

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

SECTOR 44-C, CHANDIGARH-160045

ਮੋਬਾਈਲ: 9814013764

EMAIL ID : ਈ ਮੇਲ ਆਈ ਡੀ

hcarora.highcourt@gmail.com

ਮਕਾਨ ਨੰਬਰ -2299

ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 17.6.2019

To

Chief Election Commissioner, Election Commissioner of India,
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

Subject:- Need for clarification of instructions dated 1.9.2009 issued by Election Commission of India to all the Chief Secretaries and the Chief Electoral Officers – on the issue of surrendering of licensed weapons, during the currency of model code of conduct.

By E-mail/ORDINARY POST

Dear Sir,

Kindly refer to the aforesaid instructions.

1. Para No. 3.10 of the guidelines contained in the aforesaid letter issued/circulated by you, contains the following directions:-

“Deposit of Licensed Arms

3.10 Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment (in accordance with the prevalent State laws) of all licence holders so that licensed arms in those cases where they consider it essential are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections. These arms should be deposited with the district authorities. Among cases which may need to be reviewed are the following:

- (a) Arms licenses of persons released on bail.
- (b) Arms licenses of persons having a history of criminal offences, and

- (c) Arms licenses of persons previously involved in rioting at any time but especially during the election period. The above categories are only illustrative and not exhaustive.”

2. Through the instant representation, I have to bring it to your kind notice that instead of following the aforesaid instructions issued by your office in their true letter and spirit, the State Government of Punjab finds it an easy way, and in circumvention of the aforesaid guidelines, licensed weapons from all licence holders are got surrendered in local Police Stations or with arms dealers. This causes extreme hardship to thousands and lakhs of such licence holders of fire arms. They have to deposit their licensed fire arms with the fire arms dealers or with the Police Stations. The attitude of Police Authorities to discharge of such obligation can be well imagined ,as no body prefers to deposit their fire arms with the Police Authorities of the concerned Police Station. They deposit such fire arms with the licensed arms dealers, for which they have to pay considerable expenses, say @ Rs.2000/- per fire arm. The life and liberty of innocent citizens, have got such fire arms issued in the names, and who reside in farms outside their villages, or at isolated places, remains at stake during the period of about 6 weeks of currency of model election code, which was never the intention behind the instructions dated 1.9.2009 issued by your office to all the Chief Secretaries and the Chief Electoral Officers . It appears that the manner in which the various State Governments and UT Administrations are implementing the directions issued by you has never been brought to your notice.

I would therefore, call upon you to kindly clarify the aforesaid instructions dated 1.9.2009 issued by Election Commission of India to all the Chief Secretaries and the Chief Electoral Officers, and direct them that apart from the type of cases listed in clause (a) to clause (c), none else except where the facts and circumstances required the fire arms to be deposited, should be required to surrender his/her fire arms, during the currency of model code of conduct for elections. This is necessary because the elections for Parliament and State Assemblies take place every 5 year, and are held separately, and on a number of occasions, the bye-elections also take place due to which the licence holders deposit their licensed fire arms with the arms dealers at considerable cost, inconvenience and risk. Thus, there is dare need of the clarity of the instructions issued by you, in larger interest of democracy.

Soliciting consideration and correct perspective.

Thanking you.

Yours sincerely,

(HARI CHAND)
ADVOCATE