



# HOW TO GET A GUN LICENCE IN INDIA

**Himanshu Singh**  
**Student of B.Com LLB**  
**Amity Law School, NOIDA**

## ABSTRACT

In a well - organised society, the responsibility for efficiently managing the nation, fostering societal development, and ensuring citizens have essential resources for survival lies with the State and the Government. Paramount tasks of the State include upholding law and order, preventing crimes, and safeguarding citizens from both internal and external threats. This is achieved through defence forces like the army and law enforcement agencies such as the police, which are authorised to use lethal force and weapons when necessary. These forces strategically, offensively, and tactically stay ahead of potential adversaries in their various operations.

The term 'weapon' encompasses items such as guns, firearms, armaments, ammunition, and other defence equipment designed to cause destruction, damage, pain, or harm. These tools are typically associated with warfare, conflicts, crimes, defence, law enforcement, and hunting, among other purposes. Due to the State's responsibility for maintaining law and order, citizens are generally restricted from owning or possessing a firearm for any purpose. Laws in most countries regulate matters such as ownership, sale, manufacturing, transfer, modification, and use of firearms by civilians. These laws are often stringent to prevent violent crimes, shootings, murders, suicides, and, most importantly, to curb armed rebellions, insurgencies, and terrorist activities within the state. India, for instance, has stringent regulations regarding firearms governed by The Arms Act, 1959, supplemented by The Arms Rules, 2016. This legislation prohibits the sale, manufacture, possession, acquisition, import, export, and transport of firearms and ammunition without a licence. The current Arms Act, 1959, traces its origin back to The Indian Arms Act, 1878, enacted during British Rule after the Revolt of 1857.

Thus, this paper aims to outline the types of guns that are illegal or prohibited to be acquired, the eligibility criteria to obtain a licence, the steps involved in acquiring a firearms licence, when could a licence

be revoked or cancelled, what are the penalties for owning a firearm without licence, what is the current position of laws and a way ahead from the current scenario.

## KEYWORDS

The Arms Act (1959), The Arms Rules (2016), Indian Gun Ownership Laws, Firearm Licence Application Procedure, Types of Firearms, Prohibited Bore, Non - Prohibited Bore, Gun Permit Requirements, Firearm Licensing Authority, Steps to Obtain Gun Licence, Documentation for Gun Licence, Eligibility Criteria for Gun Licence, Consequences of Firearms Misuse, Section 25 of Arms Act (1959), Section 26 of Arms Act (1959), Section 27 of Arms Act (1959), Section 30 of Arms Act (1959)), Suspension or Revocation of Gun Licence, Section 17 of Arms Act (1959), Current Scenario of Gun Laws, Suggestions to Curb Gun Violence.

## HISTORY AND INTRODUCTION

In the mid-1800s, as British influence intensified in India, various issues such as inadequate wages, racial cruelty, growing cultural insensitivity, and unfavourable pension terms began to escalate. The harsh conduct of British officers directly contributed to the discontent among Indian soldiers, culminating in the Revolt of 1857. The British were shaken by the revolt and feared that similar uprisings could spell the end of their colonial rule in India.

Despite the failure of the rebellion, it led to the unauthorised use of weapons, prompting the enactment of the Indian Arms Act, 1878. With the introduction of this legislation, it not only regulated the manufacturing, sale or possession of firearms in British India, but also prohibited Indians from possessing weapons unless their loyalty to the Crown was verified; a restriction that persisted until 1959. Moreover, the legislation mandated the necessity of licences for firearm possession but had exemptions for various ethnic communities, such as Europeans, Anglo-Indians, and the Kodava people which seemed discriminatory in nature.

Currently, India's firearm regulations are outlined in the Indian Arms Act, 1959 with the outset of new reforms as well as stringent regulations that have been amended from time to time, with the latest amendment in 2019. This Act provides guidelines for lawful gun ownership and the primary objective of this law is to combat the illegal possession of weapons, reducing the potential for violence stemming from their misuse. In addition, the Arms Rules, 2016 prohibits the manufacturing, selling, possessing, acquiring, importing, exporting, and transporting of firearms and ammunition without a valid licence.

