



HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - C No. - 8633 of 2026

Jai Shankar Alias Bairistar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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|---------------------------|--------------------------------------|
| Counsel for Petitioner(s) | : Kripa Shankar Shukla, Vikas Shukla |
| Counsel for Respondent(s) | : C.S.C. |

Court No. - 37

HON'BLE VINOD DIWAKAR, J.

1. Heard learned counsel for the petitioner and Shri Prabhakar Tripathi, learned Standing Counsel appearing for the State.
2. The present writ petition has been filed assailing the order dated 20.11.2025 passed by the respondent no.2, Additional Commissioner, Vindhyachal Division, Mirzapur, whereby the appeal preferred by the petitioner against the order dated 24.11.2022, passed by the District Magistrate, rejecting the petitioner's application for the grant of arms license, has been dismissed.
3. Learned counsel for the petitioner submits that the petitioner is a law-abiding citizen and has deep roots in the society. The petitioner is engaged in the business of selling gold ornaments, which exposes him to potential threats. It is further submitted that the petitioner had applied for a grant of an arms license in 2018. The said application was rejected by the District Magistrate, Bhadohi, *vide* order dated 24.11.2022, without due consideration of relevant materials. Being aggrieved, the petitioner preferred an appeal, which has also been dismissed by the Additional Commissioner, Vindhyachal Division, Mirzapur, without assigning cogent or reasoned findings, thereby rendering the impugned order non-speaking and unsustainable in the eyes of law.
4. It is further contended that the petitioner has been facing persistent threats to his safety. As regards the criminal antecedents, it is submitted that out of the five cases shown against the petitioner, the petitioner has already been acquitted in four cases, and only one case is stated to be pending, which, by itself, cannot be a ground for rejection of the license.
5. *Per contra*, learned Standing Counsel submits that the petitioner has a criminal history of five cases; although acquittal has been recorded in two cases, in one case the final report has not been accepted by the competent

court, and two cases are still pending trial. It is thus contended that the antecedents of the petitioner were duly considered by the competent authority while rejecting the application.

6. From perusal of record, it transpires that Rule 13 of Arms Rule, 2016 suggests that 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 license 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. Rule 14 states that on receipt of an application for grant of a license under sub-rule (1) of rule 13 or every subsequent renewal thereof under Section 15 of the Arms Act, the licensing authority shall call for a report of the officer-in-charge of the nearest police station on that application, and such officer shall send his report in Form S-4, within a period of *thirty days* from the date of receipt of application by him.

7. In the present case, it is evident that the petitioner's application was submitted in the year 2018, and the police report was forwarded on 24.09.2018 by the Superintendent of Police, Bhadohi, which was available on record. The report of the revenue authorities was also submitted in favour of the petitioner. However, the application was rejected by the District Magistrate on 24.11.2022, i.e., after an inordinate and unexplained delay of almost 4 years.

8. It further appears that the appeal preferred by the petitioner against the said order was filed after a substantial delay of about three years, which has been entertained and decided on merits by the appellate authority vide order dated 20.11.2025. The appellate order, however, is conspicuously silent on the issue of limitation and does not disclose any reasons for condonation of delay. Moreover, the appellate order does not reflect due consideration of the statutory mandate requiring reasons to be recorded.

9. In view of the aforesaid, District Magistrate, Bhadohi, is directed to file a counter affidavit before the next date of hearing specifically addressing the reasons for the inordinate delay in deciding the petitioner's application for grant of arms license, and what was the legal and administrative impediment in not complying with the mandate of rule 13 of the Arms Rule, 2016. The Commissioner/ Appellate Authority constituted under the Arms Act, 1959, is hereby directed to file a personal affidavit justifying the circumstances under which the appeal filed after considerable delay was entertained without recording any finding on limitation or condonation of delay, and why the appeal has not been decided in a time-bound manner.

10. This Court's docket is burdened with a large number of petitions of this nature. Accordingly, parting with the facts of the present case, it has become necessary to take a holistic perspective on the broader issues involved in relation to cases arising under the Arms Act, 1959.

11. The regulation of the acquisition of arms and ammunition in India is primarily governed by the Arms Act, 1959 and the Arms Rules, 2016, which came into force on 15.07.2016. The said Rules have been framed in exercise of the powers conferred by Sections 5, 9, 10, 11, 12, 13, 16, 17, 18, 21, and 41, read with Section 44 of the Arms Act, 1959. Together, these provisions establish a stringent legal framework to regulate the acquisition, possession, manufacture, sale, and transfer of firearms and ammunition in order to ensure public safety and to maintain law and order.

12. Unregulated access to firearms poses a serious threat to society. The licensing regime ensures that only individuals who meet strict eligibility criteria—including background checks and a demonstrated need—are permitted to possess arms. Under the Arms Act, 1959, licences are granted only for specific and justifiable purposes, primarily self-defence (especially in areas with perceived security risks), protection of property, and sport shooting. Thus, the grant of a license is intended to be need-based, lawful, and for legitimate purposes.

