

## FREQUENTLY ASKED QUESTIONS

### THE ARMS RULES 2016 AND NDAL-ALIS

**Q.1 What are the provisions for grant of licences to Individuals? Have any new restrictions been imposed on grant of licences in the Arms Rules, 2016?**

**Ans.** The Arms Rules, 2016 have not brought in any new restrictions on grant of licences to individuals. The provisions for grant of licences as contained in the Arms Act, 1959 are extracted hereunder –

#### **Arms Act, 1959**

Section 13(3)

(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 recognized 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 any licence is required has a good reason for obtaining the same.

## **Arms Rules, 2016**

The obligations of the licensing authorities for grant of licences for permissible category of arms and ammunition have been brought in rule 20(3) of the Arms Rules, 2016, namely—

(3) For grant of a licence for the permissible arms or ammunition specified in category III in Schedule I, and without prejudice to the provisions contained in clause (a) of subsection (3) of section 13, the licensing authority, based on the police report and on his own assessment, may consider the applications of —

(a) any person who by the very nature of his business, profession, job or otherwise has genuine requirement to protect his life and/or property; or

(b) any dedicated sports person being active member for the last two years, of a shooting club or a rifle association, licensed under these rules and who wants to pursue sport shooting for target practice in a structured learning process; or

(c) any person in service or having served in the Defence Forces, Central Armed Police Forces or the State Police Force and has genuine requirement to protect his life and/or property.

Perusal of the above provisions amplify that no new restrictions have been introduced for grant of licences to individuals.

### **Q.2 What is the last date for generation of UIN and what is its importance?**

**Ans.** The last date of obtaining UIN for all types of licences has been extended up to **1.4.2017** by the Arms Rules, 2016. UIN is to be issued to a licensee and not to a licence. All types of licensees including Individuals, Institutions (including banks), arms dealers, manufacturers, gun smiths, rifle and sports shooting associations, firing ranges etc. are required to have UIN. All licensees are required to contact their Licensing Authority for getting UIN by the stipulated date.

### **Q.3 What is the position for multiple licences issued to individuals?**

**Ans.** As per rule 15 of the Arms Rules, 2016, any existing licensee holding multiple licences in Form III shall on or before **1.4.2017**, make an application for grant of a single licence in respect of all the firearms held by him under his UIN, to the concerned licensing authority.

#### **Q.4 Who will grant the All India Validity?**

**Ans.** The District Magistrate may grant All India Validity for the following categories of licensees:

- a) Union Ministers or Member of Parliament;
- b) Personnel of Defence Forces and Central Armed Police Forces;
- c) Officers of All India Services;
- d) Officers in the Government or Government Sector Undertakings or Public Sector Undertakings with liability to serve anywhere in India;
- e) Dedicated sports persons and the sports persons specified in serial numbers (1) to (4) of the table in sub-rule (2) of rule 40.

In other cases, the powers to grant All India Validity are with the **State Government** who will decide on the application forwarded by the concerned District Magistrate.

#### **Q.5 What is the change in appointment of Retainers by Individuals?**

**Ans.** The provisions for appointment of retainers by individuals have been withdrawn. However the Individuals may appoint Additional Licensees as per provisions contained in Rule 20 of the Arms Rules, 2016.

The holder of a licence in Form III for permissible category of firearms, may apply for grant of additional licence for any two of his close relatives who are not in possession of any licence in Form III and who are residing with him. The weapons endorsed on the licence of the parent licensee shall be endorsed on the licence of such an additional licensee.

#### **Q.6 What is the time limit for acquisition of a firearm (GPP) on obtaining a new licence or on sale of an already held firearm?**

**Ans.** A time period of 2 years has been prescribed in rule 18 of the Arms Rules, 2016 in both the situations, which is extendable by another one year.

**Q.7 Which are the Application Forms for grant of different types of licences?**

**Ans.** Every application for the grant of a licence under the Arms Rules, 2016 shall be submitted in Form A-1 to A-14 as applicable to the category of the licence applied.

Further separate Application Forms have been specified for allied services and other matters in Form B-1 to B-4 of the Arms Rules, 2016.

**Q.8 Whether time limits have been defined for getting different services under the new rules?**

**Ans.** The Arms Rules, 2016 have defined the time limits for grant of various services to be followed by licensing authorities under Schedule V of the rules.

**Q.9 What is the process of registration with an outside licensing authority in case a licensee shifts his residence?**

**Ans.** As per rule 17 of the Arms Rules, 2016, if a person who holds a licence in Form III changes his place of residence, permanently or temporarily **for a period of more than six months**, and carries with him the arms covered by the licence, to such new place, he shall immediately, before the expiry of a period of six months, send intimation to the new licensing authority by applying in Form B-1. The said licensing authority will register him within a period of 15 days of the date of application and the UIN of the licensee shall stand activated with the new licensing authority and deactivated with the earlier licensing authority.

The same procedure shall apply if a licensee shifts his place of residence to a different police station under the same licensing authority.