Therefore, securing a gun licence in India is a challenging process that applies to all the citizens. Individuals interested in gun ownership are limited to acquiring only "Non Prohibited Bore" (NPB) guns. Moreover, the licensing authority has the discretion to impose restrictions on the firearm's usage. For

instance, a licence granted for self-defence purposes may prohibit carrying the firearm in public areas, while a licence for sport shooting may confine its use to designated shooting ranges. So, the question arises, under what circumstances would an individual acquire a gun licence?

Hence, the legislation includes a provision allowing civilians to obtain a gun licence only if they can demonstrate a significant threat to their lives. The process involves justifying the “perceived risk” by filing an FIR, but it is essential to note that the entire procedure for obtaining a gun licence in India is quite extensive.

## **WHAT TYPE OF FIREARMS ARE PROHIBITED & NON - PROHIBITED?**

The classification of firearms under the Arms Act involves two main categories: Prohibited Bore (PB) and Non-Prohibited Bore (NPB). The term "bore" refers to the thickness or diameter of the bullet, essentially the opening in the barrel through which the bullet is discharged.

A Non-Prohibited Bore (NPB) firearm includes weapons like handguns with calibres of 0.35, 0.32, 0.22, and 0.380. Any individual can apply for an NPB through the prescribed procedure outlined in Chapter II and Chapter III of the 1959 Arms Act. On the other hand, a Prohibited Bore (PB) firearm encompasses pistols (9 mm), handguns with calibres of 0.38, 0.455, and 0.303 rifles. This category also includes semi-automatic and fully-automatic guns.

Before the 2008 Mumbai attacks, PB category weapons were typically issued to defence forces personnel and treated as family heirlooms. However, following the 2008 Mumbai terrorist attack, the Indian Government revised its regulations on gun ownership. Consequently, civilians facing threats to their lives, those residing in areas prone to terrorism, government officials at risk due to the nature of their jobs, as well as individuals associated with anti-terrorist programs or their family members, became eligible for PB licences.

Prior to 1987, state governments or District Magistrates were responsible for granting licences. After 1987, the issuance of PB licences became solely the responsibility of the central government. The sale, manufacturing, import, and export of firearms and ammunition are monopolised by the Indian Government, with the Indian Ordnance Factory, headquartered in Kolkata, being entrusted with the production and sale of these arms and ammunition in India. Oversight of the Indian Ordnance factories nationwide falls under the control of the Indian Defence Ministry.

## WHAT IS THE ELIGIBILITY CRITERIA TO OBTAIN A GUN LICENCE?

The Arms Act of 1959 and the Arms Rules of 2016 delineate the criteria for obtaining a firearm licence in India. As of my last update in September 2021, here are the general prerequisites:

- Age Requirement: As a rule, individuals applying for a firearm licence must be at least 21 years old. However, exceptions exist for certain groups like sport shooters and those involved in professional security work, who may qualify at a younger age.
- Justification for Need: Applicants must provide a valid reason for seeking a firearm, such as self-defence, sports shooting, hunting, or professional security roles. The justification for owning a firearm is a pivotal factor in the licensing process.
- Clean Criminal Record: Applicants must not have a history of serious criminal offences. Individuals with a criminal record or pending cases are typically ineligible for a gun licence.
- Mental Health Certification: A certificate from a registered medical practitioner attesting to mental stability and fitness to possess a firearm is a mandatory requirement.
- Local Verification: The local police conduct a comprehensive background check to verify the applicant's character and history.
- Training and Competency: Depending on the firearm type and intended use, applicants may need to complete a recognized firearm safety and handling training course from an accredited institution or shooting club.
- Proof of Address and Identity: Valid proof of residence and identity, such as an Aadhar card, passport, PAN card, or voter ID, must be provided by applicants.
- References: Character references from reputable citizens endorsing the applicant's credibility and suitability to own a firearm are often required.
- Waiting Period: A mandatory waiting period typically exists between applying for a gun licence and its approval. This waiting period allows for thorough verification and due diligence.
- Restricted Categories: Certain groups, like individuals involved in political or social activism, are generally not granted firearm licences.

