

## LOCAL RULES AND ORDERS [COORG.].

I. (1). *Coorg. Notn. No. 25 dated the 23rd October 1897*, relates to the exemption of certain Forest Officers, (2). *Notn. No. 21 dated the 24th June 1899*, relates to the exemption of members of the Mercara Municipal Committee and Vice-President of the Virajpet Municipal Committee and (3). *Notn. No. 83 dated the 15th October 1906*, exempts Superintendants and Inspectors of Post Offices and Mail Overseers. These notifications have been superseded by Schedule I of the Indian Arms Rules, 1924.

II. *Coorg Notn. No. 20 dated the 10th November 1897*.—The following are the description and quantities of ammunition which persons of Coorg race and *jama* tenure holders liable by their tenures for police and military duties are permitted to possess for their private use [vide entry (5) of Schedule I annexed to the Indian Arms Rules, 1924]

(a) Black powder to an amount not exceeding 20lbs. or Schultz's or sporting powder other than black to an amount not exceeding ten lbs; (b) Loaded cartridges or empty cartridge cases not exceeding 500 in number, with the necessary implements for loading etc.; (c) Percussion caps not exceeding 2,000 in number; and (d) Shot, bullets, flints, and wads in such quantities as are ordinarily required for sporting purposes

Provided that there shall not be kept in the same house or premises more than the quantities herein specified.

III. *Notn. No. 53 dated the 27th March, 1921*.—In exercise of the powers conferred by section 16, sub-section (4) of the Indian Arms Act, 1878, the Chief Commissioner is pleased to make the following rules for carrying into effect the provisions of the said section :—

(1) Every licenced dealer with whom any arms, ammunition or military stores have been deposited shall give to the depositor a receipt and shall enter the necessary particulars in a register to be maintained by the dealer in the appended form

(2) The licenced dealer shall furnish the District Magistrate with an extract of the register on the day on which each deposit, return, sale or other disposal takes place. The officer receiving the extract shall depute an officer to check the extract with the dealer's register and initial each entry.

(3) The stock on hand with the licenced dealer together with the arms, ammunition or military stores deposited with him under section 16(1) of the Act shall not exceed the quantity which he is licenced to possess.

(4) Subject to the provisions of rule 6, any arms, ammunition or military stores which are not returned or disposed of under section 16(2) of the Act shall after the expiration of three years from the date of their deposit, be forfeited to His Majesty.

(5) Licenced dealers shall submit at the end of each quarter, viz., 31st March, 30th June, 30th September and 31st December to the District Magistrate, a statement showing the arms, ammunition or military stores that have become liable to forfeiture under rule (4).

*Form referred to in Rule (1) above.*

## RECEIPTS.

1. Date of receipt.
2. Sender's name and address in full.
3. Particulars of sender's exemption or licence.
4. Description of arms with maker's name and number, if any.
5. Description and quantity of ammunition and military stores.

## DISPOSALS.

6. How disposed of—whether by sale, return or other disposal
7. In case of sale or other disposal—purchaser's or transferee's name and address in full and particulars of his licence.
8. In case of return of the weapon, date of return and name and address of person to whom sent.
9. Date when due for forfeiture.
10. Remarks.

## APPENDIX

*Extracts from the proceedings of the Legislative Councils referred to in para. 2 of the Preface.*

Restrictions on the possession and carrying of arms have existed since the advent of British rule in India and one of the first measures of Sir Charles Napier in Sind was a proclamation forbidding persons to carry arms without licence. Subsequently and previous to the present law the Indian Arms Act, XI of 1878) various enactments were from time to time passed relating to arms, ammunition and military stores. Act XVIII of 1841 relating to the export of military stores, Act XXVIII of 1857, provided for the manufacture, import, sale and possession of arms and ammunition, followed by Act XXXI of 1860, relating to the manufacture, importation and sale of arms, and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in the certain cases. This Act (page 1—9) though supplemented by Act VI of 1866 and certain other Acts, left the law in an unsatisfactory state and on the 12th December 1877, The Hon'ble Sir Edward Bayley introduced a Bill to consolidate and amend the law relating to arms, ammunition and military stores. He observed that—it would perhaps be remembered that when the present Arms Act was under consideration in this Council, he meant Act XXXI, of 1860 there was much and prolonged discussion. The Bill was very fully considered in all its details in several meetings of the Council. It was very considerably modified during the progress of these discussions. The general result of these modifications and of the passing of certain executive subsidiary orders which were issued while the Bill was under discussion and had been maintained to the present day was to make the Act work smoothly in its most important aspects. But very shortly after the Act was passed, it was found as was after the case when a Bill was much altered during its progress in Council, that there were several minor defects both of form and substance in the Act—in the definition, for instance, of "military stores" as to the mode of licensing the transport of arms, and in the definition of "transportation," "exportation" and "importation"—which made it rather difficult to carry out the provisions of the law in a wholly satisfactory manner. The Government of India were however very unwilling to amend, almost immediately after it took effect, an enactment which had been settled after so much discussion, and they preferred to deal as far as was practicable with all these matters by executive action only. Accordingly from time to time a great number of varying orders were passed, with the history of which he need not trouble the Council. There were a good many restrictions, for instance, with regard to saltpetre for it was found that the provisions of the Act threatened to destroy the trade in that commodity. It was found possible in this instance to issue various executive directions by which the mischief was prevented, but in many points the doubts and difficulties raised by the defects of the present Act had remained up to the present time certainly not fully remedied; the inconvenience indeed in this respect was so great, that in 1870 a draft Bill was placed before the Council and introduced by Mr. (now Sir William) Robinson with the sole object of consolidating the law and amending these defects. When it was attempted to proceed with that measure, it was found that after all it raised questions of policy of some importance, and on more mature consideration it was thought expedient to make further inquiries, and to await the result of

longer experience of the working of the existing law before proposing any final measure. It was partly on this account and partly from pressure of more important matters, that legislation on this subject had been hitherto from time to time deferred. But the subject had now become in some respects of such urgency that it was considered wise to bring it without delay before the Council, with a view to a more general and complete amendment of the law.

The two leading points, he proceeded, which raised questions of policy were, first, the importation of arms, especially cheap fire-arms, and of ammunition, and, secondly, the necessity for restricting and regulating the transport of arms so as to prevent their reaching the wild tribes without our frontier, and the dangerous classes within our frontier, who ought not be allowed to possess them. There was good reason to believe that, under the existing law, the import trade in cheap arms and ammunition had grown up to an unwholesome extent, and that far larger quantities were exported than were required merely for legitimate purposes. It was known to the Government of India that cheap arms were in fact bought and sold to an extent quite incompatible with the maintenance of peace and good government. With the permission of the Council, he would read some papers which would illustrate this subject. One was from the Government of Bengal, dated so far back as July 1870. \* \* \* \* \*

Again in 1872, a resolution of the Bombay Government notes the large trade in cheap arms which had suddenly sprung up. In 1871, the importation was double that of 1869, nearly 5,000 fire arms having been sent up-country openly from Bombay in 1871, the enormous bulk of which consisted of military weapons, and a fair proportion of these were breech loading arms of precision \* \* \* \*. In 1872, also, the Agent to the Governor-General in Rajputana complained of the way in which arms and ammunition were sold by travelling merchants from Bombay \* \* \* \* \* and he goes on to speak of a sale of nine double-barrelled guns to a gang of refugee Meenas (a notoriously robber-tribe.) \* \* \* \* \*

The Bengal Government again complained in the same year that the evil was increasing, and that licenses for nearly 5000 weapons had been granted at prices

\* Some were said to cost the maximum of which was rupees 15 for double barrelled, only eight shillings and rupees 9 for single barrelled,\* weapon, and the annual value of the imports of arms and ammunition was said to be about two lakhs of rupees. The Lieutenant-Governor of Bengal attempted, and temporarily with beneficial results, to check this flood of cheap arms by refusing, as he was empowered to do under the existing law, permission to import weapons under a certain minimum value, but it was obvious that, under the present system of a duty levied *ad valorem*, the Lieutenant Governor's measures could be evaded either by raising the invoice prices above the real value at the cost of a slightly enhanced duty, or by importing arms in parts—a process which had been attempted. But the trade in ammunition had under the present law in no way been checked, and was enormous. It was known that in four years—from 1871 to 1874—one hundred millions of percussion-caps had been exported into Calcutta, of which not more than fourteen millions were legally re-exported. Again a very large quantity of gunpowder and a large quantity of cartridges were similarly imported; and he was informed that an application was recently made by a single firm to import 7 lakhs of caps and 14,000 pounds of gunpowder monthly, an amount which could not represent any legitimate demand. In fact it was known that considerable numbers of arms and much ammunition had been, and continued to be, illegally exported, and seizures had been made, in the Punjab for

example and *en route* to the Eastern frontier and to Upper Burma, which left no doubt that a considerable illicit traffic was being carried on in such articles, with tribes more or less hostile beyond our territories. Indeed we know that the frontier-tribes on our Punjab border were supplied in considerable numbers with excellent arms of precision, some of which, not being of patterns ever used in the British Army, could only have been supplied by private importation. He had given these instances, not as exhausting the subject, for, as a matter of fact, there was a mass of further correspondence all to the same general effect, but as perhaps sufficient to illustrate the necessity for further legislative action in this direction. It was indeed the frequent and urgent representations made on this head which had decided the Government of India, after consulting the various local Governments and Administrations, to introduce two new provisions into the law.

The first of these was the levy of a duty—not of an *ad valorem* duty as at present, on arms imported, but a fixed duty—which would operate to check the importation of cheap arms, while it would interfere but little more than the existing duty did with arms of medium value, and still less with those of a more expensive character. It was understood, for example, that a very good Martini-Henry rifle could be imported into this country at a maximum cost of rupees 35, and other arms at still lower price. In some cases as had been seen, a gun could be imported on an invoice-price of eight shillings. The existing duty was an *ad valorem* duty of ten per cent (Act XVI, 1875, Schedule A, Art 2—Arms, Ammunition and Military Stores). It was proposed to substitute for this a fixed duty of rupees 50 for each gun, and of rupees 20 for each pistol, a proportionate duty being fixed on all parts of such weapons in order to prevent attempts such as had actually been made to introduce the different parts of fire arms piece meal. He only stopped to notice an argument to which some reference would be found in the papers to be placed before the Council, namely, that, by checking the importation of cheap arms, the manufacture of such arms in India would be stimulated to an undue and dangerous extent. The truth was however that unless by machinery, the importation and use of which would not be permitted, it would be impossible to manufacture such arms, at least in any numbers, at a cheap rate. The skill which would enable an artisan, by hand labour, to imitate even the guns imported for a few shillings, would usually command in other work a remuneration so high as to detach him from the manufacture of cheap fire-arms, moreover, the manufacture of arms within India could be controlled far more easily than their importation. As regards ammunition, etc., the existing law would be preserved in tact. Local Governments would be instructed to refuse licenses for the importation of excessive quantities, and its sale and storage would be placed under more stringent restrictions, which would render difficult its disposal for improper purposes after importation. The law would also be altered so as to permit a stricter regulation of the transport of weapons and ammunition in India, and would impose heavy penalties on illicit transport, especially when any attempt at concealment was made. There would also be found in the Bill another measure for remedying the evils above described, the necessity for which had been admitted by the Government of India not without much hesitation and only after the almost unanimous expression of opinion by Local Governments and Administrations, and of their executive officers as to its necessity. The existing law, it would be perhaps remembered, practically divided the country into "disarmed and undisarmed districts or provinces, and while certain somewhat stringent regulations, applied to the former, no restrictions at all, except as to



the importation of arms and manufacture of arms, applied to the latter. It had been shown however that it was practically impossible to prevent or control the transmission of arms to the disarmed districts, or to the frontiers of India, unless some regulation was adopted as to the possession and transfer of arms in the non-disarmed districts. If an agent could buy and collect arms and ammunition without any notice to the Police, or other let or hindrance, in a non-disarmed district, there was no other difficulty to be overcome in transmitting them to places beyond but the regulations against illegal transport, the risk of evading which was comparatively small, indeed, as a matter of fact, several concealed consignments had been seized, and yet it had, he believed, not been found possible in any single case practically to reach either the real sender or consignee. Even, therefore, though it was intended to make the rules as to transport more strict and the penalties for their evasion somewhat heavier, it would still be impossible to maintain any effective control over the traffic in arms with disarmed or frontier districts, unless the possession of arms elsewhere was more or less under control. He might say that this opinion had been expressed, not merely by the Governments of disarmed provinces, but also by two at least of the Governments of two great non-disarmed provinces—Madras and Lower Bengal. It accordingly was intended to extend to *all* districts, without exception, the provision for making the possession of arms without a license illegal, and to make the sale of arms to persons not holding such a license a criminal offence. It would also be provided that licensed dealers in arms should keep regular books, and that private persons selling arms should register the transfer at the nearest police office. These provisions would, however, be tempered by the maintenance of all the executive exemptions already in force under the existing law, and by making prosecutions for possessing arms legal only under the order of the Magistrate of the district, moreover searches for arms would not be made except in the presence of specially selected officers, and only on occasions when there was good reason to believe that an offence was being committed. With these restrictions, and with judicious rules for the grant of licenses, which the Bill would give the Government of India power to make, it was to be hoped that the provisions of the Bill would not be found more stringent than necessary, or in practice in any degree harsh or oppressive. It would not in all cases, for example, probably be necessary to make the licenses renewable annually, or the levy of a fee for a license usually more than sufficient to recoup the cost and trouble of preparing the license.

Having thus explained the policy of the Bill the Hon'ble member added, that the proposals now put forward, however stringent they appeared, had not been made without a full conviction on the part of the Government of India that they were necessary to the preservation of peace and good order. And it was to be remembered that such legislation, indeed more stringent legislation, was not without precedent even in Europe. Without going further than the British Statute-book, the Irish Acts of 1866 and 1870, etc., provided that persons knowingly having arms in possession were liable to imprisonment with or without hard labour for two years, that persons found carrying arms could be arrested by any private individual, that licenses could be revoked by proclamation, and the owners compelled to deposit their arms and ammunition in such places as might be mentioned in it, that dealers could not sell to persons not duly licensed. Indeed so stringent were the provisions of those Acts, that a person desirous of carrying a revolver for his own protection must obtain a special license. Of course the Government

of India did not expect (nor probably did any one else) that the measures proposed would be absolutely effective to prevent altogether the illegal importation, sale and transport of arms and ammunition, but it was hoped and believed that they would, if judiciously enforced, suffice to restrain illegal trade within comparatively harmless dimensions. \* \* \* \*

LIEUTENANT GENERAL THE HON'BLE SIR E. JOHNSON supported the measure and the motion was put and agreed to.

