



2024 : DHC : 601



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 25<sup>th</sup> JANUARY, 2024

IN THE MATTER OF:

+ **W.P.(C) 4298/2023 & CM APPL. 37374/2023**

PRASHANT

..... Petitioner

Through: Petitioner-in-person

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Balendu Shekhar, Mr. Raj Kumar  
Maurya, Mr. Krishna Chaitanya,  
Advocates for R-1  
Mr. Aditya Vikram Singh,  
Mr. Manvinder Singh Shekhawat,  
Advocates for R-2  
Ms. Daisy Roy, Advocate for R-3

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**JUDGMENT**

1. The Petitioner has approached this Court by filing the instant writ petition under Article 226 of the Constitution of India for a direction to the Respondents to permit the Petitioner to import 0.22 and 0.32 a pardini sports pistol or in the alternative permit the Petitioner to purchase the same from Respondent No.2/Secretary General, National Rifle Association of India on the payment of the requisite charges.
2. The Petitioner claims to be a sportsman associated with the sport of Shooting. He states that he has been participating in various competitions in the 10M air pistol category. It is stated that during the last four years, the



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Petitioner has performed well at the National and the State level tournaments.

3. It is stated that the Petitioner was having disputes with Respondent No.2 and Respondent No.3 regarding issuance of his certificates of participation. It is the contention of the Petitioner that instead of issuing the certificates of participation, he has been served with a show cause notice dated 01.07.2019 by Respondent No.3 at the behest of Respondent No.2 stating that there is a discrepancy in his date of birth.

4. It is stated that the Petitioner approached this Court by filing W.P.(C) 6091/2022. The writ petition was dismissed *vide* Order dated 24.11.2022. The Petitioner challenged the Order dated 24.11.2022 by filing LPA 710/2022 and a Division Bench of this Court *vide* Order dated 12.12.2022 in LPA No.710/2022 directed that the case of the Petitioner should be placed before a Review Committee constituted for determination of age of the Petitioner and directed to decide the same afresh in light of the age verification report.

5. It is stated that only after the judgment passed by the Division Bench in LPA No.710/2022, certificates of participation were issued to the Petitioner. It is stated by the Petitioner that he is being singled out and is being denied the permission to import a 0.22 and 0.32 sports pistol and has been denied permission to either import or in the alternative purchase it from Respondent No.2 despite the fact that he otherwise is eligible for the same. It is stated that the Petitioner is being unnecessarily harassed by Respondent No.2, therefore, the Petitioner has stood up to the illegal activities of Respondent No.2.



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6. A reply has been filed on behalf of Respondent No.2/ National Rifle Association of India. It is the stand of Respondent No.2 that the Petitioner has participated in 10M air pistol category but wants to import a firearm of 0.22 and 0.32 bore category which is not permissible. It is stated that if the Petitioner seeks to import a firearm of 0.22 or 0.32 bore, he must enrol himself for a National Shooting Championship Competition in 25M Standard Pistol Event or 25M Centre Fire Pistol Event and the Petitioner must obtain a Minimum Qualifying Score (MQS) of 530 in 0.22mm and MQS of 520 in 0.32 mm Shooting Event in order to be called as a renowned shooter which alone will entitle him to apply for a 0.22 or 0.32 bore for participation in games. It is stated that since the Petitioner is not a renowned shooter in the said events, he is ineligible to import a weapon of 0.22 and 0.32 bore which is a firearm under the Arms Act, 1959. It is further stated that the Petitioner has not participated in the requisite event in the year 2022 or 2023 and, therefore, the instant writ petition should be dismissed.

7. Heard the Petitioner, who appeared in person, and learned Counsel for the Respondents.

8. The Petitioner apart from making his submission that he is a renowned shooter has also handed over the copies of the receipt of Respondent No.2 that the Petitioner is a Member of Respondent No.2. The Petitioner also filed a certificate stating that he has participated in the UP State Rifle Association, Lucknow and that he has participated in the 62<sup>nd</sup> National Shooting Championship Competitions (NSCC) in Small Bore Rifle & Pistol Events which were held at Thiruvananthapuram from 15.11.2018 to 07.12.2018 in the 10M Air Pistol in Youth Men (ISSF) National



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Championship (Individual) scoring 521 points and a MQS was 520 and the Petitioner was at position 709. The certificate also indicates that the Petitioner is a renowned shooter in terms of Government of India's Notification 146/1994 dated 13.07.1994. It is, therefore, the case of the Petitioner that in view of the certificate issued by the National Rifle Association of India itself, the Petitioner ought to have been permitted to import 0.22 and 0.32 sports pistol pardini.

9. The Schedule I of the Import Policy permitting import of arms and ammunition defines a 'renowned shooter', which reads as under:-

*“(3) “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 the International Shooting Union, and has attained the Minimum Qualifying Score prescribed by the National Rifle Association.”*

10. A shooter before participating in the National level first takes part in pre-State Tournaments and on getting a requisite score participates in pre-State level Championships then participates in State level Championships, and on getting requisite scores at the State level Championships, participates in pre-National Championships and then in the National Championships. The certificates which have been handed over by the Petitioner indicate that the Petitioner had participated in 10M Pistol Youth Men (ISSF) National Championship (Individual). This certificate does not indicate that the Petitioner has taken part in a National Shooting Championship in the 25M Standard Pistol Event or 25M Central Pistol Event or in 0.22 or 0.32 pistol



shooting event which alone would make him a renowned shooter, in the said events, he would be able to import the requisite firearm.

11. Material on record indicates that 10M Air Pistol Shooting Event requires only an air pistol which is not a firearm. The difference between air pistol and firearm pistol has been stated in the counter affidavit which reads as under:-

| <i><b>Particulars</b></i>             | <i><b>Air pistol</b></i> | <i><b>Firearm pistol</b></i>  |
|---------------------------------------|--------------------------|-------------------------------|
| <i>Calibre</i>                        | <i>.177 mm</i>           | <i>.22 or .32 mm</i>          |
| <i>Distance</i>                       | <i>10 m</i>              | <i>25 m</i>                   |
| <i>MQS (Minimum Qualifying Score)</i> | <i>545</i>               | <i>530/520 (Respectively)</i> |
| <i>Import Permit</i>                  | <i>Not Required</i>      | <i>Required</i>               |

12. This Court does not have any reason to disbelieve or question the table as given in the counter affidavit. A perusal of the material on record indicates that since the Petitioner has only participated in 10M Air Pistol Event and has not participated in any event with a firearm pistol, he cannot be entitled to apply for a license to import 0.22 or 0.32 mm firearm as it would be contrary to the Policy.

13. Since the Petitioner has participated in 10M Air Pistol in the Youth Category of 62nd National Shooting Championship, he would fall under the category of professional shooter in the 10M Air Pistol Category only and he cannot be deemed to be eligible to be permitted to import firearm of the cross category.

14. For the Petitioner to be accepted as renowned shooter to be eligible to



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import a 0.22 or 0.32 bore firearm, he has to participate in 25M Standard Pistol or 25M Central Fire Event and get the qualifying marks which will alone entitle him to import a firearm of 0.22 or 0.32 bore. This Court is not inclined to accede to the request of the Petitioner to permit him to import the firearm of cross category.

15. Resultantly, the writ petition is dismissed along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**JANUARY 25, 2024**

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