- Limitations: The law often restricts the number and type of firearms an individual can own based on their intended purpose, prohibiting ownership of military-grade or prohibited weapons.

### **Who can apply for the Gun Licence?**

The Indian Arms Act provides for two types of licences: NPB (non-prohibited bores) and PB (prohibited bores).

#### NPB License Eligibility:

Non-prohibited bore licences are available to individuals of Indian descent who meet the following criteria:

1. Individuals facing potential threats due to factors like wealth.
2. General security needs, encompassing protection for banks, institutions, and individuals like shooters, VVIPs, and politician protection squads.
3. Crop Protection for those engaged in agriculture or similar fields requiring defence against pests like boars.
4. Specific Sports Shooting for individuals involved in competitive sports shooting.
5. Returning NRIs can obtain an Indian licence if they have possessed a firearm during their overseas residency for more than two years.
6. Foreign Nationals, under acceptable circumstances, can legally possess and carry firearms for up to six months during their stay in India.

The authorised firearms may include rifles, handguns (pistols/revolvers), or shotguns (DBBL and SBBL). The licence details the maximum ammunition allowed for purchase and possession, determined by the specific agent's requirements and discretion.

#### PB License Eligibility:

Prohibited bore licences are exclusively granted to special agencies and individuals. Application for this licence requires submission to the Home Department, the Governor, or the Prime Minister.

### **WHAT IS THE PROCEDURE FOR REGISTRATION OF A GUN LICENCE?**

The following are the steps to obtain a gun licence from the licensing authority:

1. Initiating the Gun License Process: The initial step involves submitting an application, obtainable from the district superintendent of police in the respective state. Once in possession of the application form, the police will scrutinise the applicant's background for any past criminal records and verify the authenticity of the provided address. Extensive information is collected, including feedback from

the surrounding community regarding any observed malicious behaviour or involvement in confrontations due to anger.

2. **Assessment of Mental and Physical Health:** To assess mental and physical wellness, the Deputy Commissioner of Police (DCP) conducts an interview with the applicant. During this interview, the primary question revolves around the applicant's justification for needing a firearm. Self-defence and protection from wildlife are recognized as valid reasons. Following the interview, the DCP forwards the reports to both the criminal branch and the national crime record bureau. If all criteria are met and the DCP is satisfied with the information, the individual can obtain a gun licence.
3. **Gun Procurement Process:** Once in possession of the gun licence, the individual contacts a licensed dealer to procure the firearm. The customer needs to pre-order the gun from a licensed shop of their choice.

Gun licence forms are readily available on the Indian Ordnance Factory website. It's important to note that issuance letters must be in the name of the retainer, and delivery can only be permitted to the retainer on behalf of the customer. Additional information is needed, including the retainer's name, passport-size photo, and an authority letter signed by the retainer.

#### **Necessary documents for acquiring a gun from the factory include:**

- a. A valid and correctly dated gun licence in either English or Hindi.
- b. A photocopy of the gun licence.
- c. One copy of the No Objection Certificate (NOC) for the factory owner and one for police authorities. The NOC is not required if the gun licence is valid nationwide.
- d. A transport licence for the location of the factory.

#### **How long does it take to obtain a gun in India?**

The delivery of the pistol to the customer typically takes approximately two months, with the possibility of extending to three months in specific cases, contingent on the manufacturing system of the factory. For individuals seeking to renew their firearms licence, a renewal form is provided. In this renewal process, customers are required to present the weapon along with the gun licence, along with all the previously attested documents submitted during the initial licensing procedure.

