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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11th May, 2023

+ W.P.(C) 17611/2022 and CM APPL. 8044/2023

DEEPAK SINGH

..... Petitioner

Through: Mr Gautam Singh Advocate, with
Petitioner in person (M:
9970179706).

versus

JOINT COMMISSIONER OF POLICE & ORS. Respondents

Through: Mr Vikrant N Goyal Adv, with Ms
Ayushi Garg and Ms Tesu Gupta
Advs for R-2 (M: 9953228888).
Mr. Shashi Pratap Singh, Adv with
Mr. Vinay, Inspector Licensing Unit
Delhi Police (M: 9560536975).
Mr. Aditya Vikram Singh, Advocate
for R-3 (M: 9810266976).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner- Mr. Deepak Singh, who is an '*aspiring shooter*' has filed the present writ petition challenging the impugned order passed by the Respondent No. 1-Joint Commissioner of Police (Licensing Unit Police) dated 18th October, 2022. By the said order, the application for addition of one None Prohibited Bore Pistol (*hereinafter, 'NPB Pistol'*) firearm for the purpose of sport shooting has been rejected. The extract of the said order reads as under:-

“Subject:- Regarding application of addition of firearm vide application No. AC2021040009 dated 07.04.2021.

Sir,

Kindly refer to your online application No. AC2021040009 dated 07.04.2021 for addition of one NPB Pistol for sport shooting purpose. Your application for addition of one NPB Pistol has been considered by Licensing Authority but could not be acceded to. Your application for addition of NPB Pistol has been rejected by Licensing Authority, Delhi on the grounds that you scored 247 and Minimum Qualifying Score is 245 for Aspiring Shooter. Your score is just above the minimum qualifying score. You did not win any medal in any shooting events. Your performance is not very encouraging. It will be better for you to improve your performance in shooting events and then come for addition of weapon for sports purpose. As of now your case is not fit for considering the addition of weapon.”

3. The Petitioner had participated in the 19th Uttarakhand State Shooting Championship 2021 in Small Bore (Rifle/Pistol) held in Dehradun, Uttarakhand in February, 2021 (*hereinafter, ‘the Championship’*). The Petitioner participated in the 25 Meters Standard Pistol Event. The said Championship was conducted by the Respondent No. 3 - National Rifle Association of India (‘*NRAI*’). The Petitioner qualified for the category of an ‘*aspiring shooter*’ as per the Norms for Aspiring Shooter issued by NRAI. The Petitioner scored 247 when the Minimum Qualifying Score (‘*the score*’) for ‘*aspiring shooter*’ is 245.
4. In order to practice more, and to improve his Minimum Qualifying Score and also to participate in further championships and tournaments, the

Petitioner made an application No. AC2021040009 dated 7th April 2021 to the Respondent No. 1 for addition of NPB Pistol. The same was, however, rejected on 18th October, 2022 by Respondent No.1 which is the impugned order before this Court.

5. Ld. Counsel Mr. Gautam Singh submits that under Section 13 of the Arms Act, 1959 read with Rule 13 of the Arms Rules, 2016 a license application is made, either for the purposes of sports or protection of life/property. The time limit for grant of the license is 60 days in terms of Rule 13 of the Arms Rules which reads as under:-

“13. Time limit for grant of licence.—

The licensing authority, after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant a licence for permissible category of arms or ammunition specified in category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal, by passing a speaking order, within a period of sixty days of the receipt of the police report.

Provided that the licensing authority shall specify, the type of arms and ammunition to be procured by the applicant after assessing the reason and the need for possession of the type of arms and ammunition applied for by the applicant, considering its lethality or fire-power.”

6. The submission of Id. Counsel for the Petitioner is that the order rejecting the application shows that the only reason why the Petitioner's application has been rejected is because his score is only two points above the qualifying score, and that he did not win any medal in the event.

7. Ld. Counsel further submits that in order to practice further, and to

improve the score and to compete in an event for acquisition of a medal, the Petitioner would need the additional pistol for which he had applied. If the same is being rejected by the Respondent No. 1, there would be no scope for sportspersons to increase and better their scores.

