



UN Programme of Action

National Reporting Tool

India

2015

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? Yes

- a) Name of agency : Disarmament and International Security Affairs Division
 b) Address : Ministry of External Affairs, Government of India, New Delhi- 110011
 c) Contact details :
 i) Contact person : Director (Military Affairs)
 ii) Telephone number(s) : 011-23014902, 011-23018097
 iv) Email : dirmildisa@mea.gov.in, jsdisa@mea.gov.in

Sources National Point of Contact

PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)? Yes

2.1. Details:

- a) Name : Director (Military Affairs)
 b) Organization or agency : Disarmament and International Security Affairs Division
 c) Address : Ministry of External Affairs, Government of India, New Delhi- 110011
 d) Telephone number(s) : 011-23014902, 011-23018097
 f) Email : dirmildisa@mea.gov.in, jsdisa@mea.gov.in

ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)? Yes

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

PoA II.2 3. Are there any SALW manufactured in your country? Yes

3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW? Yes

3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country

The manufacture and production of SALW in India is controlled by Government of India. The manufacture of SALW is regulated under a licensing system established by the Arms Acts (1959) and Arms Rules (1962). Sections 5 and 7 of the Arms Act (1959) and Article 20 of Arms Rules (1962) prohibit the manufacture, transfer and repair of any SALW without a license. Through the licensing mechanism, Government of India is able to regulate the categories and types of weapons which may be manufactured and the transactions which may be carried out in their respect. SALW for armed forces/ police as well as for civilian use are primarily manufactured by Indian Ordnance Factories controlled by the Ministry of Defence. These factories are engaged in the manufacture of all categories of small arms. The policy of the Government of India for manufacture of arms and ammunition in the private sector is based on the Industrial Policy Resolution, 1956. The private sector is primarily engaged in the manufacture of single and double-barrel guns and air rifles/ pistols. Even after liberalisation of the Indian economy and removal of licensing regime for major industries, the manufacture of arms like revolvers, pistols and rifled weapons – and ammunition thereof – has not been allowed in the private sector by the Government of India.

3.1.2. Does your country license the manufacture of SALW? Yes

PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country? Yes

Sources Marking at manufacture

PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture? Yes

ITI 8a 3.2.1. What information is included in the marking (check relevant boxes)?

- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other

National emblem (on weapons manufactured by private sector) and Part No. on removable parts of all weapons

ITI 10a 3.2.2. What part of the SALW is marked?

All small arms produced/ manufactured in India are uniquely marked. This applies to arms that are produced for private/ personal use and those which are used by armed forces, police or Para-military forces. The Arms Act

(1959) provides (Section 8) that arms which do not bear specified identification marks may not be sold or transferred. The SALW produced by Indian ordnance factories are marked by stamping/ engraving or laser marking to indicate the type/ nomenclature of the weapon, 'IN' for India for country of origin, registration number, manufacturer/ factory of origin and the year of manufacture on one or more of the vital and critical components of a small arm - the body, the chamber, the cylinder, the breech block, piston extension/Slide/Carrier and the barrel – during the final stages of production. A record of each and every weapon manufactured by the factory is kept along with the information on the concerned dealer/ indenter to show receipts, disposal, balance of stock in hand, the daily sales of Arms and Ammunition of different categories and provide such other information as may be required. Allotment of these registration numbers for the armed forces/ police and paramilitary forces is done centrally and a record is maintained of these registration numbers along with the indent. This provides for a double check on the records. Private sector manufacturers of firearms such as single, double barrel guns and air rifles/ pistols are required by law to get every firearm stamped to show: the maker's name and registered trademark; the serial number of the weapons as entered in his register and the year of stamping; and proof-mark (Arms Rules 1962 Rule 25). The parts of the weapons to be marked are also specified under these provisions. In order to implement the international instrument on marking and tracing of SALW, suitable instructions have now been given by the Government of India to the States to ensure that the country of origin ie word 'IN' is suitably marked on all arms manufactured by the private sector arms manufacturers. The Government of India has issued necessary instructions to all procurement agencies of the three Services not to import any small arms which do not have markings indicating country of origin. Towards this, the following article in the Request for Proposal (RFP) for import of SALW has been included. "In terms of para 8(a) of the International Instrument to enable States to identify and trace in a timely and reliable manner, illicit small arms and light weapons as adopted by the United National General Assembly on 8th December 2005, at the time of manufacture of each small arm or light weapon under their jurisdiction or control, the supplier shall ensure unique marking providing the name of the manufacturer, the country of manufacture and serial number or maintain any alternative unique user friendly marking with simple geometry symbols in combination with numeric and alpha numeric code, permitting ready identification by all. The manufacturer will confirm compliance with these provisions".