SIR E. BAYLEY then introduced the Bill and moved that it be referred to a Select Committee \* \* \* He explained that the whole Act, he might say, had been drafted and recast, although its substance was very much that of the present Bill. But it had been rearranged and made more concise and put into a more intelligible and compact shape by his hon'ble friend, Mr. Stokes and Mr. Fitzpatrick. There would no doubt, be many points of drafting in which the Bill might be improved while passing through Select Committee, and he did not propose at the present moment to say that every particular provision of the Bill was in a form in which he should like to see it in its ultimate shape. He thought, however, that, as it was now drawn it stated the precise policy which the Government of India wished to enforce. As he had explained at the last meeting of the Council, one main object of the present Bill was to obtain stricter control over the importation of cheap fire-arms, and also on their possession, even in the non-disarmed parts of India, so as to prevent their transport and sale without and even within our own territories or frontier and their transfer to person into whose possession it was essential to the peace of the country that such arms should not come. He would, however, before proceeding further, draw attention to the first and twenty-third sections of the Bill, which contained all the exemptions at present in force, and the Council would see further, that the Bill contained provisions for the continuance of similar exemptions. He would state to the Council what the chief of these exemptions were; first of all, all Europeans, Americans, and Anglo-Indian subjects were exempted; then certain Chiefs, Jagirdars and other Natives who were specially exempted by the Local Government under the powers given to them. Again, for example, in the Punjab, all honorary Magistrates and Police Zaildars, who were a class of honorary officials below the degree of Magistrates, were exempted. He merely mentioned these examples to show how wide the scope of present exemptions was, and he wished to point out that every exemption existing under the present law would be continued and would not be affected by the passing of this Bill; and the Local Governments and the Government of India would have similar powers to continue or to renew or to extend these exemptions in future. Section 4 of the Bill defined "ammunition" "military stores" and "arms" and also contained various other definitions. The particular feature in these definitions was the separation of the definitions of "ammunition" and "military stores." This was a new feature and the Council would find that this difference affected the Bill, in as much as "military stores" included a great many articles which were also used for other purposes and therefore the absolute restrictions as to these articles were very much less stringent than as to what were called "ammunition." In fact he might say generally, although it did not exactly express the fact, that power was given to the Government to restrict the transport of military stores rather than that their transport was absolutely restricted by the Bill. He had mentioned at the last meeting of the Council that some very considerable difficulties had occurred from the want of proper definitions in

this respect, and that, for example, for the time considerable inconvenience was felt in the saltpetre trade, from the want of the separate definition now introduced. Section 5 of the Bill, or rather a clause of it, contained a new provision in regard to the sale by private persons of arms and ammunition. It had been found as a matter of fact, and it was only very natural that persons buying arms and ammunition perfectly *bona-fide* for their own use, ceased to require them and then sold them to the first purchaser: in that way a considerable number of arms had got into hands to which it was not desirable that they should pass. There would therefore be two restrictions on this point:—one that it would not be legal to sell such arms to a person who was not licensed to possess them; and secondly, that any private person selling arms or ammunition would have to give notice thereof to the nearest Police Station. He did not think that in practice this would be found a very oppressive, or harsh provision, while at the same time he believed that it might prevent a good deal of mischief. Section 7 referred to the duties on cheap fire-arms. He explained this part of the subject at so much length on the last occasion, that he would not detain the Council at present with any further remarks upon it. The Council would find in the second schedule attached to the Bill the specific duties it was proposed to levy on fire-arms and military stores, including parts of fire-arms. This schedule had been prepared with some difficulty, for it required a good deal of technical knowledge to fit it exactly to the facts and necessities of the case. He hoped that, when the Bill went into Committee, his colleagues would assist him in making this schedule, as perfect as it could be made. Section 11 referred to the general restriction which it was proposed to place on the possession of arms all over the country, without reference to the fact whether specific districts were included under what was section 32 of the old Act, whether, that is to say, they were “disarmed” or “undisarmed” districts. It was intended that the necessity for a license should extend to the whole country. He would point out, however, that the last two clauses in this section were intended to meet any difficulty which might be felt by persons who now possessed arms, and it would be seen that this section would not come into force for three months after the date on which the Bill came into force, so as to give time and opportunity to a person who did not care to take out a license to dispose of his arms, or to take out a license if he chose to do so, and if he could not sell them or care otherwise to get rid of them, he would be allowed by the third clause of the section to deposit them at the nearest Police station. Section 22 was somewhat wide in its terms, but it was a generalization of section 20 of Act XXXI of 1860. The Council would see that sections 25 and 26 of the Bill maintained, in respect to searches in the undisarmed districts all the existing restrictions as to prosecutions and searches to be made, and did not specially extend, but were on the contrary rather intended to mitigate the severity of the law. Under section 25, in such cases no prosecution could be instituted against any person without the previous sanction of the Magistrate of the District; and by section 26 a search under similar circumstances must be in the presence of some person specially appointed by name by the Lieutenant-Governor in this behalf, and not otherwise; that was to say, an ordinary Police-officer would not have the power of making searches without any special authority or guidance, but in every case some special selected officer of some rank and position would be employed in making searches.

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LATER ON THE HON'BLE SIR EDWARD BAYLEY presented the Report of the Select Committee and observed that as the Bill was one of considerable interest

to the public, and as many objections had been made to it on the shape in which it originally stood, by persons of all classes, it might perhaps be advisable to give some sketch of the alterations which the Select Committee had introduced in the Bill with the view of meeting such of those objections as seemed to them valid. One part of section 5 of the Bill as introduced required all persons, other than licensed vendors, selling arms or ammunition, to give notice in all cases to the officer in charge of the nearest Police Station. In the new Bill, this was now dispensed with where the purchaser was a person exempted under section 27, and it was further provided that notice, where still necessary, should be given to the Magistrate of the district instead of at the Police Station, which, specially in the case of transactions in which Europeans were concerned, might sometimes be more convenient to the parties. As he should have occasion to point out, another provision had been introduced, which, with practically very much less inconvenience and irritation to private parties, secured the objects which it was intended to secure by these provisions of section 5, and they might therefore safely be omitted. In respect to the duties imposed under section 7 of the Bill, very much comment had been elicited alike from the Public Press, the Local Governments, and private persons. The objection commonly taken had been that these would press unfairly upon those who were loyal and well-disposed, and who were desirous to obtain arms, whether for sporting or other legitimate purposes, especially in those districts bordering upon forests or other places infested with wild beasts, and where fire-arms were required as a means of protection for themselves or against the destruction of their crops. Those objections were doubtless well founded, and to meet them the Committee had provided that when persons exempted or excused themselves imported any fire-arms or purchased them from the importers, they would be entitled to a drawback upon the duty specified in the schedule, which would bring it down to the level of the duty at present in force, and also would not exceed in any one case ten per cent. *ad valorem*. As a matter of fact, this alteration would produce a slight reduction in the duty now payable upon the higher classes of fire-arms. There was also a provision which was not entirely new, though new to this Bill. It was a section which was inserted with the object partly of drawing attention to the provisions of the Customs Act, and partly with the object of applying them in a slightly modified form to the importation of arms. That was to say, it permitted the conversion of the private shops or officers of an importing firm into bonding warehouses, in which they might store the arms imported, and pay duty upon them only as they were withdrawn for sale. This amendment was introduced to meet an objection which had been made, a legitimate one, by a large firm, that they would otherwise have to pay down on importation a large amount of duty, and, perhaps, it would be a long time before they got any return. This provision would meet that objection. With regard also to the schedule of dutiable articles, some minor article had, on reconsideration, been struck out of it, and with regard to all other articles which were the appendages of fire-arms, it was provided that, when they were imported and fitted in the same case as the fire-arms, they would be exempt from the payment of duty. The next alteration to which Sir Edward Bayley would refer was that, while the draft Bill provided for importation by sea, it overlooked the possibility of importation by land. There were several foreign sea-ports on the coast, and this fact made it necessary to introduce provision for importation by land also, and therefore the clause which applied to importation by sea was made to apply also to importation by land. There was another clause which was new, and which was the only point in which

he thought the Select Committee had increased the rigidity of the Bill; but it had been inserted on the special recommendation of the Lieutenant-Governor of the Punjab. The new clause empowered the Local Government, with the previous sanction of the Governor-General in Council, to appoint searching-places at certain points within our frontier, whenever there was a belief that arms and ammunition were likely to be exported over the frontier. In section 11 of the Bill there was also a very material alteration. As introduced, the Bill prohibited the possession of arms of any description without a license. In that form it would have been an unnecessarily sweeping measure, and in fact, the form which original Bill assumed in this respect was due perhaps to an oversight. Under the old law a difference was made, as he had explained before, between certain proclaimed and unproclaimed districts, and that difference was practically swept away by the draft Bill. The Committee had thought it right to restore that distinction so far, that in a district proclaimed the possession of all arms would need to be licensed, but in a district which was not proclaimed, licenses would only be required for the possession of fire arms. There was another difficulty in regard to the disposal of arms which were deposited under sections 11 and 14,—that was to say, arms which came properly into the possession of people, but in which the legal possession of them had ceased and which therefore came under the custody of the Police. It had been provided that they should remain for a year liable to be claimed by the owner in one case, and in another case, which was a more difficult one, for three years. If at the end of that time they were not claimed and legally dealt with, they would be forfeited. There was another question which was a matter of greater difficulty, and the Committee were unanimous in opinion regarding it. It referred to the levy of fees for licenses to possess, but not for licenses to manufacture or import or transport. On the whole, considering the many difficulties which existed, it was considered advisable that the former class of licenses should be freed from taxation. It was a matter of some difficulty, because it somewhat affected the resources of the Local Governments, which had hitherto derived some revenue from this source. But he thought the arguments which convinced the Committee ought to prevail; the question, however, was one which was open to discussion hereafter. There was another section also of some degree of stringency which was taken from the Code of Criminal Procedure. Section 28 required information to be given by any person who had a knowledge of any offence committed against the provisions of the proposed Act. A clause to that effect existed in the Criminal Procedure Code, in regard to many offences of a nature parallel to those punishable under this Act, and all that had been done was practically to apply that section to the present law. Then in section 32 came another new provision, which was intended to take the place of that in section 5 of the draft Bill, which required notice to be given at the Police office by persons selling arms. The real object of this provision was to enable the Government to know where arms were held, and to detect whether they had been legally imported or otherwise. All that was intended was that persons who possessed arms should be held liable to fill up returns when required to do so. The Committee did not think that that was an unnecessary interference with private convenience; it was a form of inquiry which would give very little trouble, would not be frequently resorted to, and which might be of great use. Beyond these there were some minor alterations in the details of the bill. But they were almost all purely matters of drafting, intended to bring the provisions of the Code into harmony with other enactments, and to make its meaning clear. Under these circumstances, as almost all the changes which had been made, although of some importance,



were in the interest of the public and in the direction of relaxing the stringency of the Bill, the Committee did not consider that it need be republished as altered by them.

He then moved, that the Report of the Select Committee be taken into consideration \* \* \* \*. He wished to address himself on this occasion rather to the objections which had been taken to the principle of the Bill. They had been told that no case had been made out for the Bill; that it was apparently entirely unnecessary. One representation which they had had from the British Indian Association went so far as to say that no facts or arguments had been adduced to establish the necessity for such rigorous legislation. Well, he really did not know what evidence would satisfy every one. He thought he had been at some pains, when he moved for leave to introduce the Bill, to show how urgently the necessity for some such measure had been for many years persistently pressed upon the Government of India by almost every Local Government and Administration. He mentioned also certain statistical facts which proved the existence of a large and increasing traffic in the very description of arms which it was most undesirable should be introduced into India, and the Council had still been told that no case had been made out. So far as he could understand, the only statement to contravene the evidence he then adduced was, first, that the importation of arms and the value of arms had been diminishing during the last five or six years, instead of increasing; and in the second place that a great number of people had been destroyed by wild beasts. He did not in the least propose to controvert either of those statements; but he had taken pains to show, when he introduced the Bill, that he was perfectly aware of the fact that a diminution had taken place in the actual imports of arms, and he gave the reason for it, that was to say, that the Government of India had put into force certain powers which possessed under the Customs Act of absolutely prohibiting the importation of arms of a certain description. Well that was a very useful power, and one which the Government proposed to retain. It would supplement very effectively the provision of the present Bill. But he also pointed out that it was one which by itself was very easily evaded, and that the Local Governments were not satisfied with it; that they asked for more power, and were not apprehensive that these additional precautions would be abused. He went further, and had told the Council that the Government of India were in possession of information which showed that the importation of arms would, if the existing law were not supplemented by a fresh and more stringent legislative enactment, very soon be very largely and injuriously increased. He thought himself that that was sufficient evidence of the necessity for the Bill, even if it had not been supplemented by the very definite expression of opinion by his hon'ble friend the member in charge of the Military Department, whose opinion on a subject of that character should, Sir, Edward Bayley thought, be received as decisive. However, if more evidence was wanted,—that is, if those who had denied the necessity for the Bill wanted more evidence—he would say that this Bill had now been published. It had been commented upon with very great care, he was gratified to say, by a large number of local officers and he had noted something of the result. A great many in fact a large majority who had been consulted had not taken any notice at all of the principle of the Bill or the necessity for it. But he might say that in their remarks almost all of them had implied their approval of the Bill. But a considerable number of those officers had gone out of their way in express terms to approve of the Bill and to declare the necessity for it. \* \* \* \* \*

Well, SIR EDWARD BAYLEY hoped, although he could not expect to satisfy every one, that these expressions of opinion might be taken as sufficient. He could say that almost every officer who had been consulted had either as he had said, expressly or impliedly approved both the principles of the Bill and the direction in which it went. There was actually only one exception, and all that was necessary to say of it was that the exception seemed to prove the rule. Sir William Robinson in Madras had no doubt taken the exact line which the British Indian Association had taken. So much for the necessity for the Bill. They had been told, it had been said in some quarters, that the Government had brought in the Bill under the influence of a scare. Well he thought he had shown, and the papers had shown to the Committee that, so far from this being the case, for at least eight successive years the Government had been pressed to pass a Bill precisely on these lines, that they resisted doing so until the necessity for it was absolutely shewn. So far from the Bill being passed under a scare, he might say that some of the most important information showing the necessity for the Bill had only been received since it had been introduced. He would not trouble the Council with any further general details of the Bill. There were a number of objections taken, and he was bound to say that some of them had been taken with great force, and had proved very useful to the Committee in settling the details. He might class them into three classes, first, that the Bill was too stringent, unnecessarily severe, and that a portion of it was not workable. He was bound to admit, and he had pointed out when the Bill was introduced, that there was a slight oversight in drafting; that the Bill in its original shape had certainly been made somewhat rigid by the old provision as regards the proclaimed districts having been removed. But that had been altered in Committee by the restoration of this provision. In the next place they were told that the Bill was too severe. He had pointed out how largely the Committee had modified the severity of the Bill by amendments which they had made. He had himself assented to those amendments, but he thought that if they erred in any way, they erred, perhaps, somewhat in the direction of over-relaxation. Personally, however, he was contented with the Bill as it stood, with the exception of a trifling verbal amendment which he proposed to move on the present occasion. Then again, they were told that some of the provisions of the Bill were not clear, the objection thus taken was doubtless good and the Committee had done there best to remedy the defect. He trusted that the Council would, on looking over the Bill in its present shape, be willing to agree, first, that a case had been made out for the Bill and for a Bill drawn on the lines of the present measure; and secondly, that the Bill had been shorn of most, if not all, of its objectionable features. At any rate, he must, thank the Committee for the very patient attention they had given to its provisions and the trouble they had taken to make the Bill workable. The Motion was put and agreed to.

