



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 6359 OF 2023 (GM-RES)

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BETWEEN:

SRI. K. SAJAN AIYAPPA ,
.....

...PETITIONER

(BY SRI. PRAVEEN S., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
KODAGU DISTRICT,
DISTRICT ADMINISTRATION BUILDING,
STUART HILL, MADIKERI-571201.
2. SUPERINTENDENT OF POLICE
KODAGU DISTRICT,
COLLEGE ROAD,
NEAR FMC COLLEGE,
BHAGAVATHI NAGAR,
MADIKERI-571201.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE, HIGH COURT GOVERNMENT PLEADER
FOR RESPONDENT NOS.1 AND 2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
IMPUGNED FINAL NOTICE ISSUED BY THE RESPONDENT NO.1 TO
THE PETITIONER IN ANNEXURE-H VIDE BEARING NO.ARM/74/21-21
DATED 28.12.2022 AND ETC.





THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court calling in question a notice termed to be the final notice dated 28.12.2022, which directs the petitioner to divulge the minimum qualifying marks of his claim of him, being a Renowned Shooter, and has sought certain consequential benefits by issuance of a writ in the nature of mandamus, to consider the application of the petitioner and grant additional weapons.

2. Heard Sri. Praveen S, learned counsel for the petitioner and Sri. Spoorthy Hegde, learned High Court Government Pleader for the respondents.

3. The petitioner claims to be a Renowned Shooter and has participated in several shooting events both at the National Level and State Level competitions. He further claims to be a life member of the National Rifle Association of India and he would come within the definition of 'Renowned Shooter' in terms of the Arms Rules, 2016.



4. The petitioner submits an application to the first respondent seeking additional weapons on 21.09.2020. The application does not merit any consideration. After having waited for close to three years, a communication comes about on 28.12.2022 terming it to be a final notice observing that the petitioner has not divulged the minimum qualifying marks to be a renowned shooter and those facts must be within 15 days delivered to the office of the Deputy Commissioner. It is calling that in question the petitioner is before this Court in the subject petition.

5. The learned counsel for petitioner Sri.Praveen S., would place reliance upon the Arms Act, 1959 (hereinafter referred to as 'the Act' for short) and Rules framed there under in the Arms Rules, 2016 (hereinafter referred to as ' the Rules' for short) to buttress his submission that petitioner being renowned shooter is entitled to possess 10 Arms. He now possesses three and has applied for four additional Arms. It is his submission that on one pretext or the other the respondents are dodging the issue and have not issued a final notice to know the minimum qualifying marks to become a renowned shooter.



6. Learned High Court Government Pleader for the respondents would vehemently refute the submission to contend that the petitioner can possess only two arms in terms of the schedule appended to the Arms Act and therefore, the request made to add four more arms to his number is untenable and therefore, the petition should be dismissed.

7. I have given my anxious consideration to the submission made by the respective counsel and have perused the material on record.

8. The only issue that falls for consideration is whether the petitioner is entitled to the additional Arms that he was seeking in terms of the Act and the Rules. To consider the same, it is necessary to notice certain provisions of the Act and the Rules. Section 3 of the Act reads as follows:-

"3. Licence for acquisition and possession of firearms and ammunition.—(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:

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.

(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 two firearm:

Provided that a person who has in his possession more firearms than three at the commencement of the Arms (Amendment) Act, 1983 (25 of 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.

Provided that a person who has in his possession more firearms than two at the commencement of the Arms (Amendment) Act, 2019, may retain with him any two of such firearms and shall deposit, within one year from such commencement, the remaining firearm 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 after which it shall be delicensed within ninety days from the date of expiry of aforesaid one year:

Provided further that while granting arms licence on inheritance or heirloom basis, the limit of two firearms shall not be exceeded.

(3) Nothing contained in sub-section (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-sections (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."

