner as the Central Government may direct.

11. He shall not sell or transfer ammunition to any any person, licensed to possess or carry arms, without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be acquired by him, the total quantity of ammunition in his possession shall not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

12. He shall not sell arms or ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union unless, such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

13. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition, without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may, from time to time, by notification, apply this condition.

14. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

¹[15. Subject to the other conditions contained herein, no licensee shall, without reasonable cause, refuse to sell arms or ammunition to any person who is entitled to purchase or acquire such arms or ammunition under the provisions of the Arms Act, 1959 or the Arms Rules, 1962.

Explanation.— The possibility or expectation of the seller obtaining a higher price at a later date or the refusal by a person to purchase or acquire arms or ammunition partly of a description demanded by him and partly of a different description suggested by the licensee, shall not be deemed to be a reasonable cause for the purpose of this condition.]

²[16. The conversion into explosives of sulphur in admixture with chlorates shall be permitted for the following purposes only (and for no other purposes):—

- (i) in small quantities for scientific purposes; or
- (ii) for the purposes of manufacturing heads of matches; or
- (iii) for use in toy amorces (paper caps for toy pistols).]

1. Subs. by S.O. 1283, dated 3rd February, 1963.
2. Subs. by G.S.R. 1689, dated 9th September, 1970.

FORM XII
LICENCE TO SELL, TRANSFER OR TEST (OTHER THAN PROOF-TEST)
AND KEEP FOR SALE, TRANSFER OR TEST, ARMS OR AMMUNITION OF
CATEGORIES I(B), I(C), III(A), III(B), III(C), III(D) AND V

¹[***]

| Serial No. of licence | Name, description and residence of licensee and of duly authorised agent or agents (if any) | Place of businesses or shop | Description and number of arms | Description and quantity of ammunition | Name of the range or other place where allowed to test | Date and year on which licence expires |
|-----------------------|---|-----------------------------|--------------------------------|--|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

The 31st December, 20.....

²[Name (in capital)/ Signature of the Licensing Authority.....
 Designation..... Place.....]

The..... of..... 20..... (SEAL) Signature of the officer specially empowered to sign the licence under rule 4.
 Designation..... Place.....]

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | ² [Name (in capital)/ Signature and designation of the renewing authority | ³ [Signature and designation of the officer specially empowered to sign the licence under rule 4] | Seal |
|--------------------------|---------------------------------------|--|--|------|
| 1 | 2 | 3 | 4 | 5 |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).
 2. Subs. by G.S.R. 1011(A), dated 7th August, 1972.
 3. Added by G.S.R. 1011(A), dated 7th August, 1972.

CONDITIONS

1. (a) The licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(c) This licence is valid only so long as he carries on the trade or business in the premises shown in Column 3, thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.
2. The licensee shall maintain registers of all arms and ammunition in stock and of all sales showing the particulars in such form as may be prescribed by the Central Government for the purpose.
3. He shall make available for inspection his stock and his registers on the demand of any Magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.
4. (1) He shall affix on a conspicuous part of his place of business or shop, a signboard, on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licensed to sell/ transfer or test (other than proof-test), arms and ammunition".

(2) He shall also affix in his place of business or shop, a copy of Section 36 of the Act in English/ Hindi or in the language of the district.
5. He shall not sell the arms or ammunition covered by the licence, elsewhere than at the place of business, factory or shop specified in Column 3.
6. He shall not keep Government arms or ammunition, unless he is specially authorised in this behalf by the Central Government.
Explanation.— For the purposes of this conditions—
 - (a) "Government arms" means a fire-arm or other weapon which is the property of the Government; and
 - (b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.
7. He shall at the time of sale or transfer any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence—
 - (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
 - (b) the nature and quantity of the articles sold or transferred, and
 - (c) date of sale or transfer.

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8. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks if any, stamped on the weapon at the time of manufacture or otherwise.

9. He shall give information of all sales or transfers of arms and ammunition, to such person and in such manner as the Central Government may direct.

