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W.P.No.1444 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1444 of 2025

and

W.M.P.No.1688 of 2025

South Indian Movies Dummy Effects Association,
represented by its President,
F.Navin Raj,
S/o.Fredrickraj,
16 KK Road, Saligramam,
Chennai 600093.

.... Petitioner

Vs.

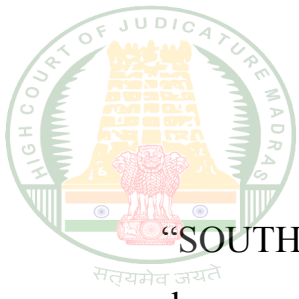
1.The Principal Secretary,
Home Department,
Secretariat, Chennai - 600 009.

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

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

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order Rc.No.E2(3)/371/96030/2021 dated 20.12.2024 issued by the third respondent, quash the same, and subsequently, direct the respondents to issue certificates including Identity Card to the Members of the



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“SOUTH INDIAN MOVIES DUMMY EFFECTS ASSOCIATION” to use dummy weapons for film shooting in the State of Tamil Nadu.

For Petitioner : Mr.K.Suresh Baby
for Mr.M.Balaji

For Respondents : Mr.K.M.D. Muhilan
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed to call for the records of the impugned order Rc.No.E2(3)/371/96030/2021, dated 20.12.2024, issued by the third respondent, quash the same, and subsequently, direct the respondents to issue certificates including Identity Card to the Members of the “SOUTH INDIAN MOVIES DUMMY EFFECTS ASSOCIATION” to use dummy weapons for film shooting in the State of Tamil Nadu.

2.The case of the petitioner in brief is that, the petitioner is an association for South Indian Movies Dummy Effects and it consists of six members. Dummy weapons are used to resemble genuine weapons, but they do not bear any serial numbers or licenses. The dummy weapons and other related articles are used for the purpose of shooting films. Further, there is no law governing this profession and no rules or regulations have been framed to streamline it in Tamil Nadu. Further, there is no system in place to control the



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movement of dummy weapons, unnecessary hindrances and harassment are faced by the petitioner. In the State of Maharashtra, it has been streamlined by issuing license to those involved in it, based on the order of the Hon'ble Bombay High Court in W.P.No.380 of 1999. While being so, the petitioner submitted a representation to verify all the dummy weapons possessing the Masters of the petitioner and issue certificates including the Identity Card to the Masters of the petitioner to use the dummy weapons for film shooting in Tamil Nadu. However, it is not considered and hence, the petitioner was constrained to file a writ petition in W.P.No.23987 of 2021 before this Court. This Court, vide order dated 18.11.2022, directed the third respondent to consider the representation submitted by the petitioner in the light of the guidelines issued by the High Court of Bombay in W.P.No.380 of 1999 within a period of four weeks. It is relevant to extract the guidelines issued by the High Court of Bombay, in W.P.No.380 of 1999, dated 23.04.1999, in *M/s.Movies Action Dummy Effects Association Vs.State of Maharashtra and another*.

“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



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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 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



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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.”?

3.As directed by this Court, by an order dated 27.02.2024, the third respondent directed the members of the petitioner to carve the assigned dummy weapon number in the left side top of the guard trigger of the dummy weapon on or before 20.03.2024. After completion of the said process, the members of



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the petitioner are instructed to intimate the same to the third respondent for further action. The abovesaid order dated 27.02.2024 was issued on the strength of the report submitted by the Deputy Commissioner of Police, Motor Transport, Greater Chennai Police. The Deputy Commissioner of Police, Motor Transport and his team had inspected totally 1827 numbers of dummy weapons of the members of the petitioner on 05.01.2024 to 10.01.2024 and certified that all are only dummy weapons. After completion of the said process, as directed by the third respondent, the petitioner approached the third respondent, however, the third respondent by a communication dated 20.12.2024, rejected the request made by the petitioner for issuance of certificate/pass for usage of dummy weapons for film shooting on the ground that the issuance of certificate/pass for usage of dummy weapons for film shooting purpose is not accepted as per the provisions of Arms Act, 1959 & Arms Rules, 2016. The third respondent failed to mention the specific provisions under the Arms Act, 1959 & Arms Rules, 2016, to reject the request made by the members of the petitioner.

4.The learned Government Advocate (Crl.side) appearing on behalf of the respondents on instructions submitted that the licence or pass issued for the dummy weapons cannot be used for real weapons by anybody other than the



members of the petitioner. In order to protect using the real weapons under the certificate or pass issued for the usage of dummy weapons, the third respondent rejected the representation submitted by the petitioners.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

6.The definition of Arms as per Section 2 (c) of the Arms Act, 1959 is as follows:

Section 2 (c) : arms means articles of any description designed or adapted as weapons for offences, or defence, and includes firearms, sharp-edged and other deadly weapons, and parts of, and machinery for manufacturing arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;



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7.Thus, it is clear that it does not include articles designed solely for domestic or agricultural uses, such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons. Dummy weapons are in the category of the weapons incapable of being used otherwise than as toys. Further, already the Hon'ble Bombay High Court has issued directions as stated supra for issuance of pass/certificate to possess dummy weapons. The original license or pass shall be carried during transit of such dummy weapons to enable identification of such weapons. The person carrying such licensed articles shall also carry an identity card issued by the authorities concerned and only such persons holding identity card shall be authorised to carry such articles.

8.In fact, the third respondent, vide communication dated 27.02.2024, have certified that 1827 numbers of weapons possessed by the members of the petitioner are dummy weapons and directed the members of the petitioner to carve the assigned dummy weapon number in the left side top of the guard trigger of the dummy weapon. Accordingly, the members of the petitioner carried out the same and approached the third respondent for issuance of license or pass. Without considering the same, the third respondent mechanically rejected the request made by the members of the petitioner as it is



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not acceptable as per the provisions of the Arms Act and its Rules.

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9.In view of the above infirmity in the order passed by the third respondent, this Court is of the view that it cannot be sustained and it is liable to be quashed.

10.Accordingly, the order passed by the third respondent, in Rc.No.E2(3)/371/96030/2021, dated 20.12.2024, is quashed and this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed. The third respondent is directed to issue certificates and Identity Cards to the members of the petitioner to use the dummy weapons, which were carved with the assigned dummy weapon numbers in the left side top of the guard trigger of the dummy weapons for film shooting in the State of Tamil Nadu, within a period of two weeks from the date of receipt of a copy of this order.

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Index: Yes/No

Internet: Yes/No

G.K.ILANTHIRAIYAN, J.



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To

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

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

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

4.The Public Prosecutor,
High Court, Madras.

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