The Rule 40 of the Rules reads as follows:-

"40. Quantity of ammunition to sports persons, shooting associations, etc.- (1) The quantity of ammunition allowed to various categories of sports persons for their personal consumption and shooting sport organisations shall be as per the limits laid down in the table given below, namely:-

TABLE

Sl. No.	Persons or class of persons	Type of firearm	Quantity and description of each kind of ammunition	
			To be possessed at any one time	Purchasable during the year
1	Arjuna awardee	All	100000 for all types of firearms collectively	200000 for all types of firearms collectively
2	International medalist/renowned shooter	Rifle/Pistol .22 LR; Center-fire rifle with caliber up to 8 mm; Revolver/Pistol; Shotgun of calibre up to 12 bore/gauge	50000 for all types of firearms collectively	100000 for all types of firearms collectively
3	Junior target shooter	Rifle/Pistol .22 LR; Center-fire rifle with caliber up to 8 mm;	10000 for all types of firearms collectively	30000 for all types of firearms collectively



		<i>Revolver/ Pistol; Shotgun of calibre up to 12 bore/gauge</i>		
4	Aspiring shooter	Rifle/Pistol .22 LR; Center-fire rifle with caliber up to 8 mm; Revolver/Pistol; Shotgun of caliber up to 12 bore/gauge	15000 for all types of firearms collectively	30000 for all types of firearms collectively
5	<i>Other shooters (not falling under S.No. 1 to 4 above) holding valid arms licences and who are also members of National Rifle Association of India or affiliated State Rifle Association (s) of NRAI or shooting clubs/District Rifle Association affiliated with State Rifle Association</i>	<i>.22 LR Rifle/Pistol Any other Pistol/Revolver caliber Shotgun caliber Any other Rifle</i>	<i>500 300 250 200</i>	<i>5000 2000 5000 500</i>
6	National Rifle Association of India. Affiliated State Rifle	Upper limit on the quantity of ammunition, to be decided by the licensing authority based on the recommendations of the Certifying body		



<p>Association(s) with NRAI. Shooting clubs/ District Rifle Association(s) affiliated with State Rifle Association. All shooting clubs affiliated to the State Rifle Association or the National Rifle Association of India. All shooting ranges under the Sports Authority of India or the Sports Authority of the State Governments</p>	
<p><i>Note.- Shotgun calibers of caliber up to 12 bore/gauge, mean and include the lesser calibers of 16, 20, 28 and 410 bore, etc.</i></p>	

(2) For the purposes of this rule, certifying bodies and certification contents shall be as specified in the table given below, namely:-

TABLE

S. No.	Category of sports person	Certifying body	Certifying conditions
1	Arjuna Awardee	Government of India in the Department of	The certificate shall state that the award was



		<i>Sports, Ministry of Youth Affairs and Sports</i>	<i>conferred for excellence as a Shooter</i>
2	<i>International medalists/ renowned shooters</i>	<i>National Rifle Association of India (NRAI)</i>	<i>The certificate shall state that the medal has been won by the international medalists in the international championships and in case of renowned shooters the merit certificate shall mention the qualifying score along with the Minimum Qualifying Score (MQS) for the event as specified by NRAI</i>
<i>3 and 4</i>	<i>Junior target shooter/ aspiring shooter</i>	<i>National Rifle Association of India or the approved or affiliated State Rifle Association(s) of NRAI</i>	<i>The certificate shall mention the qualifying score along with the Minimum Qualifying Score for the event as specified by NRAI or the State Rifle Association</i>
5	<i>Other shooters</i>	<i>National Rifle Association of India or affiliated State Rifle</i>	<i>The certificate shall state the membership and other details of</i>



		Association(s) of NRAI or Shooting Clubs/District Rifle Association affiliated with State Rifle Association.	the shooter
6	Shooting Clubs/District Rifle Associations affiliated with State Rifle Associations or National Rifle Association of India	State Rifle Association or National Rifle Association of India as applicable	
	State Rifle Association	National Rifle Association of India	
	National Rifle Association of India	Ministry of Youth Affairs and Sports	
	National Rifle Association of India	Shooting Ranges Sports Authority of India/Sports Authority of the State Government/ National Rifle Association of India	