## WHEN DOES THE SUSPENSION OR REVOCATION OF A GUN LICENCE OCCUR?

Section 17 of the Arms Act, 1959 provides the provisions and conditions for the suspension and revocation of the gun licence.

### Provisions for Suspension or Revocation of Firearm License:

Suspension of a firearm licence involves a temporary or permanent prohibition on holding, possessing, or using the firearm. Revocation refers to the complete cancellation of the licence. The licensing authority can, through a written order, suspend the licence for a period it deems appropriate or revoke it.

### Conditions for Suspension or Revocation:

The licensing authority may suspend or revoke a licence if:

- The licence holder is prohibited from holding the firearm licence under The Arms Act, 1959, or any other applicable law.
- The licence holder is found to be of unsound mind or suffering from mental disorders.
- The licence holder is deemed unfit under The Arms Act for any other reason.
- Any condition of the licence is violated.
- The licence holder fails to deliver the licence within the specified time mentioned in the notice.

### **In addition:**

- The licensing authority can revoke the licence upon the application of the licence holder.
- A higher authority than the licensing authority can order the suspension or revocation based on the grounds that led to the initial action.
- A court convicting the licence holder can suspend or revoke the licence; however, if the conviction is overturned through appeal, the suspension or revocation becomes void.
- During trial proceedings, the appellate court or high court, exercising powers of revision, may suspend or revoke the licence.
- The central government can, through an order in the Official Gazette, suspend or revoke any licence granted under The Arms Act, 1959, nationwide or in specific regions.

When the licensing authority issues an order for suspension, or revocation, it must document the reasons briefly and provide the holder with the information upon request, unless it deems that the statement is not in the public interest. Upon the suspension or revocation of the licence, the licence holder is obligated to surrender the licence immediately to the authority specified in the order.

## CAN THE GUN LICENCE BE TRANSFERRED OR SOLD?

In case of selling the firearm: Should an individual wish to sell their firearm, they are required to submit an application with a Rs 5/- court stamp affixed to it. This application must include a copy of the original gun licence, and the arms branch must be notified of the intention to sell the weapon. All the documents originally submitted for obtaining the firearm must be provided as part of this process.

In case of transferring the firearm: If the individual seeking to transfer ownership of the firearm is still alive and possesses the original gun licence, they can apply for the transfer by submitting a plain paper application. This paper should be attached to Form A of the person receiving the licence transfer. In the case where the original licence has expired, a new application using Form A can be submitted. This application must include two passport-size photos, and approval from the legal heirs must be obtained without any objections.

## WHAT ARE THE PENALTIES FOR OWNING A FIREARM WITHOUT THE APPROPRIATE FIREARM LICENCE?

Under the Arms Act, violations can result in severe penalties based on the nature and gravity of the offence:

- In accordance with Section 25 (1AA), individuals found guilty of acquiring prohibited arms in violation of Section 7 may face imprisonment for a minimum of ten years, extendable to life imprisonment, along with a fine.
- Section 25 (1A) stipulates the punishment for manufacturing, selling, transferring, converting, repairing, or testing prohibited firearms without a licence. The prescribed penalty includes imprisonment for no less than seven years, extendable up to fourteen years, and a fine.
- For contravention of Section 7 related to the acquisition, possession, or carrying of prohibited ammunition, Section 25 (1B)(a) dictates a punishment of not less than two years, extendable up to five years, along with a fine.
- Section 26 outlines the penalties for violating licensing provisions concerning arms and ammunition deals. Breaches of section 3, 4, 10, or 12 may result in imprisonment ranging from a minimum of six months to a maximum of seven years, along with a fine. Violations of section 5, 6, 7, or 11 may lead to imprisonment for not less than five years, extendable up to 10 years, and a fine.
- Under Section 27, the use of arms or ammunition in contravention of Section 5 or Section 7 is subject to punishment. Violations of section 5 may lead to imprisonment for a minimum of three years, extendable up to seven years, and a fine. Contravention of section 7 may result in imprisonment for not less than seven years, extendable up to life imprisonment, along with a fine.