10. He shall not sell or transfer ammunition to any person, licensed to possess or carry arms without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be acquired by him, the total quantity of ammunition in his possession shall not exceed maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

11. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may, from time to time by notification, apply this condition.

13. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

¹[14. Subject to the other conditions contained herein, no licensee shall, without reasonable cause, refuse to sell arms or ammunition to any person who is entitled to purchase or acquire such arms or ammunition under the provision of the Arms Act, 1959 or the Arms Rules, 1962.

Explanation.— The possibility or expectation of the seller obtaining a higher price at a later date or the refusal by a person to purchase or acquire arms or ammunition partly of a description demanded by him and partly of a different description suggested by the licensee, shall not be deemed to be a reasonable cause for the purpose of this condition.]

1. Ins. by G.S.R. 788, dated 16th May, 1964.

FORM XIII
LICENCE TO SELL, TRANSFER OR TEST (OTHER THAN PROOF-TEST)
AND KEEP FOR SALE, TRANSFER OR TEST, ARMS OR AMMUNITION OF
CATEGORIES III(C), III(D) AND V OR VI

¹[***]

| Serial No. of licence | Name, description and residence of licensee and of duly authorised agent or agents (if any) | Place of businesses or shop | Description and number of arms | Description and quantity of ammunition | Name of the range or other place where allowed to test | Date and year on which licence expires |
|-----------------------|---|-----------------------------|--------------------------------|--|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

The 31st December, 20.....

(Signature)

The..... of..... 20.....

(SEAL)

Licensing Authority.....

Designation.....

Place.....

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of the renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|
| 1 | 2 | 3 | 4 |
| | | | |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

CONDITIONS

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(c) This licence is valid only so long as he carries on the trade or business in the premises shown in Column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.
2. The licensee shall maintain register of all arms and ammunition in stock and of all sales showing the particulars in such form as may be prescribed by the Central Government for the purpose.
3. He shall make available for inspection his stock and his registers on the demand of any Magistrate or any police-officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.
4. (1) He shall affix on a conspicuous part of his place of business, factory or shop, a signboard, on which shall be painted in a large letters in English/ Hindi and in the language of the district his name and the words "Licensed to sell/ transfer or test (other than proof-test arms or ammunition)".

(2) He shall also affix in his place of business or shop, a copy of Section 36 of the Act either in English/ Hindi or in the language of the district.
5. He shall not keep the Government arms or ammunition covered by the licence elsewhere than the place of business, factory or shop specified in column 3.
6. He shall not keep Government arms or ammunition, unless he is specially authorised in this behalf by the Central Government.
Explanation.— For the purposes of this condition—
 - (a) "Government arms" means a fire-arm or other weapon which is the property of the Government; and
 - (b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.
7. He shall at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence—
 - (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
 - (b) the nature and quantity of the articles sold or transferred, and
 - (c) the date of sale or transfer.

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8. He shall at the time of sale or transfer of a weapon enter in his register, the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

9. He shall give information of all sales or transfers of arms or ammunition, to such person and in such manner as the Central Government may direct

10. He shall not sell or transfer ammunition to any person, licensed to possess or carry arms without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be purchased by him, the total quantity of ammunition in his possession will not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

11. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition without a special permit from a Magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

13. The licensee shall not sell or transfer any arms of category V to a person residing in an area to which Section 4 applies, unless the said person produces a licence, or is exempted from the obligation to take out a licence to acquire, possess or carry such arms in that area.

14. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

15. Chlorates shall be kept in a building constructed of unflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance of not less than 10 feet:

Provided that, where the total quantity stored does not exceed 100 kg, chlorates may be kept exclusively in a closed and secured receptacles and placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

16. Sulphur shall not be kept in the same room with saltpetre in the premises specified in Column 3:

Provided that, where the quantity of each does not exceed 100 kg. sulphur and saltpetre can be kept in separate closed receptacles in the same room.

17. No person shall smoke and no open fires shall be allowed at any time in the premises specified in Column 3, or in the vicinity of the receptacles mentioned in provisos to conditions 15 and 16.

