JUDGMENT SHEET

ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.328 of 2024

Adnan Asghar

Versus

NADRA and another

Petitioner by:	Mr. Waqas ur Rehman, Advocate.
Respondents by:	Ms. Kiran Zareef, Law Officer, NADRA.
Date of Hearing:	**20.05.2025.**

INAAM AMEEN MINHAS, J:- Through the instant writ petition, the petitioner has assailed the order dated 21.12.2023 **("Impugned Order")**, passed by respondent No.2, whereby application of the petitioner for renewal of his arm license No.AA99996081431 NPB 30 bore pistil was not accepted.

2. The brief facts of the case are that the petitioner was granted an all-Pakistan Arms License in 2005 by respondent No.2, which was regularly renewed till 26.07.2021 and thereafter respondent No.2 refused to further renew the petitioner's license. Therefore, the petitioner filed an application before respondent No.2 for renewal of his license and no decision was made upon the said application. Consequently, the petitioner filed Writ Petition No. 2193/2023 before this Court, in which a direction was passed to respondent No. 2 to decide the application of the petitioner within one month vide order dated 20.09.2023. In compliance of the said order respondent No.2 after hearing the petitioner declined his application through the Impugned Order, hence, this petition.

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3. The learned counsel for the petitioner contended that respondent No.1 issued the license to the petitioner in accordance with law and after issuance of NOC by respondent No.2; that the same was kept on renewing by respondent No.1 till 26.07.2021, thereafter, the petitioner's license was changed from manual to computerized smart license and that the Impugned Order has been passed without any cogent reason.

4. On the other side, the learned Law Officer for respondent No.1 contended that the petitioner was holding a manual arms license and applied for conversion of his manual arms license in 2020 and approval for revalidation of his manual license was granted and computerized license for a period of one year from 27.07.2020 to 26.07.2021 was granted subject to verification of manual license, which was not approved by respondent No.2 i.e. M/o Interior. Subsequently under Rule 12 of the Pakistan Arms Rules, 2022 and under Rule 41 of the Pakistan Arms Rules, 2023 all manual licenses were cancelled.

5. I have heard the arguments and perused the record.

6. The record clearly shows that the petitioner was initially granted a manual arms license in 2005. This license was later converted into a computerized one, valid for one year, from 27.07.2020 to 26.07.2021. After that period, under the arms policy in place at the time, all manual arms licenses were subject to verification and possible cancellation. The authorities took this action under Rule 12 of the Pakistan Arms Rules, 2022 and under Rule 41 of the Pakistan Arms Rules, 2023.The department responsible for arms licensing acted strictly in accordance with the law and the officially notified policy. Importantly, the petitioner neither challenged the legality of the policy, the relevant rules, or the notification under which the cancellation occurred, nor questioned the actual cancellation of his license through proper legal means. Since these foundational legal instruments were not contested, the decision made by the respondents cannot be overturned. The rules and notifications in question remain valid and binding because they have not been subjected to any legal challenge.

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7. Moreover, it is an undisputed fact on the record that the petitioner was granted a computerized arms license for a limited duration of one year, which too was subject to verification of manual license. This license was not permanent and was subject to renewal only upon the approval of the competent authority, which was not granted, therefore, the petitioner did not acquire any permanent or unconditional right to continue holding the arms license beyond the initial one-year term. Since the renewal depended entirely on the discretion of the licensing authority and required fresh approval, no legal or vested right was created in favour of the petitioner. Respondent No.2's decision is justified as it is based on the legal framework, which grants such discretion to the relevant authority and there is no violation of any fundamental right of the petitioner.

8. When a Court exercises its Constitutional jurisdiction, it generally does not interfere with the policy decisions made by the executive branch of the government. This is because policy matters fall within the exclusive domain of the executive, which is responsible for formulating and implementing such decisions in the public interest. In the present case, the issue at hand involves a policy adopted by the government to cancel all manual licenses. Since this decision was made as a matter of policy, this Court cannot intervene or overrule as the petitioner has not been able to demonstrate that the policy is discriminatory or is otherwise unlawful or results in manifest injustice.

9. In view of the above discussion, this writ petition is hereby **dismissed** being devoid of merits. However, the petitioner, if so desired, can approach respondent No.2 for the issuance of fresh arms license.

(INAAM AMEEN MINHAS)
JUDGE

Announced in open Court on 13.06.2025

JUDGE

R.Anjam

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