Explanation. – For the purposes of this rule,

(a) "international championship" means the Asian Games, the Asian Shooting Championship, the Asian Women or Asian Junior Shooting Championship, the Commonwealth



Games, the Commonwealth Shooting Championships, the Olympic Games, the World Junior or Senior Shooting Championships and the World Cups in Senior as well as Junior events;

(b) "international medalist" means a person who has won an individual or team medal in an international championship;

(c) "renowned shooter" means a person who has participated in a National Shooting Championship in an Open Men's Event or Open Women's Event or Open Civilian's Event whether through qualifying tournament or wild card entry conducted in accordance with the rules of International Shooting Sports Federation (ISSF) and has attained the Minimum Qualifying Score prescribed by the National Rifle Association;

(d) "junior target shooter" means a person who has completed the age of twelve years but is below the age of twenty-one years and has taken part in at least one State Championship (held once a year) or in the Zonal Championship or National Level Shooting Competition recognised by National Rifle Association and/or by respective State Rifle Association;

(e) "aspiring shooter" means a person who has taken part in at least one State Championship (held once a year) or in the Zonal Championship or National Level Shooting Competition recognised by National Rifle Association and/or by respective State Rifle Association and attained the prescribed Minimum Qualifying Score specified by the National Rifle Association of India."

(Emphasis supplied)

Certain schedule is appended to the aforesaid Rules and those are germane to be noticed. They read as follows:-

SCHEDULE

Exemption Related To Possession Of Arms



Sr. No.	Persons or class of persons	Categories/ descriptions of arms	Conditions
(1)	(2)	(3)	(4)
1.	Arjuna Awardees	General exemption on the number of arms to be possessed provided that the Arjuna Award is conferred in shooting.	The person must hold a certificate issued by the appropriate certifying bodies specified in the proviso to this notification.
2.	International Medalist/ Renowned shot	<p>(i) Rifles in caliber. 22 Long Rifle (also known as .22LR).</p> <p>(ii) Center fire Rifles with calibers up to 8mm including all calibers lower than 8mm.</p> <p>(iii) Pistol/ Revolvers of caliber up and including 9 mm but excluding 9 mm parabellum (9x19mm).</p> <p>(iv) Shotguns of caliber up to 12 bore/guage including all calibers lower than 12 bore/guage.</p>	<p>(i) The total number of weapons exempted shall not exceed twelve in addition to the number of weapons he is entitled to possess as a normal citizen as per the provisions of the Act, subject to an overall ceiling of fourteen weapons;</p> <p>(ii) The person must hold a certificate issued by the appropriate certifying body referred to in paragraph 3 of this notification.</p> <p>Note: (a) if a shooter is renowned in one event only, the maximum number of weapons he can possess shall be ten (i.e. eight in</p>



			<p><i>the exempted category plus two weapons as a normal citizen under sub-section 2 of section 3 of the Act);</i> <i>(b) if a shooter is renowned in two events, the maximum number of weapons he can possess shall be twelve (i.e. ten in the exempted category plus two weapons which he can possess as a normal citizen under subsection 2 of section 3 of the Act);</i> <i>(c) if a shooter is renowned in more than two events, the maximum number of weapons he can possess shall be fourteen (i.e. twelve in the exempted category plus two weapons which he can possess as a normal citizen under subsection 2 of section 3 of the Act).</i></p>
3.	Junior Target Shooter	Type of arms used in the event in which the person is a Junior Target Shooter	(i) The exemption is restricted to two weapons of any category in which the person is a