The HON'BLE SIR JOHN STRACHEY, moved the following amendments:—

First, that in section 17, clause (b) for the words 'except a license for possession,' the following be substituted, namely:—"Granted in a place to which section 32, clause 2, of Act No. XXXI of 1860, applies at the time this Act comes into force, or in respect of any such license other than a license for possession granted in any other place."

Secondly, that in section 17, clause (c), for the words "except as aforesaid" the words "other than a license for possession" be substituted.

The object of the amendment was to impose a license for possession of arms of all kinds in those parts only of the country which had been already disarmed under the provisions of Act XXXI of 1860. His motive, he must explain, in bringing forward the present amendment, was partly a financial one, although that was not his principal object. He hoped to be able to show to the Council, looking at the matter from a financial point of view, that the privilege of possessing arms in part of the country which were already disarmed, and to which alone he now referred, was a legitimate source from which to derive revenue, and that it was a point of some importance in connection with the late measures for extending the financial powers and responsibilities of the Local Governments. He said that, as a source of Imperial revenue, the receipts from fees of this kind would, no doubt, be quite insignificant, but from a Provincial point of view they were not without importance. As an illustration of this importance, he might mention that in the North-Western Provinces, with which he was best acquainted, it was calculated, that such fees levied upon a very moderate scale would yield not less than one lakh of rupees a year—a sum which would be very valuable as an addition to the Provincial finances. It would be difficult in his opinion to find any other way of raising such a sum which would be open to fewer objections. For levying such fees was taxing a luxury, and had all the merits of that kind of taxation. He knew, of course, that there were tracts of country where, from the great number of wild beasts or the proximity of turbulent neighbours or from other dangers, arms were a necessity, a necessity and not a luxury. Where this was the case, no one could recognise more fully than he did that we ought to do nothing whatever which could in the slightest degree interfere with the means of protection which the people really required in those tracts. But such parts of the country were exceptional, and they could be sufficiently provided for under the powers of exemption which the Bill conferred on the Government. Leaving them out of sight for the present, and speaking of the disarmed tracts to which alone his amendment could apply, he affirmed, without hesitation, that the privilege of possessing arms was a luxury. It was usually sought for, not so much on account of the protection afforded by the arms as because they enhanced the dignity of the wearer, and conferred upon him some kind of personal distinction. He could recognise no reason for exempting persons who wished for a privilege of that sort from paying something for it. He would go farther and say that he could hardly call to mind any more available and legitimate means of obtaining revenue than that of calling upon people who desired such marks of distinction to pay for them. Such a source of income fulfilled all the conditions which were required in taxation. The amount payable would be certain and easily known by every body. No one need pay it at all who found it inconvenient to do so. And those who did pay would contribute in proportion to the advantages obtained by them. Exception had, he knew, been taken to the proposal on the ground that it might offend against another fundamental rule of taxation by compelling the taxpayer to pay more than was likely to find its way to the treasury. It had been said that, to levy fees on licenses for the possession of arms might give opportunities for oppression and extortion, and might do more to enrich the underlings of the Magistrates' Courts than the public treasury. Sir John Strachey thought that this objection would not be found good upon examination. He had already said that the operation of his proposed amendment would be confined to those districts in which the possession of arms was prohibited, and in which there was no intention of relaxing that prohibition. In such places it was impossible to

dispense altogether with licenses. Section 15 of the Bill made provision for the grant of such licenses, and it was obvious that without the Government had no means of keeping itself informed, or of controlling the number of arms which were from time to time in the hands of the people. But if licenses were required at all, the objection to charging fees for them lost all its force; because it was not the fee charged which gave the opportunities of speculation but the necessity of applying for and obtaining a license which had to pass through the hands of subordinate officials. But in his humble opinion, speaking of the provinces to which alone it would apply, he believed that those anticipated dangers had really no existence whatever—certainly not more than in most other forms of taxation which might be named—in octroi-collections, in inland customs-collections and in license-tax collections. He believed that the only effect of charging fees for the possession of arms would be to add by the amount of those fees to the cost of obtaining them. The additional cost was very far, in his opinion, from being a disadvantage, for the Council was now considering the case only of those parts of the country where it had been determined, on the grounds of political expediency, that the people ought not generally to be in possession of arms and where a cheap and abundant supply of them was on no grounds desirable. He had dealt now with the only objection which he had heard to the proposed levy of duties on these licenses. He wished to add some very important evidence in confirmation of the arguments by which he had sought to support his amendment. In the North Western Provinces, this special subject had undergone very long and careful consideration, and the result had been to elicit the strongest possible opinions in favour of the measure which he was advocating. So far back as 1870 Sir W. Muir, the then Lieutenant Governor, appointed a committee of the most experienced officers to consider the best way of adding to the revenues. That committee made various recommendations, and amongst them, advised the imposition of a duty on arms-licenses, and Sir J. Strachey would, with the permission of His Excellency, read a short passage from the Committee's report:—

"35. It is unnecessary to propose any further taxation for actual requirements. The Committee desire, however, to point out that a legitimate source of income may be found by enforcing fees on the issues of arms licenses. Arms in this country are in the great majority of cases used as a means of increasing the dignity or supporting the rank of natives who wish to carry them. \* \* \* The probable income arising from this source is conjectural only. It will probably be not less than £10,000 per annum."

Sir W. Muir entirely approved of that recommendation, and, in June, 1871, submitted a proposal to the Government of India for carrying it into effect. In the letter which he wrote to the Government of India he said—

"The Lieutenant-Governor concurs generally in the views of the Committee. The scale of fees and the suggested rules for issue of licenses appear suitable, but the Local Government might, His Honour thinks, receive power to vary these, within certain limits, from time to time, as may be found expedient. For districts that have not been disarmed the scale is perhaps too high, and there it might be reduced one-half.

"The Lieutenant-Governor is further of opinion that in all parts of the country which have been disarmed, licenses should be required, not only to carry, but to possess, arms.

"Exemption will be readily granted in parts of the country where prevalence of wild beasts or other danger may render it expedient that arms should be possessed or used.

The proposal thus made was not carried into execution. It was brought forward originally by Sir W. Muir under the impression that it was absolutely

necessary to provide further means of meeting Provincial charges. But the condition of the Provincial finances having turned out better than was expected it was dropped. In 1876, when Sir J. Strachey was Lieutenant Governor of the North-Western Provinces, the question was again taken up. It was discussed by a number of the most experienced officers of the Government of the North-Western Provinces, and they were unanimously of opinion that it was extremely desirable to charge license fees for the possession of arms. He himself entirely concurred in the view thus taken, and he was in a position to say that the same opinion was held by the present Lieutenant-Governor of the North-Western Provinces. Thus, in the North Western Provinces three successive Lieutenant-Governors and he believed, all their most experienced officers, had during the last eight years, expressed strong opinions in favour of the amendment which he was now asking the Council to adopt. He hoped that a measure which had such strong authority to support it would be approved by the Council that day. The motion was put and agreed to.

The HON'BLE SIR E. C. BAYLEY moved—that to section 32 the following words be added, namely :—Any person refusing or neglecting to produce any such arms, when so required shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both." He said the amendment was really one of a technical nature. He had mentioned, when presenting the Report of the Select Committee, that a clause had been introduced in section 32, requiring persons in possession of arms to produce them when required. But by mistake no penalty was affixed to the section by means of which it could be enforced. The amendment of which he had given notice was simply intended to correct the error. The Motion was put and agreed to. The motion that the Bill as amended be passed was put and agreed to.

The Act was thus passed into law on the 15th March 1878, and brought into force on the 1st October 1878. The minor amendments which were from time to time made were (1) Section I was amended by the Indian Territorial Force Act 1920, XLIX of 1920. By Section 35 of this Act the words "member of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920," were substituted for the words "volunteer enrolled under the Indian Volunteers Act, 1864 in the course of his duty as such public servant or volunteer." (2) Sections 8 and 9 relating to levy of duties and part of section 14 were repealed by Act XII of 1891 and are now included in the Indian Tariff Act. Section 16 was amended by Act XX of 1820 in order to enable arms in certain cases to be deposited at police stations or with licensed dealers. This Act again brought the matter before the Council on the 11th September 1919.

On the 11th SEPTEMBER, 1918 THE HON'BLE MR. G. S. KHAPARDE moved the following resolution :—

This Council recommends to the Governor General in Council that the Indian Arms Act be so modified as to bring it into line with English legislation on the subject.

He said :—I do not think it necessary to make a long speech or elaborate the matter much, for the reason that this was discussed at the last Delhi War Conference, and he understood then that the Government was willing to improve this law, or to make alterations in this law so as to bring it more or less into conformity with



the English Act. I, however, put forward the Resolution because I did not like that the subject should drop, and I am glad to find that my Hon'ble friend Mr. Surendra Nath Banerjee as also my Hon'ble friend Mr. Patel have put questions on that same point on the 9th instant, the answers to which are to be given under this Resolution. This subject is rather difficult in one sense of the word, or rather in all senses of the word. It looks *prima facie* right that everybody should not be permitted to carry arms; it also looks right *prima facie* to say that the possession of arms should be restricted, and should be hedged round by certain precautions. But it also appears to me, and appears to be demonstrated by experience, that these restrictions have only helped to make, the law abiding and peaceful people armless without any right to possess arms whereas the dacoits and evil-minded persons going about their iniquitous ways have been able to secure arms. So it comes to this, that the more peaceful and good people are helpless and the evil-inclined people have a certain advantage over them. This state of things certainly has to be remedied, and I suggest in my Resolution that this can be done by approximating to the practice that obtains in England. In England, it will be seen that it has been recognised from time immemorial that every private citizen has a right to carry arms, but as occasions arose they limited this right. The earliest law that I can discover is 7, Edw. II, c. 3, which laid down that people may carry arms, but they should not come armed to Parliament. That was the first limitation they imposed. The next limitation was imposed by 2 Edw. III, c. 3, which gave the people the liberty to carry arms, but restricted them from going armed in affrays. That is to say, it gave them the liberty to go armed to any market, but not to go to any big affray and if there is an affray it is certainly right that people should not carry arms. That was the next limitation. The third limitation came, and that is rather important, and it is mentioned in 1, Will and Mary II, c. 2, and it came about in this way James II, we all know, either ran away, was deposed or abdicated or whatever it was and then William was crowned. About that time they drew up a Will of Rights and in that the carrying of arms is mentioned very prominently, and there is a very amusing feature about it. They said that James was very wrong, because he allowed Catholics to carry arms but disarmed all Protestants. That was done on religious grounds, and now we can afford to smile at the existence of all these disabilities, because all these distinctions have disappeared. Then we have the Acts of 33 and 34 Viet., 1870, which deal with fire-arms, and what I am very glad to find is that in the case of agriculturists and people who have got crops to protect, it is not necessary for them to get a license. They keep fire-arms without any special license; they have a right to have them. Then we have the Acts 63 and 64, Viet., 1870, which say that you cannot export arms, but so far as the possession of arms goes, it does allow anybody to carry arms unless I suppose, prohibited. Lastly, we have the Act 3 Edw. VII, c. 18, which is popularly called the Pistol's Act, and all explosives and dynamites come under it. But what I particularly wish, to bring to the notice of this Hon'ble Council is that in England they look upon it as the right of every citizen to carry arms subject to the limitations which they have imposed whereas in India unfortunately we began by saying that nobody has got any business to have arms unless he is permitted to do so by certain laws. I wish that we went back and adopted the English principle that everybody has a right to carry arms subject to the limitations which may be imposed and not that no man is entitled to have arms unless he is permitted to do so. That is the point of view which I wish to place before this Hon'ble Council and the advantage would be very great indeed. First of all,

arms are required for two purposes. One is for the purpose of private defence of property and person, and the second is for public purposes, that is to say, for national defence and national purposes. So far as private purposes go, we know that the Indian Penal Code provides the right of private defence, but to a great extent that right of private defence is minimised or rendered difficult to be exercised by the arms not being allowed to be carried as a matter of right. Supposing a few pigs or wild animals come into my field, I have got every right to kill them, and I suppose the law permits it. But the law says, 'you cannot have a gun unless we permit you.' But I have not got a gun, and the consequence is that the animals come and eat away the crops and no civil suit can be brought against them, as they are not amenable to the jurisdiction of civil Courts; and that is where the difficulty comes in. Similarly, in the case of dacoits, robbers and thieves. In England, it has been the immemorial custom sanctioned, I believe, by law, though I cannot find it myself, if burglars or thieves get into a house, the inmates can shoot them without any question. I can show you, at any rate, I remember, a remark of Sir Henry Maine on his commentaries on the Indian Penal Code to that effect. In India, we have still that right, I believe, that if a burglar gets into my house about midnight and I see him armed and that he has a big weapon, I suppose I can shoot him. But the law here is guarded in various ways. The Indian defence goes on from step to step. If the burglar who gets into my house has got a big *lathi*, though you can beat him and if he is running away with your property, you may shoot him in the leg; the law says that you should not shoot him on certain parts of his body, in the trunk of his body and so on. There are these limitations of law imposed. So, I submit, that this is a state of things which requires to be remedied.