- Section 30 deals with contraventions of licensing provisions related to the shortening of gun barrels or conversion of imitation firearms into firearms. The punishment may include imprisonment for up to six months, a fine, or both.

It's important to highlight that in all these instances, the court has the discretion to impose the most appropriate punishment based on the specific facts and circumstances of the case.

## SUGGESTIONS AND A WAY AHEAD

In India, possessing firearms is not deemed a fundamental right but rather a privilege. The government's objective is to guarantee that only responsible and law-abiding individuals with a genuine necessity own firearms. The strict gun control regulations in India have contributed to maintaining relatively low crime rates, and incidents involving guns are comparatively infrequent when compared to nations with less stringent gun laws.

Delving into the subject of gun licences in India, it is crucial to highlight the variability in the application process across states. Each state operates its licensing authority, overseeing the issuance and renewal of gun licences. The stringency of gun control laws varies among states, with some implementing more rigorous procedures.

In addition, it is important to recognize that the legal ownership of firearms in India is limited to specific types. As previously mentioned, firearms fall into three categories, and possessing a prohibited weapon is against the law. Even non-prohibited bore firearms necessitate a licence, and owning a firearm without one constitutes a criminal offence.

Moreover, according to reports and recommendations, the Ministry of Home Affairs is currently proposing the establishment of a National Database of Arms Licences to maintain an official record encompassing both existing and new licence holders. Each firearm holder will be assigned a Unique Identification Number as part of a proactive measure to monitor both authorised and unauthorised gun owners. This precautionary step aims to reduce crimes resulting in fatalities caused by gunfire or shootings involving unauthorised firearms. Despite the stringent firearms laws in India regarding the issuance of gun licences, the country still ranks second in terms of gun-related deaths. This suggests that the Arms Act has not entirely deterred the populace, primarily due to the widespread availability of illegal weapons smuggled into India.

Ownership of a firearm entails significant responsibilities. Licensees must securely store the firearm, ensuring it remains inaccessible to unauthorised individuals, particularly children. Moreover, the firearm should only be used for the purpose specified in the licence. Failure to adhere to these conditions may result in licence revocation, and the licensee could face criminal charges. Finally, it is worth noting that while

stringent gun control laws in India have helped to keep the country's crime rates relatively low, illegal firearms are still a significant problem. Criminals often acquire illegal firearms through the black market, and the government has launched several initiatives to combat the illegal trade of firearms. However, there is still a long way to go in this regard, and efforts to curb the illegal trade of firearms must continue.

## Bibliography

### PRIMARY SOURCES:

#### Bare Acts:

The Arms Act, 1959.

The Arms Rules Act, 2016.

The Indian Arms Act, 1878.

### SECONDARY SOURCES:

#### Books:

Shashi Tharoor, *An Era of Darkness: British Empire in India*, Aleph Book Company, 2016.

Bipan Chandra, et. al., *India's Struggle for Independence: 1857-1947* Penguin Books.

Muggah, Robert & Gupte, Jaideep, *Tackling Gun Violence in India*, Institute of Development Science, 2015.

#### Articles:Z

Bikash Sen Deka, *The Arms Act, 1959: A Legal Analysis and Comparative Study with the USA*, AIJACLA, 2021.

Varshita Girish & Priyank Jagawanshi, *An Analysis on Indian Arms Laws with respect to Licensing Procedure*, IJLMH, 2021.

#### Websites:

Last visited on March 7, 2024.

Link: [A guide to India's stringent gun laws](#)

Last visited on March 7, 2024. Link: <https://economictimes.indiatimes.com/news/economy/policy/will-new-norms-liberalise-access-of-guns-to-those-in-power-but-ignore-security-of-the-common-man/articleshow/47398815.cms?from=mdr>