			<p>Junior target shooter;</p> <p>(ii) The person must hold a certificate issued by the appropriate certifying body referred to in paragraph 3 of this notification.</p>
4.	Aspiring Shooter	Type of arms used in the event in which the person is an Aspiring Shooter.	<p>(i) The exemption is restricted to two weapons of any category in which the person is an Aspiring shooter;</p> <p>(ii) The person must hold a certificate issued by the appropriate certifying body referred to in paragraph 3 of this notification.</p>
5.	<p>National Rifle Association of India (NRAI)/ Affiliated State Rifle Association(s) with NRAI/ District Rifle Association(s) affiliated with State Rifle Association(s) / All Shooting Clubs affiliated with the State Rifle Association or NRAI/ All Shooting Ranges under</p>	<p>(i) Rifles in calibre .22 Long Rifle (also known as .22 LR);</p> <p>(ii) Center fire Rifles with calibers up to 8 mm including all calibers lower than 8 mm;</p> <p>(iii) Pistols/ Revolvers of caliber up to and including 9 mm but excluding 9 mm parabellum (9x19mm);</p> <p>(investigation) Shotguns of caliber up to 12 bore/gauge including all calibers lower than 12 bore/gauge.</p>	<p>(i) No upper limit on the number of Arms, subject to the discretion of the licensing authority based on the recommendations of the certifying body;</p> <p>(ii) The entity must hold a certificate issued by the appropriate certifying body referred to in paragraph 3 of this notification.</p>



	<i>the Sports Authority of India or the Sports Authority of the State Governments.</i>		
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(Emphasis added)

9. Two of the clauses of the afore-quoted schedule are the once that are to be considered in the *lis*. Clause (2) deals with international medalists/renowned shooters (renowned shot). Clause (4) deals with an Aspiring Shooter.

10. Learned High Court Government Pleader places heavy reliance upon Clause (4), which concerns as an Aspiring Shooter. For an Aspiring Shooter, the exemption is restricted to two weapons in any category in which the person is an Aspiring Shooter. The learned counsel for the petitioner places heavy reliance upon Clause (2), which concerns a renowned shooter. The note appended to the schedule (*supra*) depicts that if a shooter is a Renowned Shooter in one event only, the maximum number of weapons he can possess would be ten i.e., eight in the exempted category plus two weapons which he



can possess as a normal citizen under sub-section (2) of Section 3 of the Act, *supra*.

11. The case at hand requires consideration on the bedrock of the aforesaid provisions. The petitioner claims to be a Renowned Shooter. The claim appears to be tenable in the light of the fact that he had participated in several events both State and National Level, which would qualify him to be a Renowned Shooter. If the fact that the petitioner is a Renowned Shooter is not in dispute, what would kick in is Clause 2(a) of the schedule and not Clause (4), as is contended by the learned High Court Government Pleader. In terms of Clause (2), any Renowned Shooter would become entitled to possession of ten weapons i.e., eight for sporting events and two as normal citizen under sub-section (2) of Section 3 of the Act. Therefore, the petitioner is well within the statutory claim made for possession of four more arms.

12. The other submission with regard to Rule 40 of the Rules (*supra*). Rule 40 of the Rules deals with quantity of ammunition to sports persons, shooting associations etc., The petitioner as observed hereinabove does come under the



category of a Renowned Shooter under sub-rule (c) of Rule 40, a Renowned Shooter is entitled to hold one lakh ammunition. The petitioner is now seeking 25,000 ammunition for the usage of the arms. Therefore, all the claims of the petitioner are within four walls of the statute. The communication impugned is neither here nor there. It does not consider the application nor seeks any relevant information. It is issued only to drag the issue further. On that score it is rendered unsustainable.

13. It is germane to notice that the Deputy Commissioner or the Competent Authority is required to dispose an application made by any holder of Arms licence to add or delete Arms in terms of schedule 5 of Rule 40, within an outer limit of 7 days. Contrary to it, the Deputy Commissioner has held on to the application for three long years, which action is blatantly contrary to the statute.

14. For the aforesaid reasons, following order is passed:

ORDER

i) The petition is ***allowed***.



- ii) The impugned final notice dated 28.12.2022 issued by the respondent No.1 - Deputy Commissioner, stands quashed.

- iii) The mandamus issues to the respondent Authority i.e., the Deputy Commissioner to consider the application of the petitioner for grant of four more arms and 25,000 ammunition bearing in mind the observations made in the course of the order and pass appropriate orders, in accordance with law, within an outer limit of four weeks from the date of receipt of a certified copy of this order.

**Sd/-
JUDGE**