Indians For Guns

18. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

19. Any accident, fire or explosion occurring within the premises specified in Column 3 which is attended with loss of human life or serious injury to person or property shall be reported at once by the licensee to the officer in charge of the nearest police station having jurisdiction over his place of the business, factory or shop as well as to the Inspector of Explosives of the circle concerned.

¹[20. Subject to the other conditions contained herein, no licensee shall, without reasonable cause, refuse to sell arms or ammunition to any person who is entitled to purchase or acquire such arms or ammunition under the provision of the Arms Act, 1959 or the Arms Rules, 1962.

Explanation.— The possibility or expectation of the seller obtaining a higher price at a later date or the refusal by a person to purchase or acquire arms or ammunition partly of a description demanded by him and partly of a different description suggested by the licensee, shall not be deemed to be a reasonable cause for the purpose of this condition.]

1. Ins. by G.S.R. 788, dated 16th May, 1964.

FORM XIV
LICENCE FOR THE POSSESSION BY HOLDERS OF LICENCES IN FORM IX, FORM XI, FORM XII OR FORM XIII OF ARMS OR AMMUNITION DEPOSITED BY THEIR OWNERS UNDER SECTION 21 OF THE ACT, OR FOR SAFE KEEPING

1[***]

| Name, description and residence of Licensee and of duly authorised agent or agents (if any) | Description of arms and ammunition | Place (with description) where the articles are to be kept | Period for which the licence is valid |
|---|------------------------------------|--|---------------------------------------|
| 1 | 2 | 3 | 4 |

From.....
To.....

(Signature)

The..... of..... 20..... (SEAL)

Licensing Authority.....
Designation.....
Place.....

FORM OF RENEWAL OF THE LICENCE

| Date and year of renewal | Date on which renewed licence expires | Signature and designation of the renewing authority | Seal |
|--------------------------|---------------------------------------|---|------|
| 1 | 2 | 3 | 4 |

1. Omitted by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.
2. It covers only arms or ammunition of the description given in column 2 so long as they are kept in the place described in column 3, but does not authorise the licensee:—
 - (i) to carry arms, or
 - (ii) to keep Government arms or ammunition

Explanation.— For the purposes of this condition,—

 - (a) “Government arm” means a fire-arm or other weapon which is the property of Government; and
 - (b) “Government ammunition” means ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.
3. (a) The licensee shall maintain separate registers of all arms or ammunition deposited with him under this licence—
 - (i) under Section 21 (1), and
 - (ii) for safe custody otherwise than under Section 21 (2), showing particulars in such forms as may be prescribed by the Central Government for the purpose.

(b) A copy of each of the registers certified by the dealer as a true copy, relating to each preceding quarter of a calendar year, shall be forwarded within one week after the expiry of the quarter, to the District Magistrate, the quarters ending on the last day of March, June, September, December.
4. He shall not receive for deposit arms or ammunition without verifying—
 - (a) that they are not being deposited with any *mala fide* intention, and
 - (b) in case they are being deposited otherwise than under Section 21 (1), that they are covered by a valid possession licence or are exempt from the need for such licence.
5. He shall not charge fees for keeping or maintaining the deposited articles in excess of the prescribed rates.
6. He shall not return to the depositor or sell the arms and ammunition deposited except in the manner and to the extent permitted of the sale of arms and ammunition to such depositor or purchaser.
7. On the expiry of the period prescribed for forfeiture of the arms or ammunition deposited, he shall deposit them in the *malkhana* of the district or such other place as may be specified by the State Government for the purpose.
8. He shall make available for inspection such arms or ammunition and his registers on the demand of the Magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.
9. The licensee shall—
 - (a) either inform the nearest police station and the District Magistrate personally or despatch information to the officer-in-charge of the police station and the District Magistrate concerned by registered post on the day of deposit or return or disposal, as the case may be;
 - (c) forthwith inform the police station and the District Magistrate concerned of the loss or theft of any deposited article.