In various parts of my country I find that many agriculturists and poor people lose their crops often by the depredations of wild animals, and it is quite necessary that they should possess fire-arms, not of the best type of Mauser pistols, but small arms like fowling-pieces and shot guns, or anything that will make noise enough to scare away wild animals and birds. They must have a right to possess such small arms without the necessity of applying for a license. For instance, a big man having a large and extensive field and crops should have the right to possess a small fowling pistol or something which will make noise enough to scare away wild animals and birds. Similarly, I also think that bankers and rich men should have the right to possess arms. In these days generally money is sent by post or by railway. But still there are bankers in my rural part of the country where they have got to maintain large balances in their house to lend money to their tenants, and often times also they have to transfer money from one village to another. So I think these people must have certain facilities, that is to say, a person desiring to send anything over Rs 1,000 should either be entitled to the service of a police-man carrying a gun or his servant may be permitted to carry a gun to protect his money. That will reduce the dacoities and thefts that are taking place on a large scale. Then my third proposal is, that the method of obtaining licenses should be rendered easy. In England, if you wish to purchase a gun, you have only to go to a post office and pay there 5s or 10s. as the case may be, and that post office gives you a license, you go to the shopkeeper and he gives you a gun on your producing the license, and there is no more trouble about it. Whereas in India, if I want to purchase a gun, I must, in the first instance, apply to the Sub-divisional Officer. He then refers my application to the Police Inspector, and the Police Inspector submits his report to the

District Superintendent of Police, and he again forwards the application to the Sub-Inspector for inquiries who eventually recommends, if he thinks fit, that the applicant appears to be a good enough man to have a gun and under the usual conditions he may be given it. Then it goes to the District Magistrate; so that the poor man gets absolutely tired of the whole procedure and having to run about so many times for obtaining a license. Many people get tired of this procedure and never press for a license, as the procedure involved is very cumbersome. They sit down and trust to chance, and instead of a gun they take empty tins and beat them to scare away wild animals. I submit, Sir, that the obtaining of licenses should be made easy so that people may readily obtain them. I also submit that it is necessary that some people should be entirely exempted from taking a license and they should get it as a matter of right \* \* \* \* \*

And there is in sport that need for a man to undertake a certain amount of fatigue, go without food, follow animals and yet not lose his temper. There are many lessons that a man gets from sport, and I should like our young people to be encouraged in these outdoor sports, more especially those of shooting and running down animals, which is a very useful exercise indeed, and the people might be given opportunities for it. These are then, Sir, the proposals that I would put forward. Our Indian law is all right so far as it goes, but it should be slightly remodelled on the English type so as to enable every free citizen—there are now no non-free citizens, slavery has gone—to have the right to carry arms. Agriculturists with small farms should be permitted to have fowling-pieces and for the rest of the people licenses should be easily procurable. These appear to me to be the main features. One of these at any rate was discussed at Delhi, and it was said, if I understood rightly, that steps were being taken to make the procuring of these licenses easy. That view was taken at Delhi. These are the recommendations which fall within my Resolution, and I move the Resolution and hope that it will be accepted.

The HON'BLE MR. C. A. KINCAID, in opposing the Resolution said, I would at the outset ask this Council to cast back their memories, or rather to go back to the history of India some sixty years ago. As this Council is aware in May 1857, the Indian Mutiny broke out at Meerut. Seeing that the outbreak was at so central a place, it seemed very likely that if to the military outbreak was added a civil rebellion by the people the rebellion would spread east, west and south. It seemed specially likely that the rebellion would spread to the west because there lay the Province of the Punjab inhabited by a brave and warlike population who had only yielded to the British power after a long and very often doubtful struggle. As a matter of fact things turned out somewhat differently. There was a civil rebellion, but it did not spread to the west. The population of the Punjab, not very long before the Mutiny, had been disarmed, and the result of that was, that the disloyal elements in the Punjab were unable to overawe the loyal elements. They were unable also to render any effective assistance to the Mutineers. The loyal elements rallied round British officers like Hodson and Nicholson, and instead of being a danger to the British Empire rendered services of almost incalculable magnitude. On the other hand, the population of Behar, the old North-West Province, Oudh and Central India had not been disarmed. There the exact contrary took place. The loyal elements were swept away by the disloyal elements who were armed, and the result was two years of war which taxed to the utmost the resources of the British Empire, and caused intense suffering and misery throughout great Provinces. In the year 1860, the first

Indian Arms Act was passed. That was 58 years ago, and from that time to this there has not been one serious rising in any part of India. Now, I would ask the Council to consider that statement. A rising in India, looking at the resources of the British Empire, must be abortive, and an abortive rising means military executions, hangings, fines, confiscations, the ruin of individuals and the misery of many often innocent families. I will go even further and express my deep regret that the first Indian Arms Act was not passed in 1850 instead of 1860. Had that been done, there would undoubtedly have been a military outbreak, but not a civil rebellion; and India would have been spared two years of war and suffering, years of racial hatred and of political stagnation. Of course the Hon'ble Member may reply, that that was merely a coincidence, that Arms Act or no Arms Act, there would have been no rising in India after 1860. I think if he were to make that statement it could easily be disproved. As long ago as the 15th century the Mussalman writer Ferishta, the historian of the Bahmani Kingdom, said there was no country in the world that was so liable to rebellions and revolutions as India. I think that is only natural when you consider the vast sub-continent, its difficult communications, its immense population and their extraordinary liability to sudden fits of religious excitement. I will not quote more than one instance, but one instance I will quote in illustration of what I say, and that is what happened only the other day in the Akola taluka of the Ahmednagar district of the Bombay Presidency. A *mamlatdar* had been pursuing a recruiting campaign with possibly an undue amount of zeal and enthusiasm when a body of some 2,000 or 3,000 Kolis gathered round his house and set fire to it. I am not sure whether they chopped him to pieces or burnt him alive. Certainly they showed their disapproval of his methods in a very vigorous manner. Now if the Koli population of the Western Ghats had been armed, the whole of this portion of the country would have been in flames, and you would have had the railway cut between Bombay and Poona and between Bombay and Nasik and all communication *via* Bombay with Europe, Africa and Irak, would have been stopped. I put it to this Council that that would have been a political calamity of the first magnitude. Now, there is a second aspect of this case. Previous to this war the garrison of British India was 78,000 British troops, and rather more than double that number of Indian troops. Visitors from foreign countries used to express great surprise how the garrison of so great a country was not larger. As a matter of fact there was no secret about it, the key to the enigma was the Arms Act. Had the population of India been armed a very much larger garrison would obviously have been needed. Now the garrison of India is a charge on the Indian Exchequer, and a larger garrison would have meant a larger burden to the Indian taxpayer. Therefore, I submit the Indian Arms Act has, during the last 60 years, saved the Indian taxpayer hundreds of thousands of pounds sterling. There is a third aspect, of this case. It is this. On two occasions in recent years India has played her part most nobly in assisting Great Britain. The first occasion was when Lord Curzon's Government in 1889 sent an Indian contingent to the defence of Natal, and military experts have expressed the opinion that it was the assistance rendered by that contingent that saved the situation at that time. The second occasion was when Lord Hardinge's Government sent troops to Basra, East Africa and France. I say to this Council that it would have been absolutely impossible to do this had the population of India been armed. I hope the Council will accept my assertion that I do not cast any aspersion on Indian loyalty. I would not do so for a single moment. But with an armed population the danger of a rising is

so great, its spread is so swift and its consequences so terrible, that it would be a very brave Government indeed that would dare to denude India of troops under these conditions in time of war. I would therefore put it to this Council that they should be very slow indeed before they do away with an Act which, during the last 60 years has secured to India public tranquillity, saved the taxpayers hundreds of thousands of pounds and enabled the Government on two great occasions to play her part nobly by the Empire. Of course the Hon'ble mover may reply, that he does not want to abolish the Act, but wants to modify it. I put it to this Council that modification on the lines suggested by the Hon'ble mover amounts to abolition. I have not read all the Acts which the Hon'ble mover has quoted, but I have practical experience (and I expect many Members in this Council have also) of the working of the English Arms Act. You go to the Post Office and pay a pound for a gun license and two pounds for a game license. Now, apply those conditions to India. There are often behind rioters very wealthy people; it was so during the recent Arrah riots. Those wealthy people could, by the expenditure of a few thousand rupees, get licenses for several hundred men and distribute arms to them, and there you are, the riot becomes a rebellion with all the lamentable consequences which that involves. There is one criticism which was suggested by the Hon'ble mover, it was also a favourite theme of Indian speakers before the war. The Indian Arms Act, so it was said, had unmanned and degraded the Indian population, and the illustration generally employed was in connection with the Maratha nation to which the Hon'ble mover belongs. It used to be asked where were those splendid armies which once held India in fee, where were those 200,000 horsemen the tramp of whose chargers was heard from Attock to Rameswaram? The answer was they had been abolished by the Arms Act. It was said that, exposed to the malignant influences of the implacable enactment, their courage had been dissolved; it had oozed out of their finger tips, and that from being the foremost warriors of India they had become mere helots, mere tillers of the soil. Though it was conceded that there were certain Maratha regiments, it was said they were not fit for modern warfare and that they were fit only to police Southern India; and even so great an authority as the late Earl Roberts expressed the opinion that Maratha regiments were not good enough to stop an Afghan rush.

Well, as His Excellency the Viceroy said the other day, this war has brushed away a great many cherished theories and, I may add, a great many cherished prejudices. I have served for 15 years in the Maratha country, and I am sure I shall have the sympathy of the Council when I say that I love the Maratha country and I love the Maratha people; I love that splendid land which stretches from the Vindhya mountains down to the confines of Kanara and from the Central Provinces to the shores of the Arabian Sea; I love its temperate climate, its noble hills and its perennial rivers, and above all its deathless epic of military glory. And I can assure this Council that I felt a glow of pride and pleasure—and I may say that feeling was shared by other Members of my Service in the Maratha country—when I learnt of the gallant deeds of the Maratha regiments who sailed with Sir Arthur Barrett to Irak, who occupied Basra, who took Kurna and won at Saiba. Sir, every single man of the rank and file of those regiments had been exposed from birth to the so-called blighting influences of this terrible enactment, and yet they fought in a way which would have roused the envy of the veterans of the Bhoale and the comrades of Chinnaji Appa. I put it,



to this Council that the gallantry of the Maratha regiments on the battle fields of Mesopotamia is the surest answer to that criticism and the best proof that it has never had the slightest shadow of a foundation.

The HON'BLE SIR WILLIAM VINCENT welcomed the discussion of this Resolution for various reasons and observed that :—In the first place, it will afford me an opportunity of explaining what the Government policy is and what it has been, and this is the more necessary, as misleading accounts of that policy are often made public which do considerable harm. There are also a certain number of people, who, I believe, are genuinely in error as to the policy of the Government in this matter ; indeed it seemed to me from what I have just heard that this remark applies not only to non-officials, but that at least one official Member of this Council is in the same position. I hope to convince the Council of the necessity for legislation of this kind on entirely different grounds from that adopted by him. I believe that this necessity is recognised everywhere. It is no new policy in India and does not date from 1857 at all. It began with the advent of British rule into this country. I have here a quotation from Sir Bartle Frere, where he says,

one of the first measures of Sir Charles Napier in Sind was a proclamation forbidding persons to carry arms without license. The real reason for these restrictions on carrying and possessing arms was the inherent difficulty of maintaining law and order over vast tracts inhabited by peoples of widely different degrees of civilisation.

That is the real reason for this legislation into which the Government has been forced from time to time. I believe indeed that such measures are a natural accompaniment of growing order and civilisation. It is true that the basis of our present legislation was the Act of 1860, and that Act was passed shortly after the Mutiny, and was probably connected with the unfortunate rising of 1857, but I do not think it can be said that the Act of 1878, which is the present Act, is in any way connected with that event though I do not doubt that the unrestricted issue of licenses for fire-arms might affect the military situation in that it would probably necessitate the maintenance of larger forces, a point already put by Mr. Kincaid. To return to the Act of 1860, it was found in a few years after the measure was enacted that a larger number of cheap fire-arms were being imported and used throughout the country, and the consequence of that was that large gangs of armed bandits wandered about the country who became too powerful for the police to cope with. It shortly became necessary therefore to impose further restrictions on the possession of arms in order to maintain that law and order which is, as I have frequently said in this Council, the greatest asset of British rule in this country. I will quote what Sir Henry Maine said in 1881 on this subject, because, I think, it illustrates my argument and tends to disprove the idea that the Arms Act was the result of the Mutiny. He said :—

It is one of the unfortunate consequences of the great struggle of 1857-58 that legislation of this kind is supposed to be connected with loyalty and disloyalty. As a matter of principle it rests on quite different grounds. There is no surer sign of barbarism than the habit of carrying arms, and no clearer mark of advancing civilisation than the gradual disuse of this practice.