8. Respondent No. 3 NRAI, also supports the case of the Petitioner. Mr. Aditya Vikram Singh, Id. Counsel relies upon the recommendation dated 5th April, 2021 given by the Secretary of NRAI. According to the Respondent No.3, the Petitioner satisfies the criteria for an '*aspiring shooter*' and an arms license in terms of the application made by the Petitioner can be issued to the Petitioner.

9. On behalf of the Respondent No. 1, Id. Counsel Mr. Shashi Pratap Singh, raises a preliminary objection for maintainability of the present writ petition. In terms of Section 18 of the Arms Act, 1959 an appeal could have been preferred against the impugned order before the Lieutenant Governor of GNCTD (*hereinafter*, '*LG*'). However, no appellate remedy has been availed of by the Petitioner.

10. In addition, he submits that the time limit under Rule 13 of the Arms Rules, 2016 would not be applicable to the addition of weapons to existing license in terms of Rule 18 of the Arms Rules, 2016. On a query from the Court on why the Delhi Police took more than 18 months to decide the application of the Petitioner, it was submitted that since the application was made during the COVID-19 pandemic period, hence the application could not be granted.

11. Heard. The Court has considered the overall facts of this case and the submissions of the Id. Counsel for the parties.

12. In the application for the addition of one NPB Pistol which has been

moved by the Petitioner, the Petitioner seeks to take a stand that he had approached the Office of the LG for filing of the appeal against the impugned order on 19th October 2022, however, the same was not accepted in the office of the LG.

13. Considering the application along with which the draft appeal which was purportedly prepared by Petitioner to be filed before the Office of the LG, and the transcription of the conversation which has been placed on record, the Court does not wish to go into the question whether any attempt was made by the Petitioner to file an appeal or not.

14. The present case would show that the Petitioner's scores were acquired by him in February, 2021 when he had participated in the Championship mentioned above. These scores are stated to be usually valid for a period of two years as per Rule 12(3)(b) of the Arms Rules, 2016. After obtaining the scores in February, 2021, the Petitioner had approached the Respondent No. 1 in April, 2021 for the addition of the weapon in his existing licence. However, a period of 18 months lapsed before the impugned decision was taken. Relegating him to file an appeal at this stage would thus not be efficacious. It is under such circumstances that this Court is inclined to entertain the present petition, to ensure that the career of a sportspersons is not adversely affected.

15. A perusal of the impugned order, and the qualifying scores would show that the Petitioner has achieved the qualifying scores. The only stand taken by the Respondent No. 1 is that the score achieved by the Petitioner is just two points above the qualifying score, and that no medal has been won by the Petitioner.

16. Even if it is taken that under the Rule 18 of the Arms Rules, 2016, no

time is prescribed for deciding on the application for addition of weapons, the same would have to be construed to mean that the addition of a weapon would also have to be processed and decided upon within a *reasonable period*. In any case, the said period for adding a weapon to an existing license cannot be longer than the period prescribed for granting of a new license. In the present case, eighteen months has been a long period, especially when the scores given to the Petitioner themselves are applicable only for a period of two years.

17. Under these circumstances, since the Petitioner has met the eligibility criteria of the qualifying scores, and the appellate remedy under the Arms Act, 1959 is no longer an efficacious remedy for the Petitioner, the present petition is liable to be allowed.

18. The reasoning given in the impugned order that the Petitioner's score is only two points above the qualifying score is not sustainable. The Petitioner-sports person would have to be encouraged, and it is thus directed that the addition of the NPB pistol shall be made in the existing license of the Petitioner by the Respondent No. 1-Joint Commissioner of Police within a period of two weeks.

19. The Petition is disposed of with all pending applications, if any.

20. In order to sensitise applicants for licences of the availability of an appellate remedy, against the orders passed by the Respondent No. 1- Joint Commissioner of Police under Section 18 of the Arms Act, 1959, it is directed that the office of the Commissioner of Police may issue instructions to add a note to this effect in orders that are passed under the Arms Act, 1959. The Note would be to the effect that the order is appealable under Section 18 to the Appellate Authority. This would enable applicants to avail

of their appellate remedies under the Arms Act, 1959 within the prescribed time period.

21. The present writ petition with all pending applications, if any, is disposed of, in the above terms.

PRATHIBA M. SINGH
JUDGE

MAY 11, 2023

Mr/dn