**Q.10 What are the documents to be furnished along with an application for grant of a licence in Form A-1?**

Ans. As per rule 11 of the Arms Rules, 2016, an applicant has to submit the following documents along with the application form:

- (a) four passport size copies of the latest photograph of the applicant (in white background);
- (b) proof of date of birth;
- (c) identification proof —
  - (i) Aadhar Card; or
  - (ii) in case the applicant does not have Aadhar Card, a written declaration in the form of an Affidavit to be submitted in this regard along with an alternative identification proof which may include Passport or Voter's Identification Card or Permanent Account Number (PAN) card or Identity Card issued to the employees;
  - (iii) in case of exemptee sports persons, shooters identification card issued by the National Rifle Association of India.
- (d) residence proof in case the applicant does not possess Aadhar Card or Passport, which may include —
  - (i) voter's identification card; or
  - (ii) electricity bill; or
  - (iii) landline telephone bill; or
  - (iv) rent deed or lease deed or property documents; or
  - (v) any other document to the satisfaction of the licensing authority.

(e) safe use and storage of firearms undertaking referred to in sub-rule (4) of rule 10;

(f) for professional category applicant, referred to under clause (a) of sub-rule (3) of rule 12, self-attested copies of the educational and professional qualification certificates, wherever applicable;

(g) medical certificate about mental health and physical fitness of the applicant with specific mention that the applicant is not dependent on intoxicating or narcotic substances (in Form S-3);

(h) in case of an application for a licence in Form IV, the particulars specified in sub-rule (2) of rule 35 along with a permit from the authority empowered under the Wild Life (Protection) Act, 1972 (53 of 1972);

**Q.11 What are the obligations of licensing authorities for grant of licences for Permissible category of arms and ammunition?**

Ans. Rule 12 defines the obligations of the licensing authorities for grant of licences to the applicants for permissible category of arms and ammunition to:-

(a) any person who by the very nature of his business, profession, job or otherwise has genuine requirement to protect his life and/or property; or

(b) any dedicated sports person being active member for the last two years, of a shooting club or a rifle association, licensed under these rules and who wants to pursue sport shooting for target practice in a structured learning process; or

(c) any person in service or having served in the Defence Forces, Central Armed Police Forces or the State Police Force and has genuine requirement to protect his life and/or property.

**Q.12 When the applications for renewal of licences are to filed with the licensing authorities?**

Ans. As per rule 24 of the Arms Rules, 2016, an application for renewal of a licence shall be filed in the Form wherein specified **at least 60 days** prior to the expiry of the licence.

**Q.13 What are the provisions for grant of licences to legal heirs?**

Ans. The provisions for grant of licences are contained in rule 25 of the Arms Rules, 2016. The licensing authority may grant a licence –

(a) after the death of the licensee, to his legal heir; or

(b) in any other case, on the licensee attaining the age of seventy years or on holding the firearm for twenty-five years, whichever is earlier, to any legal heir nominated by him:

Provided that notwithstanding the provisions contained in rule 12 of these rules, the licensing authority may grant a licence to such legal heir if the eligibility conditions under the Act and these rules are fulfilled by the said legal heir and there are no adverse remarks in the police report.

**Q.14 What are the restrictions on carrying of firearm in public place?**

Ans. Rule 32 of the Arms Rules, 2016 deal with the restrictions on carrying of firearm in public place:

(1) No person shall carry a firearm in a public place unless the firearm is carried –

(a) in the case of a handgun –

(i) in a holster or similar holder designed, manufactured or adapted for the carrying of a handgun and attached to his person; or

(ii) in a rucksack or similar holder; or

(b) in the case of any other firearm, in a holder designed, manufactured or adapted for the carrying of a firearm.

(2) A firearm contemplated in sub-rule (1) must be completely covered and the person carrying the firearm must be able to exercise effective control over such firearm.

(3) Brandishing or discharge of firearms or blank-firing firearms in any public place or a firearm free zone is strictly prohibited.

(4) Any violation of this rule shall be liable to revocation of the licence and seizure of the firearm in addition to the penalty specified under the Act.

**Q.15 What are the stipulations for grant of licence for destruction of wild animals which do injury to human beings or cattle and damage to crops?**

Ans. The grant of arms licences in Form IV shall be subject to the provisions of the Wild Life (Protection) Act, 1972 (53 of 1972), in respect of the States and Union Territories where the said Act is applicable and the applicant shall specify details of the land and cultivation requiring protection and area in which the arms and ammunition are required to be carried.

**Q.16 What are the provisions for training of arms and ammunition to persons below the age of 21 years?**

Ans. As per rule 36 of the Arms Rules, 2016 any person below the age of twenty-one years but not below the age of twelve years may be allowed to use permissible category of arms for the purposes of training in the use of such arms in the immediate presence, or, under the direct supervision and guidance, of an adult instructor or the licensee.