These words explain the reason why the Act of 1878 was passed. The previous Act was insufficient for the maintenance of the public peace. It was to secure this that the later Act was enacted, and I think it may fairly be said that it has been fairly effective. The Hon'ble mover has told us that every person in

England is entitled, and has always been entitled, to carry arms as a matter of right. This is not strictly accurate. The Bill of Rights to which he referred says that 'the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.' \* \* \*

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The Hon'ble Member is particularly anxious that arms should be given out freely for protection against dacoits. The position in regard to that is clear. Local Governments do give out arms and issue licenses in various districts for this purpose. In the province of Bengal arms have been issued with some success for protection against dacoits,—I think in the district of Mymensingh,—and Local Governments will, I am sure, be quite prepared to consider the necessity for further measures in that direction. If the facts justify such extension and certainly this is a matter to which the Government of India would always give sympathetic consideration. In my own province, in one district a number of licenses were issued for weapons to be used against dacoits; but I am afraid they were never used. Indeed on some occasion they were stolen by the dacoits. There was one instance in which a gentleman was given a gun for the protection of the village against dacoits, and when asked why he had not used it in a particular occasion, he said that he had been unable to do so as the dacoits threw stones at him. In the district of Khaira in the Bombay Presidency a number of arms or licenses were also issued to householders to use against desperate criminals, with, I am afraid, very indifferent results. The arms have been stolen in some cases and used by the thieves for purposes other than that for which they were given. In Bengal, as I have said, the experiment has been successful, and the Government of India are quite prepared to advocate any extension of that system which may appear feasible. For the protection of crops, licenses are issued freely at present, and this is a matter to which special attention has been drawn more than once. But this is a very different matter from accepting the Resolution of the Hon'ble Member, the result of which would be that every village *badmash*, every thief and dacoit, could, on payment of Rs. 5 or Rs. 7, at a Post office get a gun and use it to terrorise his village neighbours. Every village assassin, every *Goonda*, as they are called in Calcutta, could procure a gun or revolver, for the purpose of terrorising his enemies. That is a position of affairs we cannot contemplate, and I hope it will not commend itself to this Council. It is quite true that licenses are issued for fire-arms on such conditions in the United Kingdom. But the conditions there are entirely different. The population is more civilised, less prone to violence, and the necessity of avoiding force as a means of determining quarrels is fully recognized. There is also a very general sense of civic responsibility. Further, it may safely be said that in the United Kingdom, save for an occasional armed burglar, the only offences for which fire-arms are used are poaching affrays. In India, the position is entirely different. We have a large amount of agrarian crime and in many provinces dacoities are very prevalent. There are again bitter religious fanaticism and faction disputes which often lead to serious disturbance of the peace; and it seems to me that it would be most unsafe to allow unrestricted possession of fire-arms in India in such circumstances. I cannot but think that the position of affairs in the Punjab, for instance, in 1915, would have been much more serious if the lawless section of the inhabitants had been allowed to secure arms without restriction. Similarly, in Arrah in 1917, there might have been much more loss of life. We know what effect the possession of fire arms in one district in Bengal had upon crime. I refer to the district of Bakarganj. I

think at least one Member of this Council will remember the time when gunshot murders in Backerganj were extremely common \* \* \*.

With all these facts before Hon'ble Members I want the Council to consider seriously whether it would be safe so to relax the present restrictions as to possession of arms as to allow every bad character, as I have said, to secure a gun license merely on payment of Rs. 5 or Rs. 7. That is really what is proposed by the Hon'ble Member who moved this Resolution. I submit that that is not safe and that the Government could not possibly undertake the responsibility for preserving the peace on those conditions. The real effect of this would be largely to increase the physical power for evil of a certain section of the people without any corresponding increase in those moral forces of restraint which obtain in more advanced countries. I need not say also that any such change in the system would involve a large and immediate increase in police expenditure. As to Bengal, the danger of allowing the free purchase of pistols and revolvers which would necessarily follow from the acceptance of the Hon'ble Member's Resolution is well illustrated by the Report of the Rowlatt Committee. Council knows that the theft of 50 automatic pistols by the members of the revolutionary party in Bengal led to a very large number of murders, chiefly of police officers. The Hon'ble mover said just now that the free possession of firearms was necessary for two purposes : firstly, for protection against wild animals ; and, secondly, for national defence. I think we might add that in the case of a certain section of the people, shooting policemen would also be a favourite pastime if weapons were procurable without restriction. Let us see what the Rowlatt Committee say on this point. They say that taking the whole supply of arms together, the revolutionaries only obtained arms enough for isolated outrages. If the supply had been sufficient to give every gang an ample and separate supply, the conspiracy might have produced a calamity of terrible character in Bengal. I think, that this indicates the very great danger of allowing the free purchase of pistols and revolvers by men of this character ; and such purchase would be a necessary consequence if the Resolution were accepted. Similarly, we know Germany has made great efforts to get at the disaffected portion of the population of this country, and that attempts have been made to import arms for their assistance. Is it reasonable that when we are at war the disaffected portion of the population, small though it may be, should be given an opportunity for making trouble ? Is it reasonable, I say, that we should facilitate the very end which the Germans have in view ? I read a lecture which was delivered by an Indian in Berlin the other day, in which he frankly said that the reason why people, like him, did not rise in this country and had not given more trouble was that they had been unable to secure arms. I do not for one moment suggest that there would be many of such people, but I maintain that it would be madness for us to increase the facilities for procuring lethal weapons by even a small number of such persons at a time like the present.

So far I have attempted to explain why I cannot accept the Resolution. But if I am allowed a few moments more to explain what our intentions in the direction of amending the rules are, I think it may be of interest to the Council and also that it may very possibly meet the Hon'ble mover. We have formulated certain proposals to which the Government might have given effect earlier, but we thought that it would be fairer if we deferred our final decision until this Council met when we could consult a number of the provincial representatives and non-officials of this Council on the adequacy and propriety of the measures.

Though there are dangers in any general relaxation of the restrictions which are now imposed, it by no means follows that the Government is not in sympathy with much that has been said by the Hon'ble mover, or is unwilling to do all that is possible to remove any reasonable grievance. I have been a District Magistrate myself, and I know that men who want licenses are put to a great deal of inconvenience, and that whatever trouble the District Officer may take there is often reason to believe that a license costs more than the eight annas that is paid for the stamp. This is the kind of inconvenience that we seek to avoid. Our main principles, so far as we have formulated them, are as follows:— Firstly, we will abolish all racial distinctions at once; secondly, we propose to facilitate the issue of licenses to men of a prescribed class, if I may use the term. We propose also, if the Local Governments do not satisfy us that there are grave objections to such a course to extend the period and the area for which licenses should be valid so that a license issued should hold good for a number of years and throughout British India. The exact qualifications of the prescribed class to which I have referred is a matter of detail which we shall have to work out, but the idea is that on the application by any person of that class licenses shall be issued as a matter of course without any inquiry by any subordinate authority, and we have suggested (though whether this is a feasible proposition or not I do not know) that licenses should be issued by some more conveniently situated authority than District Magistrates. I cannot say that these proposals have been adopted, because as I said we do not know what the views of Local Governments are in respect of them. They have been circulated for opinion and what I propose to do now is, to ask the official members coming from the provinces and also a number of non-official members to attend a conference where we may discuss and thoroughly thresh out these proposals. As I said I hope to be able to take some steps which, while not endangering public peace, will at the same time afford reasonable facilities to those who desire to keep arms for their own protection or for the protection of their crops, or for any other lawful purpose.\* \*

THE HON'BLE MR. SURENDRA NATH BANERJEA. \* \* \* Then the invidious racial distinction is one which is a source of great irritation to us. Let me illustrate my point. My friend the late Maharaja of Mymensingh had under him a number of Eurasian servants. He had not the right of carrying arms without a license, but these men could get as many guns as they pleased without a license, and it was abundantly proved in one of the recent cases that many of these anarchists and revolutionaries got their arms through unscrupulous European and Eurasian agents and some of them were convicted and punished. Therefore it seems to me that it is a matter of first importance that without any unnecessary delay the regulations with regard to the Arms Act should be modified. Whether you accept my friend's Resolution or not, it is another matter, but that we stand in an exceedingly unsatisfactory position is admitted by the Government, and I appeal to my Hon'ble friend before this Council closes, to issue the new regulations which may help to create a feeling of contentment and remove the irritation which the present working of the Arms Act has produced among the Indian community at large \* \* \* \*

THE HON'BLE SRI EDWARD MACLAGAN:—\* \* \* \*. We all of us agree, specially those who had to deal with the working of the Act, that the Act itself and the rules under it require very large modifications, and we have been told that these modifications are going to be introduced.

But what the Hon'ble mover asks us to do, is to approximate the legislation of this country to that at Home, and by that he means that there should be a substantial and very large increase in the number of licences held, and the number of arms possessed, by the people in the country, and on that point I wish to point out one or two aspects of the case with regard to the Punjab. Now I think if we were to put this question before one of the well-to-do peasants in the Punjab who is probably a typical elector of our constituencies of the future and ascertain his real feelings on the subject, I do not think he would look at the question quite in the same way as the Hon'ble Member thinks. His first idea would be that as his enemy has a gun he must get one too. The idea that a gun is given to a man entirely for self-defence is one which would not, I think, strike him. The Punjab is a province in which, according to a recent Report, the interval between thought and action is unusually short, and there are many occasions on which there are racial and other disturbances and local factions and so forth on which the free possession of guns on either side would certainly lead to difficulties in maintaining the peace of the country. In fact, if the principle which the Hon'ble Member is advocating were carried to its extreme, the time might come when the peasant would have to go to his well and follow his cattle with arms in his hands and the country would relapse into the condition from which we rescued it 70 years ago. We have a further difficulty which especially affects the Punjab. There is a certain amount of apprehension already being felt even in England as to what the effect will be when a large number of men come back from the war, men who have been accustomed to see bloodshed, men who are well accustomed to the prompt handling of arms; when they come back in civil life and wish to enforce their claims for this or that. We also shall be having large numbers of men coming back from the war; men who are daily accustomed to handling arms.—men in the prime of youth. Would it be wise to let them have access to arms for their civil disputes and to make themselves, as they probably would, a terror to the countryside? A further point has been raised, that by allowing the people to have arms we would be maintaining their martial spirit. If that were the case, I think the point would require further consideration, but I doubt very much whether we can accept that as an axiom. Mr. Kincaid has already mentioned one case in which it certainly has not been the result of not having arms that the people have lost their martial instinct. I may take the case of the English people themselves. 99 out of a hundred of the men who are now fighting have not handled arms before the war, and no one can say they had lost their martial instincts. In the Native States it is ordinarily the custom to allow the use of arms but recruiting, in the Native States has not been better than in British India. I need hardly allude to the increased difficulties which the free possession of arms would put in the way of dealing with organised violent crime. At present the people of the criminal and predatory population have difficulties in getting arms. They have to do so by subterfuge or force, but if they had free access to arms, the trouble of keeping them in order would be very greatly increased. I think we all recognise the absolute justice of the contention which has been put forward, that where there is a great fear of dacoity or predatory crime, that there it is only right that we should allow a certain proportion of arms to the people who are likely to be attacked; but these arms, as Sir William Vincent pointed out, would have to be placed in the hands of men who know how to use them, and who would use them in the manner that has been intended. Even if we had a free issue of arms in the manner the Hon'ble mover



proposes, it is doubtful how far the ordinary money-lender or shopkeeper would provide himself with arms, and even if he did, his possession of arms would not deter the dacoit from robbing his house; in many cases it would afford an additional inducement for him to do so. If dacoits are to have free access to arms the protection of the commercial and industrial classes in this country will become a very difficult and costly affair.

I have said nothing about revolutionary crime. Sir William Vincent has referred to it, but I may mention as regards the Punjab particularly that the recent report on the subject points out the effect that the absence of arms had on the attempts made a few years ago to introduce revolution in the Province. In one place it is said: 'The issue of the *Ghadr* of the 13th January, 1914, had advised Indians to go abroad, learn how to make rifles, bring boxes full of them into the Punjab and rain over the Province a sweet shower of guns'. Some pistols and ammunition were brought from America and Rash Behari contributed four revolvers. Other weapons too were collected, but most fortunately for the public the procurement of sufficient arms was a serious difficulty and the plans for attacking the Ferozepore and Mian Mir Arsenals collapsed. In another place referring to the Judgment in the second Conspiracy trial in the Punjab, the report says: 'The judgment recites evidence which shows that it was mainly want of arms that prevented a large rising in December 1914.' If by any chance this form of crime was to revive in the Province and fire-arms could be easily obtained by purchase or by force, the difficulty of coping with this form of crime would be practically insurmountable.

The Council adjourned to Wednesday, the 18th September, 1918.

THE HON'BLE DR. TAJ BAHADUR SAPRU:—I have given notice of an amendment to the Resolution which was moved on the last occasion by my friend, the Hon'ble Mr. Khaparde. The amendment which stands against my name runs as follows:—

That in lieu of the words commencing with 'that the Indian Arms Act' and ending with the word 'subject,' the following be substituted:—

'That a Committee of official and non-official Members of this Council be appointed to consider and report to the Governor General in Council to what extent the Indian Arms Act and the rules thereunder can be amended'

So that if the amendment which I am now putting before this Council meets with its acceptance, probably it will not be necessary to carry on the discussion further with regard to the original Resolution which was moved by my Hon'ble friend, Mr. Khaparde. It will be within the recollection of the Council that, when this Resolution of my Hon'ble friend, Mr. Khaparde, was under discussion, a sharp divergence of opinion between the non-officials and the officials was brought out with regard to this matter. I realise that the question is one of great importance affecting large interests, and it is for that reason that I have decided to move the amendment in the shape in which it has been presented to the Council to-day. I do not wish to enter into any controversial matter, and I am particularly anxious to avoid raising any issues which might lead to any unnecessary discussion, though if it were necessary for me to enter into any such discussion, I would say with all respect to my Hon'ble friend, Mr. Kincaid, that I was not prepared to accept many of the statements he made in the course of his speech. However I shall not say anything further on that subject. The Council are aware that there has been for many years past

a very strong feeling in the Indian community that the Arms Act, or rather the rules and regulations framed under it, imply a stigma upon Indian character and status, and so far as the Indian community is concerned, it has been anxious that that stigma should be removed at the earliest possible opportunity. There is no doubt about the strength of the feeling that the racial distinctions observed under the Arms Act are, to the Indian mind, very obnoxious, and the sooner the Government decide to remove those obnoxious provisions, the better for all concerned. There is no doubt, I repeat, about the strength of feeling on that point, and I wish to put it in the forefront of my argument. At the same time, I realise that the interests of public safety cannot also be forgotten, and it may be that, when the question is taken up and seriously considered it may be found desirable or necessary to impose certain restraints with regard to the character of the arms, or with regard to the character of the people, or with regard to the area within which those changes should come into operation. It may further be that it will be found necessary or desirable to revise the rules with regard to the manner in which the licenses are issued or to the extent to which they are operative. These are questions which require careful consideration, and it is for that purpose that I have considered it necessary that the question should be referred to a Joint Committee of officials and non-officials so that the question may be thoroughly gone into. Now I do not wish to commit myself to any particular opinion with regard to any one of the questions which I have indicated just now. I may, however, say that since the debate on this subject took place on the last occasion, some of us were invited to an informal conference by the Hon'ble the Home Member with a view to discuss some of the provisions of the Arms Act and the rules and regulations thereunder. We have had that discussion, and I do not think that it will be proper for me to refer at the present moment to the proceedings of the informal conference, but I do venture to think that it is by no means impossible; on the contrary, I think it is very probable that if a conference of officials and non-officials sits together to consider the various details of this question, we may come to a settlement which would be acceptable, not only to the Government, but also to the non-official Members of this Council. It is with that object that I have ventured to move this amendment. I do not wish to raise, as I have already said, any sharp controversial issues on this occasion, but I wish it to be clearly understood that on the point of equality between one race and another race, we shall have no compromise, and I venture to think that none of my non-official colleagues will be prepared to enter into any compromise on this point. Let there be perfect equality between one race and another so far as the provisions of the Arms Act are concerned, and then consistently with public safety you may amend the rules and regulations in any manner that the Government may decide upon the recommendations of the Joint Committee. It is in that spirit and with that object that I have ventured to move this amendment, and I earnestly ask my Hon'ble friend Mr. Khaparde to consider whether he would be prepared to accept the amendment which I have just put before this Council.