3.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture?

No

Sources Record-keeping by manufactures

PoA II.9; ITI 11 3.3. Does your country require that manufacturers keep records of their activities? Yes

ITI 12a 3.3.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW manufactured
- b) Type or model of SALW manufactured
- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

ITI 12a 3.3.2. How long must manufacturing records be kept? 15 Years in case of Service Weapon (Prohibited Bore) and 10 years for Civil Trade Weapon (Non Prohibited Bore) Other

Sources Actions taken during the reporting period

PoA II.6 3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)? Yes

3.4.1. Details.

Government of India has enacted Arms act 1959 wherein specific Section prescribe penal provisions, moreover there are several other laws which have penal provisions related to illegal possession, manufacture etc of SALW. These include Unlawful Activities (Prevention) Act 1967 as amended in September, 2004, Armed Forces (Special Powers) Act, Indian Penal Code, the Army Act and the analogous laws. Groups and Individuals found to be in violation of these law are being prosecuted in various courts.

Sources International assistance

PoA III.6 4. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture? No

SECTION 3: INTERNATIONAL TRANSFERS

Sources Laws, regulations and administrative procedures

PoA II.2, 12 5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW? Yes

PoA II.11 5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.

SALW in India are regulated statutorily under the Arms Act (1959) and Arms Rules (1962), amended from time to time. These legislation and various executive instructions from Central and State governments have evolved a sound mechanism for effective control and regulation of SALW in India. The Arms Act (1959) and Arms Rules (1962) cover all aspects of lawful possession, manufacture, sale, transfer, transport, export, import of arms and ammunition, and provide penal provisions for violation of these acts. The Arms Act (1959) and Arms Rules (1962) are Central Government legislation and State Governments have a specified role in their implementation. The provisions of the Arms Act and Arms Rules seek to classify fire arms and other prohibitive weapons so as to ensure that (i) dangerous weapons of Military patterns are not available to civilians and are in particular denied to criminals and that (ii) weapons for self defence can be possessed by citizens in special cases only under duly issued licenses. As per entry 5 of List 1 of the Seventh Schedule to the Constitution of India, the Central Government has the exclusive jurisdiction on matters relating to arms, firearms, ammunition and explosives. The Ministry of Home Affairs of the Indian Government administers the Arms Act and has taken comprehensive measures to arrest the proliferation and trafficking in small arms and light weapons. The violators of the provisions of the Arms Act are meted out punitive punishments as provided in the Arms Act which range from imprisonment with fine to capital punishment.

Sources Licensing and authorisation

PoA II.11 5.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to Yes

transfer SALW from/into your country?

PoA II.3 5.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country? Yes

PoA II.11 5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12 a) An end-user certificate (EUC) from the importing country Yes

i) What elements does an end-user certificate in your country contain (check relevant boxes)?

- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter's details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other

PoA II.12 b) Other types of end-user documentation

5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided? Yes

5.5.1 Details:
Only original EUCs duly authorised are accepted.

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation? Yes

5.6.1 Details:
If required, Authenticity of EUC is verified through Indian Mission of the importing country.

Sources Post-delivery controls

5.7. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State? No

5.8. After exporting, does your country verify or seek to authenticate DVCs provided? No

5.9. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery? No

Sources Marking at import

ITI 8b 5.10. Does your country require that SALW imported into your country be marked at the time of import? Yes

5.10.1. Who is required to mark the SALW?
As per Rule 25 of Arms Rules, 1962, When an imported firearm kept for sale by a dealer does not bear the manufacturer's name, such distinguishing mark of the importer as allotted by the State Government shall be engraved by the dealer. The Government of India has issued necessary instructions to all procurement agencies of the Armed Forces not to import any small arms which do not have markings indicating country of origin. Towards this, the following article in the Request for Proposal (RFP) for import of SALW has been included. "In terms of para 8(a) of the International Instrument to enable States to identify and trace in a timely and reliable manner, illicit small arms and light weapons as adopted by the United National General Assembly on 8th December 2005, at the time of manufacture of each small arm or light weapon under their jurisdiction or control, the supplier shall ensure unique marking providing the name of the manufacturer, the country of manufacture and serial number or maintain any alternative unique user friendly marking with simple geometry symbols in combination with numeric and alpha numeric code, permitting ready identification by all. The manufacturer will confirm compliance with these provisions".