Note— A licence in this form will be granted for a period ending on the day on which the licensee’s licence in Forum IX, Forum XI, Forum XII, or Form XIII, as the case may be, is due to expire.

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FORM XV

FORM VX — Licence for import (by sea or air) of arms and ammunition into the port of.....

FORM XVI

FORM XVI — Licence for import (by land or by river) of arms or ammunition

FORM XVII

FORM XVII — Licence for export (by land or air) of arms or ammunition

FORM XVIII

FORM XVIII — Licence for export (by land or river) of arms or ammunition from.....to.....

FORM XIX

FORM XIX — Licence for export and re-import/import, transport and re-export of arms and ammunition

FORM XX

FORM XX — Licence for the transport of arms and ammunition

FORM XXI

FORM XXI — Licence for the import into possession for the duration of the journey in, transport across, and export out of India of arms or ammunition carried by His Majesty the King of Nepal personnel accompanying him, his, brother, the Prime Minister of Nepal and Nepal Government troops or police, from one place in Nepal to another place in Nepal through Indian territory.

FORM XXII

FORM XXII — Transit licence for import into, or acquiring in, possession and transport in, and export out of India of personal arms or ammunition in reasonable quantities by bona fide travellers/tourists

FORM XXIII

FORM XXIII — Details of licences granted by District Magistrate under section 13 of the Arms Act, 1959 (54 of 1959)

¹[FORM A]
**FORM OF APPLICATION FOR AN ARMS
LICENCE**

(See rule 51)

PART-A

Identity of applicant

1. Name:.....
2. Father's/ husband's name :.....
3. Place of birth (Nativity) :.....
4. Date of birth in Christian era both in words and figures :.....
5. Present Address :.....
 **(a) Nearest Police Station :.....
6. Permanent address:.....
 **(a) Nearest Police Station :.....
7. Occupation; and designation of office, held if
 any (together with address):.....

Signature/Thumb impression

Note.— **Nearest Police Station means the police station under whose jurisdiction the place given in the address comes.

PART –B

Other particulars of applicant

8. Whether the applicant has been—
 - (a) convicted if so, the offence(s), the sentence and date of sentence ;
 - (b) ordered to execute a bond under Chapter VIII of Code at Criminal Procedure, 1973 (2 of 1974) for keeping the peace or for good behaviour— if so, when and for what period;
 - (c) prohibited under the Arms Act, 1959, or any other law from having the arms/ammunition.
9.
 - (a) Whether the applicant applied for a licence before— if so, when to whom and with what remit;
 - (b) whether the applicant's licence was ever suspended or cancelled/ revoked— if so, where and by whom and on what account;
 - (c) whether any other member of the applicant's family is in possession of an arms licence, if so, particulars thereof
10. Whether the applicant—
 - (a) is a licensee or exemptee, if so. description of the arms, held;
 - (b) has a safe place to keep the arms;

1. Subs. by G.S.R. 52 (E), dated 24th January, 1989.

(c) is a *bona fide* tourist, if so—

- (i) name of the country to which he belongs;
- (ii) whether he is prohibited by the laws of his country from having in his possession any arms and ammunition;
- (iii) the probable date of his arrival in India.

Note.— *Bona fide* tourist is permitted to bring into India, subject to the conditions specified in section 10 and in rule 32, arms and ammunition in reasonable quantities for his use for purpose only of sport and for no other purpose.

PART-C

Particulars of Licence

- 11. Need for licence:
- 12. The Form in which the licence is required:
- 13. Description of arms /ammunition
- 14.
 - (a) Area within which applicant wishes to carry arms
 - (b) Place where arms/ammunition will be kept/manufactured etc.
 - (c) Place/route of import/export transport
- 15. Other particulars required as in the relevant licence form.
- 16. Claims for special consideration.

Note.— Against column 12 the applicant should clearly mention the purpose(s) for which the licence is required— such as use, acquisition, possession, carrying, manufacture, sale, transfer, repair, convert, proof-test, import, re-import, export, re-export, transport, self-protection, sport, display, destruction of wild animals which do injury to human beings/cattle, protection of crops and cattle, target practice/ shooting, temporary possession as *bona fide* traveller visiting India etc.