**THE HON'BLE MR. G. S. KHAPARDE** —I have considered this matter and talked it over with my friends, and the general view appears to be that the amendment to appoint a Joint Committee suggested by my Hon'ble friend, Dr. Sapru, should be accepted. I am therefore, inclined to accept the amendment for a Joint Committee, and in doing so I wish to explain only one point, and that point is this. In my speech introducing this Resolution, I did not specially refer

to the racial question for this reason, that we do not seek to deprive any body of the privileges which they have already got. My point is that we should share in those privileges; so we deprive nobody of the privileges which they enjoy at present, but we only increase the number of persons that are so privileged; therefore I did not introduce the racial question into this Resolution. Subject to this, I am willing to accept the amendment moved by my Hon'ble friend Dr. Sapru.

THE HON'BLE SIR WILLIAM VINCENT :—It would have been more in accordance with the rules if notice of this amendment had been given before the date fixed for the discussion of the Resolution, but I have no wish to press that point now, and on behalf of the Government I am quite prepared to accept it. At the same time, I should like to explain why I do so and to deal with one or two points which have arisen in this debate. In my speech on the last day on which the Council sat, I explained that the Government intended to hold a conference of this nature, to discuss what modifications in the Arms Act or the rules and regulations framed thereunder were necessary, and immediately after the debate, I proceeded to convene a Conference of this kind at which, I think, a certain amount of useful work has been done. I have therefore no objection to accepting the amendment which is proposed by the Hon'ble Dr. Sapru, as it really gives effect to what I myself undertook to do and have in part done. At the same time, I am afraid I cannot admit that there was any sharp divergence of opinion in this Council as to the propriety of accepting Mr. Khaparde's Resolution. There may have been differences of opinion on points of detail and arguments put forward by different Members, but I cannot remember any one supporting the Resolution in the form in which it was put forward or that there were divergent views on this point, and the very fact that the Hon'ble Dr. Sapru proposes this amendment indicates to my mind that he has some hesitation as to the merits of the original Resolution. I agree with what he has said as to racial distinctions, and it is our intention, in fact it is more than our intention, it is a definitely accepted principle, that those distinctions shall be done away with as was announced by His Excellency last year. \* \* \*. The amendment proposed by the Hon'ble Dr. Sapru was put and agreed to and the Resolution was then put to the Council and adopted in the following form :—

'That this Council recommends to the Governor General in Council that a Committee of official and non-official Members of this Council be appointed to consider and report to the Governor General in Council to what extent the Indian Arms Act and the rules thereunder can be amended.'

*As a result of these discussions the following Resolution, (No. 2125-C., dated the 21st March 1919), was published by the Government of India.*

For many years past the administration of the Arms Act has been the subject of adverse criticism, mainly because European and East Indian subjects of His Majesty are exempted from the obligation to take out licenses for the possession of firearms while Indians, outside certain privileged classes, have to apply for licenses and even if successful in their applications, can, in most cases, obtain them only after enquiries as to their status and character. The Government of India have for some time past been anxious to remove this racial discrimination and to minimise the delays and inconvenience which necessarily attend the present system of administering the law, and they have had prolonged

correspondence with local Governments on the details of this intricate and difficult subject.

2. Some critics of the existing system demand the repeal of the Act, or in the alternative its administration on a purely fiscal basis, whereby any one desiring a license could secure it without question, on payment of the prescribed fee. The Government of India doubt whether the serious objections to so simple a solution of the problem have been fully realised by those who advocate it. In their responsibility for the maintenance of order and tranquillity the Government of India are bound to take into account the effect which an unrestricted dissemination of firearms throughout the country-side might have upon serious crime. They cannot overlook the likelihood of such weapons being freely used in the dacoities, faction fights, and agrarian and religious riots which figure so frequently in the records of our criminal courts. In more than one province fire-arms illicitly obtained have during recent years played an appreciable part in serious crime, and the Government of India cannot contemplate with equanimity the similar use of such weapons in other provinces. They apprehend that if there were no restrictions on the possession of fire arms by lawless characters, such an increase in crimes of violence might ensue as would endanger the security of the country, and that it would be necessary largely to increase the number of armed police and to improve their equipment.

3. The Government of India have decided, therefore, that the question cannot be dealt with on these lines. They have considered the possibility of abolishing all exemptions and requiring every one from the highest authorities downwards to take out a license for the possession of fire-arms. Enquiries showed the objections to this course. There is every reason to believe that a general cancellation of exemptions would be regarded as withdrawing a valued privilege if not as a mark of mistrust.

4. After repeated examination of the question the Government of India decided that the best chance of solving the problem lay first in rigidly restricting the number of exempted persons and, secondly, in arranging that persons of recognised status and character should, without distinction of race, ordinarily be entitled to obtain licenses for the possession of firearms without enquiry or delay. While details were still under discussion the following resolution was moved in the Imperial Legislative Council and accepted by Government on the 19th September 1918 :—

This Council recommends to the Governor-General in Council that a Committee of official and non-official members of this Council be appointed to consider and report to the Governor-General in Council to what extent the Indian Arms Act and the rules thereunder can be amended.

The whole question was then laid before a Committee composed partly of official and partly of non official members of the Council, and the Government of India are now in a position to formulate the conclusions reached after examination of the report of this Committee. These are as follows :—

(1) All arms other than firearms and also firearms of an obsolete character possessing a purely antiquarian value will be exempted from all the prohibitions and directions contained in the Arms Act, except in Burma, the Punjab and the North-West Frontier Province, provided that any local Government may retain the existing restrictions for particular weapons or in particular areas where such a course is necessary in the interest of law and order.

(2) All distinctions of a racial character will be abolished, but a restricted schedule of exempted persons as appended hereto will still be retained, the privilege being subject to the same restrictions in respect of the number and description of weapons as at present.

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(3) Exempted persons will not be required to register their weapons but power will be reserved to the Government of India and the local Governments and Administrations to require the registration of rifles, revolvers and pistols in the possession of such persons where necessary.

(4) The great land-holders included in entry (6) of the schedule appended, who at present enjoy exemption in respect of weapons in the possession of their retainers, will in future be allowed exemption in respect of a fixed number of retainers whose weapons will be registered annually as retainers' weapons, their number and description only being specified.

(5) To persons of approved character and status licenses for the possession of rifles (other than those of prohibited bores) and smooth bores will ordinarily be issued on application and without previous enquiry. It will be for local Governments to prescribe for each province the qualifications entitling any person to this privilege, but subject to any such orders the Government of India consider that the following qualifications should be sufficient.—

(i) Membership of any order established by the Crown, or the possession of a title conferred or recognised by the Government of India or of the Kaiser-i Hind Medal or a certificate of honour.

(ii) Membership, past or present, of the Indian or a Provincial Legislative Council or inclusion in the list of Provincial Darbaris.

(iii) Payment of not less than Rs. 1,000 per annum land revenue or Rs. 250 in road and public works cesses.

(iv) Payment of income-tax on an income of not less than Rs. 3,000 for a period of three years.

(v) Being a Government officer in receipt of not less than Rs. 250 per month.

(vi) Being a commissioned or gazetted officer of His Majesty's Military or Naval Forces or His Majesty's Indian Marine Service or a commissioned Indian officer of the Imperial Service Troops in active service.

(vii) Being a pensioned officer who before retirement was by virtue of his official position included in any of the classes described in (v) or (vi) above.

(6) Persons who have hitherto enjoyed exemption but are not included in the new schedule of persons exempted will be required to take out licenses, but it will be open to the local Government to treat them as entitled to the privilege described in clause (5) above, provided that there is no race discrimination.

(7). The following changes will be made in the rules regulating the issue of licenses.—

(i) Licenses for revolvers and pistols will be issued only in cases of real necessity and to persons of approved character, the fee being fixed at an enhanced rate of Rs. 10 except in the North-West Frontier Province where no change will be made.

(ii) For a license in Form XVI the fee will be raised to Rs. 5 for each breech-loading weapon but will remain unchanged for muzzle loaders.

(iii) Licenses will be granted, if so desired, for an extended period of three years on a compounded fee subject to the existing conditions regarding the report of loss and transfer of the weapon, and subject further to the proviso that the local authorities shall have the right to enquire whether the weapon for which a license has been granted is still in the possession of the license-holder.

(iv) Special instructions will be issued to afford facilities to agriculturists to obtain licenses for the protection of crops or cattle and to secure that they are not withheld without good cause.

(v) Licenses, other than those for the protection of crops or cattle when issued at the license holder's place of permanent residence will be valid throughout British India, except Burma, Assam and the North-West Frontier Province, subject to any restrictions that may be necessary in regard to any particular province.

(vi) Licenses will not only be issued by District Magistrates but also by such Sub-Divisional officers as the local Government may specially empower in this behalf. For the purposes of enquiry preliminary to the issue of a license, other agencies will, where possible, be employed in addition to or in substitution for the police.



The necessary modification of the rules and schedules in order to give effect to these decisions is now being undertaken, but in order to give persons, who are exempted at present but will not be exempted in future, time to adjust themselves to the new conditions, the changes in the list of exempted persons and the enhancement of fees will not take effect until 1st January 1920.

DRAFT SCHEDULE OF EXEMPTED PERSONS.—OMITTED.

*Extracts from the Proceedings of the Imperial Legislative Council relating to the Indian Arms (Amendment) Bill. (11th September 1919).*

THE HON'BLE SIR WILLIAM VINCENT moved for leave to introduce a Bill further to amend the Indian Arms Act, 1878, and said that :—if Hon'ble Members will look at the Statement of Objects and Reasons attached to the Bill, (see page 13 of the Manual) I think they will find there expressed more lucidly than I can explain them the reasons which have led the Government of India to undertake this legislation. Under section 16 of the present law a person who has arms in his possession without a license or the possession of which is unlawful for any reason, has to deposit the arms at the nearest police station, and unless he can get a license to possess them within a specified period, the arms are forfeited to Government. We now propose in lieu of this provision to provide that a person who is not entitled to possess arms by reason either of his exemption being withdrawn or his not having obtained a license, may deposit the arms either at a police-station or, subject to any conditions that the Local Government may prescribe, with any licensed dealer. He will then have an opportunity within a reasonable time of disposing of the arms in any way he thinks fit or of getting a license if he so wishes. It is only on his failure either to dispose of the article or get a license within the prescribed time that the arms will be sold. The last clause of the Bill is really a decentralising clause enabling the Local Government to make rules to carry the new provisions of the law into effect.

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THE HON'BLE PANDIT MADAN MOHAN MALAVIYA opposed the motion and observed that :—it has long been a matter of complaint to the Indian public that there is an invidious distinction drawn between Indians and Europeans in the matter of the possession of arms. The Government have now decided to remove that invidiousness, and they have framed certain rules for that purpose. But that was only one point of complaint in relation to the administration of the Arms Act. The second point was that arms should be available more freely to Indians, as freely as to Europeans. Now, that is the effect of the rules which the Government of India has made. This Bill is now brought forward before the Council in order to deprive a number of persons of the right. He proceeded that—the limitations which have been imposed by the Resolution of the Government of India to which reference is made will show that many persons who were free to possess arms without a license will not be able to do so hereafter. The taking out of licenses will be necessary and that is essentially a curtailment. The Statement of Objects and Reasons says : "The changes in the administration of the Indian Arms Act, 1878, which were announced in the Government of India (Home Department) Resolution No. 2125-C, dated the 21st March 1919, are to come into

force on the 1st January 1920. One of the changes is a curtailment of the list of exempted persons; and there are probably a number of persons now in lawful possession of arms and ammunition, of which the possession by them will become unlawful by reason of that curtailment." I submit that if a curtailment of the right to possess arms is to be brought about, there ought to be an opportunity given to this Council to discuss the matter. If a Bill is introduced which, without allowing a discussion as to the propriety of the curtailment, seeks to make provision for that curtailment being given effect to, I submit, it is open to exception. The proper course is that the whole policy which is involved in the Resolution of the Government of India referred to above should be considered by the Council and the administration of the Arms Act be put upon a sound and satisfactory basis

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THE HON'BLE MR. SHAFI replied:—I was somewhat surprised when I heard my friend the Hon'ble Pandit Madan Mohan Malaviya say that he opposed the introduction of this Bill. Now, if he had carefully perused the main section in the Bill and compared it with the corresponding section in the Act of 1878, which this particular section is intended to amend, he would have found that the present Bill is a liberalising measure, and, in consequence, I am perfectly certain that he would not have adopted the position which he has done this morning. It seems to me that he has really not compared section 16 of the old Act, which it is intended to amend, with clause 2 of the present Bill. Now, Hon'ble Members will see, if they refer to section 16 of the old Act, that this is what is laid down therein:—'Any person possessing arms, ammunition or military stores the possession whereof by him has in consequence of the cancellation or expiry of a license or by the issue of a notification under section 15 become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.' This is the provision embodied in section 16 of the old Act, and it is this provision which is intended to be amended by clause 2 of the present Bill, and if my Hon'ble friend had carefully read sub-clause (1) of clause 2 of the present Bill, he would have seen that what the proposed enactment intends to bring about is this, that under the circumstances specified in clause 16 of the old Act the person who is in possession of arms and has no longer the right to keep those arms in his possession may, in addition to what he is required to do by clause 16 of the old Act, also, at his own option, instead of delivering the prohibited weapons at the police-station, go to a licensed vendor and deposit the weapon with him. That is to say, the proposed enactment saves him the trouble, the worry and occasionally the vexation which results when Indian subjects have to go to police stations in order to obey the directions of law. Instead of going to the police-station, he can go to a private licensed vendor and say to him under the new law: 'I have no longer the right to keep this weapon in my possession. Will you please sell it for me and let me have the sale proceeds.' Without comparing the provisions of the old Act with the provisions of clause 2 and then bringing in irrelevant matter which has nothing to do with the Bill before the Council but may have some reference to the general policy underlying the Arms Act which would be the subject-matter of discussion only if a new Arms Act were to be before the Council and if we were passing a new Arms Act, I submit, is really taking up a position which is entirely irrelevant to the subject-matter of the discussion before us.