13. However, the social reality presents a different picture. In certain regions, particularly in rural and semi-urban areas, firearm ownership is often perceived as a symbol of power, masculinity, or social influence. At times, individuals with political ambitions or questionable backgrounds use licensed weapons to project authority, cultivate a dominant image, and indirectly intimidate others, thereby fostering an atmosphere of fear. The display of firearms on social media platforms, including reels, is also used to seek attention, gain social validation, and reinforce identity through the amplification of gun culture.

14. Instances have been observed where individuals of influence or dubious background brandish weapons in public, display firearms openly, or showcase them on social media to attract attention and project an image of strength or dominance. In certain cases, persons with criminal antecedents who enter public life or politics utilise licensed weapons to reinforce a "strongman" persona, thereby blurring the distinction between lawful possession and intimidation.

15. Such misuse contributes to a culture of fear rather than adherence to the rule of law. It undermines public confidence in legal institutions and normalizes violence within society. The issue is not merely legal but has significant sociological implications, affecting the psyche of the common

citizen. It reflects the persistence of feudal power structures, the inadequate enforcement of norms governing the public display of firearms, and the influence of a media-driven peer-validation culture. The interplay of power, perception, and social media further exacerbates the issue.

16. In light of the aforesaid, this Court deems it appropriate to direct the Additional Chief Secretary (Home) to furnish, by way of affidavit, the following information: **(i)** Whether an Arms Licence Database has been prepared by the State Government; if so, the details of information maintained therein regarding licence holders be provided; **(ii)** Details of the legal and administrative impediments faced by the District Magistrate(s) in complying with Rules 13, 14, and provisions of Chapter IX of the Arms Rules, 2016, if any. The reasons be furnished why the said administrative and legal impediments have not been addressed by Home Department enabling the concerned District Magistrate(s) and Appellate Authorities(s) to comply with the aforesaid rules in letter and spirit; **(iii)** Whether Rule 16 of the Arms Rules, 2016 is being complied with by the licensing authorities, which mandates updating of approved transaction data simultaneously in electronic form, both locally and on the NDAL system under the respective log-in ID; **(iv)** Whether any "arms policy" has been formulated by the state government to guide District Magistrates in arriving a reasoned decisions relating to grant, refusal, or renewal of licences, and if not, is it really required for a state like Uttar Pradesh to have a robust arms policy?

16.1 The Additional Chief Secretary (Home) shall also place on record all relevant Government Orders, notifications, circulars, or policy guidelines governing the grant or refusal of arms licences, issued from time to time by the Ministry of Home Affairs, Government of India, or the State Government's Home Department.

17. It has also come to the notice of this Court that in a significant number of cases, multiple members of a single family—such as husband, wife, son, daughter, and daughter-in-law—hold individual arms licences, and in some instances, even possess more than one weapon(s) each. Such a practice requires serious judicial scrutiny. Accordingly, all the District Magistrates are hereby directed to provide the district-wise and police station-wise details of firearms (along with their descriptions, rifle, pistol or revolver, etc.) possessed by individuals. It shall also be indicated in how many cases (each case's information shall be provided separately), the family members hold separate arms licences.

17.1. District-wise details of applications pending consideration before District Magistrates for grant, renewal, or transfer of arms licences, the date of receipt of such applications shall also be mentioned, and the Appellate

Authorities are also hereby directed to furnish such details of appeals pending before Appellate Authorities against orders of rejection, revocation, or transfer.

17.2. A separate category of those arms licence holder be prepared who have a criminal history of two or more cases, the details of the criminal cases (the criminal history) be prepared against each arms licence holder, and be furnished to this court by way of personal affidavit with the declaration that the information provided by the deponent of the affidavit is true and correct and nothing material has been concealed therefrom. The information shall be furnished by all the concerned SP, S.S.P. or Commissioner of Police of each district.

17.3. "District-wise" shall cover all 75 districts of Uttar Pradesh, and "police station-wise" shall cover all police stations in the State.

18. The District Magistrate and the Appellate Authority constituted under the Arms Act, 1959 exercise significant discretionary powers in matters of grant, refusal, or renewal of arms licences. Such discretion must operate strictly within the confines of the procedure established by law. It is pertinent to note that unregulated discretion creates scope for corruption and misuse of authority. In a parliamentary democracy, unchecked discretionary power within institutions poses a threat to the rule of law and to the procedure established by law.

19. Put up this matter on 28.04.2026 as fresh at 2:00 P.M.

20. The Registrar (Compliance) is directed to forthwith transmit a copy of this order to the Additional Chief Secretary (Home) and all the District Magistrates, District Heads of Police (S.P., S.S.P., and Police Commissioners), and all the Appellate Authorities constituted under the Arms Act, 1959, in the State of Uttar Pradesh for prompt and effective compliance. The ACS (Home) is hereby further directed to inform all the concerned officers to comply with the terms of this order at the earliest.

20.1. Upon receipt of this order, the District Magistrates and District Heads of Police shall immediately furnish the requisite information to the Additional Chief Secretary (Home) to enable compliance with the directions issued herein. The information sought in para-17 shall also be furnished to this court.

March 23, 2026
A. Tripathi

(Vinod Diwakar,J.)