PART-D

For applicant requiring licence for Import/ Export/ Transport/ Re-export and Re-import

- 17.
 - (a) Whether the previous sanction of the concerned authority required under rule 50 if any, has been obtained, and, if so,
 - (b) the evidence in support thereof

Declaration:

I hereby declare that the above particulars given in the application are true, complete and correct to the best of my knowledge and belief. I understand that in the event of any information being found false or incorrect at any stage, I am liable to be proceeded against and action taken under the relevant provisions of the Arms Act, 1959, the Arms Rules, 1962, and other central enactments or the law for the time being in force.

Signature/ Thumb-impression of applicant

Place:.....

Date:.....

(Note.— Strike off the entries not relevant)

Warning:

Suppression of any factual information or furnishing of any false or wrong information in the application Form in violation of rule 51A will render the applicant liable for punishment under section 30 of the Arms Act, 1959.]

¹[SCHEDULE IV

(See rule 57)

FEE PAYABLE FOR LICENCES

| Sl. No. | Form No. | Licence fee for initial year of grant (in ₹) | Renewal fee for each subsequent year (in ₹) |
|---------|--|--|---|
| 1 | 2 | 3 | 4 |
| 1. | I | 150 | 50 |
| 2. | II | 50 | 10 |
| 3. | III | | |
| | (a) Pistols, revolvers and repeating rifle | 100 | 50 |
| | (b) Rifles other than those mentioned in (a) and (c) | 60 | 30 |
| | (c) .22 bore rifle (low velocity) firing rimmed cartridge, BL gun and air rifle | 40 | 20 |
| | (d) ML gun, air gun, sword, bayonet, dagger and spearlance | 10 | 05 |
| | (e) Weapons of Category V other than those mentioned in (d) | — | — |
| 4. | IIIA | — | — |
| 5. | IIIB | — | — |
| 6. | IV | — | — |
| 7. | V | — | — |
| 8. | VI | — | — |
| | (a) Pistol or Revolver | 100 | 50 |
| | (b) Rifle other than those mentioned in (c) | 60 | 30 |
| | (c) .22 bore rifle (low velocity) firing rimmed cartridges, BL gun and air rifle | 40 | 20 |
| | ML gun or air-gun | 10 | 05 |
| 9. | VII | 20 | — |
| | | (for each weapon) | |
| 10. | VIII | 20 | — |
| | | (for each weapon) | |
| 11. | IX | 500 | 200 |
| 12. | X | | |
| | (a) To a holder of licence in Form IX | — | — |
| | (b) To others | 200 | 100 |
| 13. | XI | 300 | 200 |
| 14. | XII | 300 | 200 |
| 15. | XIII | | |
| | (a) To the holders of a licence in Form IX | — | — |
| | (b) For arms of Cat. V only | 50 | 100 |
| | (c) Otherwise | 100 | 100 |
| 16. | XIV | — | — |

1. Ins. by G.S.R. 1, dated 19th December, 1997 (w.e.f. 03-01-1998).

Indians For Guns

| 1 | 2 | 3 | 4 |
|-----|--|---|---|
| 17. | XV | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Category V (where a licence is required) | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (c) Sulphur imported under Rule 57(5) | — | — |
| 18. | XVI | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Category V | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| 19. | XVII | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Category V | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| 20. | XVIII | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Category V | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| 21. | XIX | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Cat. V | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (c) For re-export and re-import under Rule 35 | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| 22. | XX | | |
| | (a) Firearms and ammunition | 100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (b) Arms of Cat. V | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| | (c) Where the arms or ammunition are transported for re-export and re-import under rule 35 | 50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition) | |
| 23. | XXI | — | — |
| 24. | XXII | 50 (for each weapon).] | |

EDITORS NOTE

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E&OE

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| <p>With compliments of: the entire team at INDIANS FOR GUNS</p> |
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