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THE HON'BLE SIR WILLIAM VINCENT :—I think that the discussion on this Bill, which is really a harmless measure intended to facilitate the disposal of arms by persons who happen to possess them without authority, has gone a little astray. The sole object of the Bill is to make things easier for such persons, and it has nothing to do with any general question of policy. It is of course open to Hon'ble Members on a Resolution properly framed to criticise the policy of the Home Department Resolution on the Arms Act, which was recently issued. Any member can move a Resolution on that point any time, but this present Bill in no way affects the policy involved or the time at which the Resolution will come into effect. The new policy will come into effect on the 1st of January of next year. We postponed the introduction for one year in order to give time to those affected; but all that this Bill does is to say that persons who would otherwise be prejudicially affected by the change of policy involved in that Resolution shall receive certain facilities and be saved inconvenience. The motion has however been used as an opportunity for attacking the Home Department Resolution by the Hon'ble Mr. Malaviya who said, *inter alia*, he thought that the Government of India should never have changed the policy in relation to the Arms Act without previous consultation with the Members of this Council. I do not wish to discuss the question of policy, but may I remind Hon'ble Members of this Council that last year we had a discussion of this subject and immediately afterwards there was a prolonged sitting of official and non-official Members of this Council. \* \* \* \* \*

THE HON'BLE PANDIT MADAN MOHAN MALAVIYA :—Then, I oppose the motion \* \* \* \* \*. The reasons I have tried to explain briefly are these, that the policy which underlies the Resolution which the Government of India issued and to which reference is made in the Statement of Objects and Reasons of the Bill, ought to have been discussed before this Council. By this Bill being introduced in the way in which it is being introduced, Members of this Council are being deprived of the opportunity of discussing the policy of that Resolution. As the grievance relating to the Arms Act is a long-standing one, I very respectfully submit to the Government of India that it would be wise, it would be right, if the Government would give this Council the opportunity of discussing the policy of that Resolution before publishing this Bill in the gazette; as a result of that discussion Government might think it fit to amend the Bill before asking that it should be published in the Gazette of India.

THE HON'BLE SIR WILLIAM VINCENT :—I wish to point out one fact only, and that is that the effect of negating this motion would be that Bill would have to be brought before this Council for consideration without having been published, without the public having any opportunity of expressing an opinion on it. That, I think, is a result which even the Hon'ble Member however much he may seek to abuse his privilege as a Member of this Council, can scarcely desire.

The motion was put and agreed to.

The motion to consider and pass the Bill was also agreed to and the Bill was passed as Act XX of 1919 and included as section 16 of the Act [Page 27.]

*a brief narrative of the Rules with Notes, Comments and Miscellaneous Orders.*

The first set of Rules under the Indian Arms Act, XI of 1878, was published with the Home Department Notification No. 518 dated the 6th March 1879, and circulated to Local Governments with an Explanatory Memorandum of the same date. These rules, with such modifications as the circumstances demanded, continued in force for a period of about thirty two years. But the frequent alterations rendered them so unwieldy and confusing that their revision in an intelligible form was found to be necessary. Accordingly they were drafted in the present form in 1909, and published with notification No. 3102 dated the 16th August 1909, with a statement of the more important changes effected in them.

As in the case of the Rules of 1879, additions and alterations again began to follow in order to remove the defects discovered from time to time and a revision again became unavoidable. Later on the matter was pressed upon the attention of Government by a resolution moved in the Legislative Council in September 1918 by the Hon'ble Mr. Khaparde. Accordingly the Government of India announced the intention of altering them in the direction indicated in their resolution No. 2125-C., dated the 21st March 1919, and published the new rules with notification No. 1 dated the 1st January 1920, in the Extraordinary Gazette of the same date. On the 8th February 1922, Baba Ujagar Singh Bedi moved a resolution in the Legislative Assembly for the appointment of a Committee to examine the Arms Rules of 1920 and to submit a report making specific recommendations with a view to further amend them. This resolution was accepted subject to certain reservations.

The Committee submitted its report on the 6th November 1922 and the orders of the Government of India (resolution of the 3rd November 1923) with the revised Indian Arms Rules, 1924, (Notification No. F. 829-1-23 of the same date) were published in the Gazette of the 10th November 1923. The Committee had devoted its attention mainly to Schedule I relating to the persons or class of persons exempted from the operation of sections 13-15 of the Act and certain other matters leaving the examination of "a number of technical points and minor errors and omissions" to a special officer whose appointment was suggested in paragraph 34 of the report. This suggestion was disposed of in paragraph 20 of the Home Department resolution of the 3rd November 1923. Some minor errors and omissions however continued which were subsequently corrected by a series of amendments and corrections. The executive instructions which were, from time to time issued by the Government of India either as explanatory to the main Rules, for the guidance of administrative officers, or for the information of the public or licensed vendors, evidently escaped consideration. Some of these instructions which are published in the provincial compilations are referred to below.

I. *Page 17, section 1.* (1 This section was amended by Act XLIX of 1920, and the words "or a member of either of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920" were substituted for the words "or a volunteer enrolled under the Volunteers Act, 1869." Under rule 46(18) (page 91) and schedule VII (page 107) "any person

who was enrolled as a member of a corp. of Volunteers under the Indian Volunteers Act, 1889," is however entitled to obtain a licence in Form XVI free of licence fee.

(2) Under this section any person can possess, etc., arms, etc., in course of his duty—but heads of departments are prohibited from granting permits or passes to their subordinates to carry arms not required for duty. (H. D. letter No. 1594 dated the 7th October 1895.)

(3) No licence is required for the export of arms, ammunition or military stores issued to Native States from British arsenals under the orders of Government. Each consignment however should be covered by a certificate signed by the officer in charge of the arsenal, to the effect that it is exported by order of Government under section 1(b). (For. Dept. No. 1896 I, dated the 2nd June 1890).

(4) The G. G. in C. has decided that the following arms shall comprise the equipment of the officer of the Army or Royal Air Force for the purpose of this section.

Officers holding Commissions from His Majesty the King.		Officers holding Commissions from His Excellency the Viceroy.	
1 sword	...	1 sword.	
1 revolver and one pistol.	{ Of no special pattern but must take Govt. ammunition of .455 bore. }	1 revolver Webley .455 bore.	
1 Dirk	{ Highland Regiments only. }	1 Kukri (Gurkha and Garhwali Regiments only).	
1 Skeen Dhu			

(H. D. letter No. F. 21-XXX 23 dated the 15th March, 1924)

II. *Page 20, section 4, Note (19).*—(1) In L. B. R. 1893-1900-416, (Nga Ne U) it was held that the Arms Act does not empower the Government to define what is an arm within the meaning of the Act. This decision has reference to the *Daks* included in Schedule II, and probably affects the entry relating to *Kirpans* in the same Schedule. In April last (1924) it was reported in the Press that Mr. Justice S. Harrison, and Mr. Justice Scott-Smith, of Lahore High Court, have disposed of an appeal in a *Kirpan* case. Their lordships held that the word *Kirpan* could only be understood and read as meaning a sword and, therefore, a Sikh possessing or wearing a sword committed no offence. Consequently their lordships acquitted two Sikh accused who were convicted by the magistrate and whose conviction was upheld by the sessions judge.

III. *Page 22, section 5.*—(1) The sale of arms, ammunition or military stores is prohibited except under a licence and in the manner and to the extent permitted thereby. The only exception allowed is the sale of arms or ammunition possessed by a person for his private use, which is permitted subject to the observance of certain conditions specified in the second para. of the section. This exception would not cover the case of an agent to whom arms are made over for sale or commission. Sale by an agent in such circumstances would be illegal except under a licence. (Burma A. M. Bd 1922. 135)

(2) If an officer or soldier wishes to dispose of any arms or ammunition either by private sale or by public auction, he should ascertain that the would-



be-purchaser is a person entitled by law to possess the same, and if such person's name does not appear in the official Army or Civil List he should apply to the Magistrate or Deputy Commissioner of the District or the Local Political Officer, as the case may be, for permission for the transaction to take place. (I. A. R. 12 of 3rd Jan 1910) These orders were extended to Civil Officers. (H. D. No 902 dated the 20th Feb. and No. 6815 dated the 13th Dec. 1901, U. P. G. O. Nos. 1115 dated the 15th April and 1751 dated the 1st June 1901)

(3) All arms and ammunition and articles of this nature found among unclaimed property in the possession of Railway Companies should be sent to the nearest magistrate for sale on the understanding that the sale proceeds will be made over to the railway authorities. (Govt of India letter No 2108 R. T. dated the 3rd Dec 1908).

(4) Attention is invited to N. W. F. T. admtn circular letter dated the 30th March 1922 [para VIII of Local Rules and Orders, N.W.F.P. on page 199.], on the subject of reporting to the officials in that province, details of all sales of arms or ammunition to persons belonging to the province, purchasing arms in other provinces.

IV. 23, section 6.—Any person "lawfully entitled to possess arms" can import into British India or take out of the country with him or send out any arms or ammunition, without any special licence, provided these are of reasonable quantity, are for their personal use and their possession is covered either by a licence or by exemption.

V. Page 24, section 10 —There are two conflicting orders defining the term 'transport,' Vide notes (1) and (2) under rule 25 (page 80) and para 4 of Madras Rules (page 147)

VI. Page 27, section 16 —was substituted by Amendment Act XX of 1919, and the rules frame thereunder will be found in Local Rules and Orders.

VII. Page 29, section 19.—Under Schedule II of the Code of Criminal Procedure, 1898, offences under this section are bailable and triable by a Court of Session, Presidency Magistrate or Magistrate of the first class.

(3) Page 30, section 19 —Notes (6) and (7) contain contrary rulings, as regards the use of a gun by the servant of an exempted person.

VIII (1) Page 37, section 24.—(1) The discretionary power of confiscating arms should be considerably used. (U. P. G. O. No. 454 dated the 14th March 1887).

(2) See Kottuva Rowther, 15. Cr. L. J. 21—(page 37)

(3) Under the orders contained in the Home Department letters No. 1404 dated the 11th June 1907 and 1628 dated the 9th October 1907 confiscated arms, ammunition and military stores may be sold to licensed dealers or to other persons entitled to possess them, and such rifled firearms or rifled barrels as are to be destroyed must be sent to the nearest Ordnance officer to be broken up, and may no longer be destroyed locally.

IX. Page 39, section 28.—All magistrates are requested to cause the provisions of section 28 of the Act to be widely notified in their district, in order that the public may be made aware of the responsibility that the law imposes

upon them with regard to giving information of offences under the Act.. (U. P. G. O. No. 28 dated the 27th Feb. 1879)

X. *Page 39, sections 29 and 30*—apply to proceedings instituted under s. 19 (f). When the case falls within s. 20, of the Act, ss. 29 and 30 do not apply either to the search for arms to the arrest of the possessor or to the sending of the case for trial before a magistrate. As there are no special provisions governing cases under s. 20, the effect of s. 5 of the Cr. P. C. is that the police must act under that Code, which treats cases punishable with imprisonment for three years and upwards as cognizable. In cases to which s. 20 applies magistrates will have to be guided by it, but that section does not restrict the action of the police under the Cr. P. C. in cases which fall within s. 20 .... (Burma A. M. Edn. 1922, 132.)

XI. *Page 69, rule 3 (d)*.—The rule authorises the withdrawal of the privilege granted to certain persons. Under the old rules the privilege ceased to apply to certain persons who come within the duties in the Schedule annexed to the present rules.

XII. *Pages 70, 74, 78, 83, rules 5, 14, 23 and 30*, and licence form I, (page 108) relating to import, export, transport and possession of cannon, do not provide for the payment of licence fees. It is evidently an anomaly and has evidently escaped consideration in connection with the question of fees discussed in para 14 of the resolution of the 3rd Novr. 1923 (pages. 63-64.

(2) *Note*. Rule "27" quoted in the heading of licence form II on page 107 is a misprint for the figure "30"

(3) Licences to possess cannon are "personal" (Vide note under rule 30 on page 84)

(4) No licence should be granted under rule 17 in form VI (Licence for the export of arms and ammunition) to a State in political relations with the Local Government authorising the export of cannon, without a previous reference to the Government of India; as it is not intended to alter the existing practice in this respect. (Bengal order No. 4523-27 P. J. dated the 31st Dec 1919).

XIII. *Page 70-74, rules 5 to 14*. (1) Import and export of arms. For C and I Dept. No. 5377, dated the 20th July 1919, see page 23

(2) When arms and ammunition are simultaneously imported, a licence under the Arms Act is necessary for the import of arms and another, under the Explosives Act, for the import of ammunition, irrespective of the question whether a licence under the Arms Act has been obtained or not. (Govt. of India letter No. 4638, dated the 6th Aug. 1901).

(3) All articles of the foreign *parcel* mail imported into India and declared or suspected to contain arms and ammunition are scrutinised by the Customs authorities. Such articles as are found to have been imported in contravention of the terms of Notification No. 5377, dated the 26th July 1919 (page 23), are detained by the Customs authorities and dealt with in accordance with the provisions of section 167 (8) of the Sea Customs Act, 1878 (VIII of 1878),

any arms that are confiscated under this section being disposed of in accordance with the rules in force for the disposal of confiscated weapons. Parcels which on scrutiny by the Customs authorities are passed by them are handed over to the post-office for delivery to the consignees. Inward foreign articles of the letter mail found to contain arms and ammunition are forwarded by the post-office of delivery to the chief port of the Presidency or province nearest to that office to be there made over to the Customs authorities who then deal with them in the manner above prescribed for the treatment of parcels. The foregoing instructions do not restrict in any degree the discretionary powers exercised by the Customs authorities under the existing provisions of the law. (C. and I. No. 525-527-17, dated the 24th Jan. 1911.)

