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W.P.No.23987 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23987 of 2021

South Indian Movies

Dummy Effects Association
represented by it's President

F.Navin Raj,
S/o.Fredrickraj,
16 KK Road, Saligramam,
Chennai - 600 093.

...

Petitioner

versus

1.The Principal Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
Tamilnadu Police Department,
R.K.Salai, Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Greater Chennai City,
Veppery, Chennai - 600 007.

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Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, praying to direct the respondents to consider the representation dated 18.10.2021 to verify all the dummy weapons possessing the Masters of the petitioner association and issue certificates including Identify Card to the Masters of 'South Indian Movies Dummy Effects Association' to use the dummy weapons for film shooting in the State of Tamilnadu.

For Petitioner : Mr.M.Balaji

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a mandamus to direct the respondents to consider the representation dated 18.10.2021 to verify all the dummy weapons possessed the masters of the petitioner's Association and issue certificates including Identify Card to the masters of 'South Indian Movies Dummy Effects Association' to use the dummy weapons for film shooting in the State of Tamilnadu.

2. The petitioner is a registered Association in the name and style of 'South Indian Movies Dummy Effects Association'; the petitioner's Association has got many stunt masters to help during film shooting in order to give dummy effects; for the said cinematic purpose



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dummy weapons are being used and they resemble like genuine weapons; however they will not have any numbers or license etc.; people involving in the above profession face difficulties because many times they are mistaken as persons possessing a real weapon.

3. In the State of Maharashtra, some of the persons involved in similar profession have filed a W.P.No.380 of 1999 and got direction to issue proper certificates after verification. Since Chennai is a film making city and it is busy with lot of film making, such a direction should also be given to the respondents to give certificates and Identity Cards as how it is being practiced in Bombay, which is an another film city.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that the practice which is adopted in Bombay is not followed in the State of Tamilnadu. However, if the petitioner and their members could co-operate with the police by producing their dummy weapons, steps can be taken to issue certificates. The attention of this Court was drawn to the judgment of the High Court of Bombay in W.P.No.380 of



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1999 dated 23.04.1999 [M/s.Movies Action Dummy Effects Association vs.

State of Maharashtra and another], wherein certain directions have been

made and on the basis of which the license has been given.

5. If similar practise is adopted in Tamilnadu that will avoid the risk of the petitioner and like such people from getting into the hands of the police on unnecessary allegations. It is worthwhile to mention that in the High Court of Bombay in W.P.No.380 of 1999 dated 23.04.1999 [M/s.Movies Action Dummy Effects Association vs. State of Maharashtra and another], the following directions had been given:-

“5. All the dummy weapons in use or to be used shall be numbered or marked for identification. Before the dummy weapons are numbered or marked, they should be produced before the Arms and Ammunition Branch to office of the Commissioner of Police, Mumbai. The dummy weapons so numbered or mark only shall be allowed to be used for/film shooting. Each weapon shall be given a separate licence or a movement pass.

6. The original licence or pass shall be carried during transit of such dummy weapons to enable identification of such weapon. The original licence or pass only and not a copy or xerox copy of such licence can be carried.

7. The person carrying such licenced articles shall also carry an identity card issued by the organisation of which he is a member and only such



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persons holding identity cards shall be authorised to carry such articles. Persons not holding identity cards shall not be authorised to carry such articles. However, on a request either by the organisation or the owner of such articles, names of the persons who would be authorised to carry such authorised articles would be recorded on such licence.

8. Any new article before use shall be produced before the Arms and Ammunition Branch and shall be numbered or marked. Licences or pass shall be obtained for such numbered or marked articles.

9. The owners of such articles and explosives use shall store them in safe custody. In case of organisations the responsibility of keeping such weapons and explosives in safe custody shall be entrusted to the officers of such organisation. It shall be the liability and responsibility of the licence holders to ensure that such articles would not be reaching into the hands of persons not holding the licence or not recorded on such licence. This condition shall be recorded on the licence itself.

10. If any explosives are required for using such articles, licence or pass shall be required for all such explosives except those that explosives or inflammable articles for which no licence or permission is required. If the requirement of the explosives or inflammable is of 5 kg, an application should be made to the Arms and Ammunition Branch, Commissioner of Police and in case, the explosive inflammable are in excess of 5 kgs, the application should be made to the Director, Explosives, New Mumbai.

11. It shall be obligatory on the persons carrying or transporting such articles to produce the appropriate identity cards, licences etc, to any Police Officer, in case it is so required or demanded. The concerned Police Officers shall be entitled to take appropriate action under law.”



6. Since the Bombay model appears to be serving the purpose, I feel the respondents can also reflect the same in order to help the petitioner, who is involved in film shooting. In this regard, the third respondent has already sent a letter to the petitioner to produce the dummy weapons to the inspection of the concerned police officer for taking the matter forward. Hence, the third respondent police shall consider the representation given by the petitioner dated 18.10.2021 in the light of the judgment of the High Court of Bombay made in W.P.No.380 of 1999 and do the needful in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall also co-operate by producing the relevant materials as per the instructions of the third respondent.

7. With the above observations, this Writ Petition stands disposed of. No costs.

18.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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- 1.The Principal Secretary,
Home Department,
Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Tamilnadu Police Department,
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- 4.The Public Prosecutor,
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R.N.MANJULA, J.

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