Circular No. 30/2001 - CUS.
22nd May, 2001.

F.No. 496/4/99.Cus.VI
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

Subject : Disposal of imported fire arms - Regarding.

The undersigned is directed to refer to the Ministry's letter F.No. 497/57/87-CUS.VI dated 5.1.88 (copy enclosed) on the above subject, wherein it was clarified that fire arms allowed to be imported into India \shall not be transferred to any other person during the lifetime of the importer for consideration or otherwise. Recently, a request was received in the Department from a passenger (who had earlier been allowed in 1990 a fire arm import on appropriate duty) to be allowed to dispose off the fire arm as he had become old and sick and wanted to spend money received from sale of fire arm for maintaining his health/cost of living. On refusal of this request the matter was taken by him to Delhi High Court where the policy of the Government on disposal of fire arms during the lifetime or later came up for review. The Government was asked by this Hon'ble Court to clarify its disposal policy especially after the demise of the person, if the fire arm was not permitted to be disposed off during the life time of the fire arm owner. The Ministry of Home Affairs who were consulted has clarified and this was brought to notice of the Hon'ble Court that disposal of the fire arms after the demise of the person may be allowed in the following manner :

(i) By transfer to the legal heirs; and

(ii) By sale of arm by the legal heir to a licence holder or arms dealer.

The Hon'ble Court has taken note of the Government's policy clarification and rejected the request for disposal/transfer of fire arm to any other person as made by the petitioner.

You are, requested to bring the above position to the notice of all concerned. No disposal of customs cleared fire arms be permitted during the lifetime of the owner, but after the demise of the person concerned, the disposal/transfer be permitted as per above mentioned latest clarification of Home Ministry.

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