5.10.2. What information is included in the marking on import (check relevant boxes)?

- a) Country of import
- b) Year of import
- c) Other

Name of the manufacturer and serial number or maintain any alternative unique user friendly marking with simple geometry symbols in

combination
with numeric
and alpha
numeric
code,
permitting
ready
identification
by all

5.10.3. Are there exceptions to the requirement to mark imported SALW?

No ▼

5.10.4. If marked SALW imported into your country do not bear a *unique* marking when they arrive, does your country require that they be given such a marking?

Yes ▼

5.10.4.1 Details:

SALW without marking are not accepted. As per Rule 25 of Arms Rules, 1962, When an imported firearm kept for sale by a dealer does not bear the manufacturer's name, such distinguishing mark of the importer as allotted by the State Government shall be engraved by the dealer.

Sources Record-keeping

PoA II.9; ITI 12

5.11. Does your country require that exporters and importers of SALW keep records of their activities?

Yes ▼

5.11.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW traded
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
 - i) Identity of buyer/seller
 - ii) Country SALW are to be delivered to or purchased from
 - iii) Date of delivery
- e) Other

5.11.2. How long must records of transfers be kept?

Other ▼

Not Specified.

Sources Actions taken during the reporting period

PoA II.6

5.12. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?

No ▼

Sources International assistance

PoA III.6

6. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

No ▼

SECTION 4: BROKERING

Sources Laws, regulations and administrative procedures

PoA II.14

7. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

Yes ▼

7.1. List laws and/or administrative procedures regulating SALW brokering in your country.

Brokering of SALW is not allowed as per law. Hence Q No. 8.2 to 8.9 is not applicable.

8.1.1 Are those laws and procedures part of the national arms export control system?

--- Select --- ▼

7.2. Does your country require registration of SALW brokers?

--- Select --- ▼

7.3 Does your country require a licence, permit or other authorisation for each brokering transaction?

--- Select --- ▼

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker?

--- Select --- ▼

7.4 Does your country regulate activities that are closely associated with the brokering of SALW?

--- Select --- ▼

Sources Actions taken during the reporting period

7.5 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

--- Select --- ▼

Sources International assistance

PoA III.6 8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering? No ▼

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17 9. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW? Yes ▼

PoA II.17 9.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- a) Appropriate locations for stockpiles
- b) Physical security measures
- c) Control of access to stocks
- d) Inventory management and accounting control
- e) Staff training
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
- g) Procedures and sanctions in the event of theft or loss
- h) Other

Sources Surplus

PoA II.18 9.2. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

9.3. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other

Disposal of unserviceable/surplus weapons in Ordnance depots is carried out strictly as per laid down instructions and relevant orders on the subject. There is no possibility of misuse of any such weapon as due safeguards measures exist prior to their disposal and records are maintained thereof.

Sources Actions taken during the reporting period

PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks? No ▼

Sources International assistance

PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management? No ▼

PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons? No ▼

SECTION 6: COLLECTION

Sources Collection

12. During the reporting period, did your country collect any SALW? Yes ▼

PoA II.21 12.1. How many SALW were collected?
381 Note: The data pertains to previous report of 2012.

12.2. What action was taken with respect to the SALW collected (check relevant boxes)?

- a) Stored securely pending further action
- b) Marked
- c) Registered or recorded
- d) Destroyed
- e) Other

Sources International assistance

PoA III.6 13 Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW? No ▼

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

ITI 8d 14. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked? Yes ▼

14.1. Describe the markings that are applied to government-held stocks.

The SALW produced by Indian ordnance factories are marked by stamping/ engraving or laser marking to indicate the type/ nomenclature of the weapon, 'IN' for India for country of origin, registration number, manufacturer/ factory of origin and the year of manufacture on one or more of the vital and critical components of a small arm - the body, the chamber, the cylinder, the breech block and the barrel - during the final stages of production. A record of each and every weapon manufactured by the factory is kept along with the information on the concerned dealer/ indenter to show receipts, disposal, balance of stock in hand, the daily sales of Arms and Ammunition of different categories and provide such other information as may be required. Allotment of these registration numbers for the armed forces/ police and para-military forces is done centrally and a record is maintained of these registration numbers along with the indent.