**Q.17 What are the provisions for grant of licences to practice sport shooting?**

Ans. As per rule 36 of the Arms Rules, 2016 any person who applies for a licence to possess permissible category of arms in Form III in order to practice sport shooting shall be required to show evidence that he



participates in such activities or that he is in a structured learning process However, the use of arms that are licensed for the purpose of sport shooting shall be limited to practice and competition at sport shooting clubs or at shooting ranges.

**Q.18 What are the provisions for replica of firearms?**

Ans. The provisions for replica of firearms are applicable for manufacture of only those replicas which are covered under the definition contained in clause (26) of sub-rule 1 of rule 2 of the Arms Rules, 2016 which reads *“firearm replica” means an object designed to resemble a firearm which has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm and which has been rendered innocuous.* The provisions are contained in Part II of Chapter V of the rules.

Except for manufacture of firearm replicas of the category specified above, no other licensing requirements are applicable on firearm replicas as per Exemption Notification No. S.O. 2461(E) dated 18.7.2016 issued by the Central Government under section 41 of the Arms Act, 1959

**Q.19 What are the changes brought in for grant of licences to Arms and Ammunition Dealers?**

Ans. The Arms and Ammunition Dealers having been granted licences in Form XI, XII, XIII or XIV shall be issued a composite licence in Form VIII for Dealer Licence and for Deposit of Arms and Ammunition. The licences are to issued by the State Governments and renewed by the District Magistrates.

The dealers who wish to extend the services of minor or major repairs of firearms shall have to obtain a licence in Form IX or Form IX-A as applicable.

**Q.20 What are the new provisions for Air Weapon Dealers?**

Ans. The provisions for Air Weapon Dealers are contained in rule 84 and 85 of the Arms Rules, 2016. “Air weapon dealer” means a dealer, who buys, sells, transfers or keeps for sale or transfer air weapons having muzzle energy less than 20 joules or 15 ft. lbs. and/or bore less than 0.177” or 4.5 mm and having been granted a licence in Form VIII-A by the licensing authority.

**Q.21 What are the new provisions for Air Weapons?**

Ans. Air weapons including air rifles and air guns having muzzle energy exceeding 20 joules or 15 ft. lbs. and/or bore exceeding 0.177” or 4.5 mm shall be subject to licensing requirements under the Arms Rules, 2016 and shall be counted within the limit of 3 firearms as defined under Section 3 of the Arms Act, 1959.

**Q.22 Which are the new arms brought under the licensing regime?**

Ans. Schedule I of the Arms Rules, 2016 brings the following arms under the licensing regime:

- a) Electronic Disabling Devices having firing range of less than fifteen feet – Permissible Arms  
Exceeding firing range of fifteen feet – Restricted Arms
- b) Blank firing firearms
- c) Paintball markers or guns having muzzle energy exceeding 90 m/s or 300 ft/s (300 fps)

**Q.23 What changes have been brought in the licensing regime for Air Guns in the Arms Rules, 2016?**

Ans. Air guns fall under the definition of firearms under clause (e) of sub-section (1) of section 2 of the Arms Act, 1959 and were included under clause (d) of Category III in Schedule I of the Arms Rules, 1962. However, the air guns had been exempted from the licensing

requirements as per specifications contained in entry 3 of GSR 991 dated 1.10.1962.

The Arms Rules, 2016 have brought in two categories of air weapons in clause (f) of category III of Schedule I of the rules, namely –

(f)		Air weapons including air rifles and air guns
	(i)	having muzzle energy exceeding 20 joules or 15 ft. lbs. and/or bore exceeding 0.177" or 4.5 mm
	(ii)	having muzzle energy less than 20 joules or 15 ft. lbs. and /or bore less than 0.177" or 4.5 mm

Air weapons falling under category III(f)(i) shall be subject to the licensing requirements like any other firearm and shall be subject to the restriction of maximum three (3) firearms as specified in section 3 of the Arms Act, 1959 and can be kept and sold only through authorized arms and ammunition dealers licensed under the Arms Rules, 2016, holding a licence in Form VIII.

Air weapons falling under category III (f) (ii) shall not be subjected to the licensing requirements. Such air weapons may be kept and sold only through Air Weapon dealers holding a licence in Form VIII-A under the Arms Rules, 2016 after obtaining identity and residence proof from the buyer.

Manufacturing of all types of air weapons have been brought under the licensing regime and can be manufactured after obtaining a licence in Form VII-C under the Arms Rules, 2016.

Permissible limits of ammunition for air weapons (pellets) shall be notified by issuance of a general or special order by MHA.

**Q.24 What changes have been brought for transporters of arms and ammunition in the Arms Rules, 2016?**

**Ans.** Arms Rules, 2016 have introduced new licensing requirements for transporters of arms and ammunition, who have to obtain a licence in Form XIV of the rules. However, these provisions are applicable for bulk transportation of arms and ammunition exceeding 100 firearms or ammunition exceeding 50000 cartridges in a single consignment or multiple consignments forming part of a single shipment.