This provides for a double check on the records.

- ITI 8c **14.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?** Yes ▾
- ITI 8e **15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?** Yes ▾
- 15.1 Details**
Manufacturers are bound to follow provision of the Arms Rules, 1962.

Record-keeping

- PoA II.9 **16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?** Yes ▾
- 16.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?**
All ordnance factories maintain detailed records of small arms manufactured by them. Private firms and persons authorised to manufacture firearms against license issued under the Arms Rules of 1962 are required to maintain a Gun Manufacturing Register which records information including Serial Numbers, Date, Month and Year of manufacture. They are also required to maintain a Register of Rectification in which the Serial Numbers stamped on guns which are not passed by the Proof House on first submission are to be entered with a cross reference to the Gun Manufacturing Register. A designated Inspecting Officer inspects these registers regularly. According to existing laws (Arms Act of 1959, Section 3), a proper license is a prerequisite for possession of any SALW. District authorities may issue license after duly making police enquiries. Due to the gravity of the problem of proliferation of illicit SALW – and the onslaught of terrorism, Government of India has, since 1987, withdrawn substantially, the license issuing powers of State/ District authorities – who may not, now, issue license for prohibited bore weapons. Since 1987, their powers have been limited to issuing licenses for non-prohibited bore weapons and these licenses are valid for a limited geographical area. Under the existing law, all civilians are required to get their weapons inspected once a year by a competent authority – this is also recorded in the license. A record of arms sold in the civilian market (non-prohibited bore) is also required to be kept by each arms dealer under Rule 26 of the Arms Rules (1962) in a Sale and Transfer Register. These records are regularly checked by the concerned state/ district authorities. License for possession of prohibited bore weapons may only be issued, under special conditions, by the Ministry of Home Affairs, Government of India, who also maintains a record of all such weapons in possession of civilian population. Licences for prohibitive bore weapons are issued by the Central Govt. in the case of a person having threat from terrorists/ anti social elements and to certain defence personnel who were allotted weapons during their tenure by Defence establishment. Armed forces/ police and para-military forces maintain a permanent record of all weapons in their possession. National Data on Arms Licensing has been initiated and the licensing authorities are uploading the data of the licence holders on the NDAL Portal.
- ITI 12 a,b **16.2. How long does the government keep such records?**
Permanent
- ITI 13 **163. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?** Yes ▾

Sources International assistance

- PoA III.6, ITI 27 **17. Does your country wish to request assistance in building capacity for record-keeping?** No ▾

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

- PoA II.10; ITI 14, 24 **18. Does your country have procedures in place to trace SALW?** No ▾

Sources Cooperation with INTERPOL

- PoA II.37; ITI 33 **19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?** No ▾

Sources International assistance

- PoA II.36; **2420.Does your country wish to request assistance in developing procedures to trace SALW? td>** No ▾

III.6;ITI 27

&n

PoA III.10;ITI 28 2521.Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW?td>

No ▼

&n

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCEspan>

Sources Assistance requested / received / provided

PoA III.3, 6 2622.During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI?td>

No ▼

&n

Any further comments on PoA and ITI, including implementation challenges and opportunities?td>

Even though Q No. 22 regarding 'Procedure to trace SALW' has been answered as 'NO', following may be noted in this regard:- (i) India has robust mechanism for tracing of SALW. (ii) Indian authorities are in constant coordination with INTERPOL on SALW issues. (iii) India has so far initiated/ received NIL requests for SALW tracing under provisions of International Tracing Instrument (ITI). (iv) Disarmament and International Security Affairs Division, Ministry of External affairs has been designated as National Point of Contact for exchanging information and liaising on matters ITI. (v) Implementation of appropriate mechanism for interagency coordination for initiation/treatment of tracing request for SALW is under process. (vi) India remains willing to consider international cooperation in developing procedures to trace SALW. Q No 23 - No occasion arose for cooperation in tracing with the INTERPOL during the period. However relevant Indian agencies are conversant with the INTERPOL's Firearms Tracing System.

Additional information may be uploaded/attached, if necessary:

SECTION 10: INFORMATION TO BE SUBMITTED

Information on national marking practice

2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary:td>

- a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.

Additional information such as images and illustrations may be uploaded/attached, if necessary:

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.