(4) The transmission of arms and ammunition in foreign postal articles forwarded by other postal administrations in open transit (*a decouvert*) through the Indian Post-office is prohibited. Articles of this class should be returned to the country of origin. Transit articles of the foreign mail, the contents of which although falling under the head of "arms and ammunition" as defined in the Indian Arms Act, are in themselves quite harmless may, however, at the discretion of Postmaster-General be transmitted to their destinations. (C. and I. No. 8072-8074-55, dated 29th Sep 1913.)

(5) Cantonments and other administered areas and Railway lands in Native States are foreign territory, although British jurisdiction is exercised in them, and consequently licences are necessary for the export of arms and ammunition to such places. (Bengal Manual, 111.)

(6) The Moyapur warehouse is declared to be a warehouse for deposit of ammunition. (For Bengal Notn of the 24th March 1879.—See note to s. 7 of the Act, page 24.)

(7) The importation of rifles with "Sub-target rifle machines" is prohibited. (H. D. No 2516-19 dated the 8th November 1906.)

XIV. *Page 70, rule 7.* (1) There seems to be some confusion in regard to this rule so far as the importation of rifles of .303 or .450 bore is concerned. It was stated, in Home Department letter No. 2168 74 dated the 11th September 1906 that no prohibitions should apply to persons in possession of rifles of .303 or .450 bore which were lawfully (i.e. with the special sanction of the Government of India) imported into British India before the 28th October 1906. In the case of rifles of .450 the date was extended to the 1st May 1907 by letter No. 454-66 dated the 14th February 1906 (vide U. P. Manual old Edition). In order to make the prohibition absolute the phrase "with the special sanction of the Governor General in Council" was omitted in the rules prepared in 1909, and this intention is clear from rule 7 (a)—the provision of rule 7 (b) refers only to rifles "of any other bore." The result of these orders is that no rifle of .303 bore (with the exception of those covered by Schedule I (8)), or .450 can be legally imported into India after the 1st May 1907.

(2) An exempted person may, without an order or licence, import rifles of a non-sporting character through an agent when the arms are consigned to him direct, or when if the arms are consigned to an agent, the latter obtains a certificate from the exempted person that the imported arms are bona fide his

property, and the agent only clears them at the Customs house and forwards them to him (H. D. No. 1957 dated 20th August 1906.)

**XV. Page 76-77, rule 17.** All Political officers are authorised to grant licences for the export of arms and ammunition from British territory, in reasonable quantities, for personal use to the native chiefs under their charge and to any of the nobles and high officials of the native states to which they are accredited, whom they may consider entitled to this privilege. Such licences will, of course be granted after due inquiry, where necessary, and it will be within the discretion of the Local Governments to whom the Political officers are subordinate to decide whether in particular cases a previous reference to them should not be required. The object of this rule is to remove any unnecessary difficulties in the way of the supply to chiefs and other persons of rank of ordinary sporting ammunition. (F. D. No. 1171 P. dated 31st January 1880 and No. 759-G., dated 20th September 1882)

(3) The application of native chiefs (who dwell outside British India and export it to their own territories) for licences under this rule are exempted from the fees usually levied (F. D. No. 448-I. P., dated 21st May 1881.)

(4) No Political officer shall issue a licence in Form XIX (old) covering more than 30 armed retainers without previous reference to the Local Government of the province in which the licensee proposes to travel. In the event of a Local Government dissenting from the recommendation of a Political officer not serving directly under their orders, it would still be open to him for sufficient reasons to refer the matter for the consideration of the Government of India. Armed retainers should be discouraged as much as possible. (F. D. No. 2733-I., dated 8th July 1889.)

(5) In the case of applications for licences for the export of arms and ammunition to Indian States from Calcutta received from persons of either of the following categories :—

- (1) Ruling princes and chiefs ;
- 2) Members of their families, nobles and officials of states who have been designated in this behalf by the Local Government of Political officer concerned, —

the Deputy Commissioner of Police, Calcutta, should issue the licences in accordance with the rules with as little delay as possible. Copies of such licences should be sent to Political officer in due course, as provided by rule 17(3) of the Indian Arms Rules 1920 (now Indian Arms Rules, 1924). (F. and P. D. No. 292-C., dated the 5th February 1920.)

**XVI. Page 83, rule 29.** See para XII above.

**XVII. Page 84 Rule 31.** Outside the provinces of the Punjab, Burma and Delhi licences are not generally required to cover possession of arms other than firearms, e.g., swords, sword-sticks, bayonets, daggers, spears, etc. The provincial Governments have issued orders on the subject which will be found under Local Rules and Orders of the several provinces.

(2) The possession of Government arms and ammunition is prohibited *vide* conditions of license forms. Attention is also invited to the following

extract from the letter of the Government of India No. 848 dated the 6th May 1896 :—

Two cases have recently been brought to the notice of the Government of India which showed that the regulations restricting the possession by private individuals of Government arms and ammunition are at present imperfect. In one a native shopkeeper in a city bazaar was found selling Government Martini-Henry rifle ball ammunition, and in the other a native purchased a Martini-Henry rifle which had been stolen by a peon from a Volunteer Corps. No legal proceedings were instituted in the first case, because the Law officers of Government were of opinion that the possession by a civilian of Government ammunition was not necessarily illegal under the existing law. In the second case, proceedings were at first instituted against the purchaser under Act XI of 1878, but the case was subsequently withdrawn, as it was thought that a prosecution could not be successfully maintained either under the Arms Act or the Penal Code.

2. Troops in India are constantly subject to thefts of arms of precision, and as these arms are of little or no use without their special ammunition, it is considered by the military authorities highly important to prevent such ammunition from becoming generally available.

It is evident, however, that in cases in which it may be desired to prosecute for the illicit possession of Government arms and ammunition, the *onus* of proving that such arms and ammunition are the property of the State will lie with Government, unless it can be shown that they bear a well-known distinguishing mark. It appeared, therefore, to the Government of India necessary that some easily recognizable Government mark should be stamped upon all Government arms and small-arms and machine-gun ammunition, whether manufactured in England or in India, and also that Government arms which have been sold or given away should be suitably marked so as to show that they have ceased to be the property of Government.

3. It has been arranged with the Secretary of State for India that in the case of small-arm and machine-gun ammunition manufactured in England for use in India each cartridge will in future be stamped with the Government mark on the base. Arms obtained from the War Office in England bear the mark † and those provided by the India Office, London, are marked †. I am to append statements containing complete information as to the distinguishing Government marks on Government arms and ammunition, whether manufactured in England or in India. All arms which are sold or given away, and which thus cease to be the property of Government, will be distinguished from Government arms by bearing the mark of inverted arrows together with the Arsenal monogram and date of issue in the places indicated at the end of the last statement.

4. Instructions should be now issued to district and other local authorities with a view to the prosecution, under the provisions of the Indian Arms Act, 1878, of persons who may be in possession of arms and ammunition which are the property of Government.

XVIII. *Page 84, rule 33*—(1) The licence to possess arms and to go armed on a journey are given in form XVI and persons should apply for it either personally or by post to the Commissioner of Police in the Presidency towns and elsewhere to the nearest District or Sub-Divisional Magistrate and persons ordinarily residing in an Indian State, who may have occasion to visit British India, should apply to the Political officer of the State. Licences in this form are originally granted for one year from the date of issue but can be made valid for a period not exceeding three years on payment of a compounded fee. Such licences may also be made valid for the whole of British India in order to minimise the inconvenience caused to persons moving from one district to another.

(2) The following instructions will be observed by the military authorities in respect of the private arms of British and Indian other ranks. Application from soldiers received direct by District Magistrates should be returned to be forwarded in accordance with this procedure.

*British and Indian soldiers who are still serving.*—Commanding officers will call for descriptive returns of all private arms in possession of the warrant and non-commissioned officers and men of their units.



Nominal rolls will then be prepared of soldiers of good character whose exemption from the payment of license fees is recommended.

An application, accompanied by a copy of the nominal roll and full descriptions of the private arms, will then be submitted to the civil authorities concerned for the issue of the necessary licenses.

*Indian soldiers about to be transferred to the pension establishment or the reserve* :—In the event of a soldier wishing to keep his private arms, after leaving the colours, he should be required to fill in, in duplicate, a form giving full descriptions of the arms in respect of which he desires exemption from payment of license fees.

The commanding officer will endorse his recommendation on both copies of the form and will make over one copy to the soldier and despatch the other direct to the civil officer concerned.

*British and Indian pensioners and reservists* :—Will apply for exemption from payment of license fees through their commanding officers.

In the case of British ranks, the commanding officer will be as defined in the "Indian Addendum to the Regulations for the Army Reserved, 1911."

In the case of Indian ranks, the applications should be submitted through the officer commanding their late unit ; or depot, if unit is on field service.

(Home Dept. No 1998 dated the 11th Oct. 1920 and C.P. No 9 dated the 2nd Dec. 1920.)

Details of the fees chargeable for a licence in this form XVI will be found on reference to the heading of the form. Broadly they are :—

(i) for a breech-loading revolver or pistol Rs. 10 ; (ii) for any other breech-loading weapon Rs. 5 ; (iii) for any other weapon annas 8. These rates apply to a licence granted for the first time. On renewal, fees at half these rates, except in the case of the last named, will be charged.

There are, however, certain classes of persons who, in virtue of their past or present civil or military service have been exempted from the necessity of paying fees for licences in this form. Details of these will also be found in Schedule VII (page 107). Otherwise, where payable, fees may be paid either by means of non-judicial stamp affixed to the application or in-cash at the option of the applicant.

The prescribed fee of Rs 10 for a revolver or pistol is leviable in the case of breech-loading pistols and revolvers only. Muzzle-loading pistols fall under the category of "other weapons" mentioned in clause 1 (c) (iii), of the heading of form XVI of Schedule VIII. (Bengal Manual Ch. III, para. 19.)

**XIX. Pages 126 and 132, Schedule VII, Forms XVI and XX.** There are possibilities of danger in allowing a general license to carry arms to be granted in these forms to the retainers of license-holders as without an obligation on the part of the officer granting the license to specify the names and description of the retainers so covered. These forms were accordingly amplified in order to ensure that the names of all retainers with such particulars as were necessary for this identification are entered in every license. (Statement of Changes, 1909.)

The quantity of ammunition which a licensee may possess should in every case be entered in column 3 of the license ; but that the quantity thus entered represents the maximum which the licensee may possess at any one time. In respect of this point it appears that \* \* \* are in error in supposing that the entry of a given quantity of ammunition in column 3 of the license represents the absolute maximum which a licensee may possess throughout the year. That this view is incorrect, is shown by condition No. 6 of the license Form XVI, which contemplates that the Local Government should, if it considers necessary, fix an absolute maximum in excess of which licensees shall not purchase ammunition in the whole year. If the quantity to be specified by the licensing authority in column 3 of the license—which may and should vary with the circumstances of each case—

is to be taken to be the absolute yearly maximum, then it would be superfluous to provide for the fixing of such a maximum by special order of the Local Government. Nor does it appear to be the case that the entering of the quantity in column 3 of the license need cause inconvenience to dealers. So long as no absolute maximum has been fixed by the Local Government, as above explained, all that a dealer need do is to see that he does not supply to the licensee more than the specified quantity of ammunition at any one time and to endorse upon the license, as required by condition 5, the prescribed particulars as to the transaction. When, however the Local Government has fixed an absolute maximum quantity with reference to condition No 6 of Form XVI, thus limiting the amount a licensee-holder may purchase in a year, it becomes necessary for the vendor further to see by reference to the endorsements relating to former transactions whether the absolute maximum so fixed has been reached, and if it has, he must, under condition 6 of license Form XII, refuse to sell any more. There appears to the Government of India to be nothing unduly complicated or oppressive in these provisions (H D No. 4108 dated the 1st November, 1909.)

XX. *Page 85 rule 34.*—Form XVII, (page 126) has been introduced in view of para. 15 of the committee's recommendation and para. 11 of the Government of India resolution of the 3rd November 1923 to meet the case of persons arriving by sea at the ports in British India with fire arms as part of their luggage.

(2) Private individuals frequently wish to import fire arms into India as part of their personal luggage. If a licence covering possession in India has been obtained beforehand or if a person is one of an exempted class no difficulty arises as on production before the customs authorities of the licence, or proof if required, of exemption the arms can at once be cleared since in these cases no special licence to cover import is necessary. In the majority of cases, however concerning non-exempted persons, the arms are not covered by a possession licence and in cases of this kind where a person's final destination in India is not the port of arrival, a licence covering temporary possession during the period of the journey from the port of disembarkation to the place of destination can be obtained on payment of a fee of Re. 1 per weapon from the Commissioner of Police or District Magistrate at the port of arrival. This will enable an individual to take his weapons with him on his journey up country but on arrival at his destination he must take out a regular licence in the ordinary way. (G. of I Explanation of Rules.)

XXI *Page 86, rules 35-36,* (formerly 28 and 29 were framed with the object of making separate provision of the grant of licences for the possession of arms and ammunition and for going armed (1) for the destruction of wild animals which do injury to human beings or cattle and (2) for the destruction of the animals which do injury to crops or cattle. Licences in the former should be granted in Form XVII and in the latter form XIX. These two forms take the place of the old form XI which was in use prior to the rules of 1909]. The intention is that the license in form XVII shall be a *shikar* license and should be given to sportsmen or other persons whose object is to destroy dangerous wild-beasts. The licenses for the protection of crops or cattle should be issued in form XIX under the provisions of rule 36. Attention is invited to the second condition attached to this form of license, which provides that the licensee shall not go armed with any arms covered by this license otherwise than in good faith for the destruction or driving away of wild animals which do injury to the crops or cattle situated in the area specified in the license. The object of this restriction is to prevent guns, held under a crop protecting license, from being employed for the purpose of *shikar* or for the systematic and wanton destruction of wild animals in areas other than those in which the crops or cattle are situated. It is

hoped that by means of this provision the indiscriminate slaughter, of which complaints are frequently made, will be put a stop to while at the same time no obstacle will be placed in the way of the legitimate protection of their crops and cattle by cultivators.

(2) In order to cover the cases of Govt. arms which in some provinces it may be the custom to lend to private persons for the destruction of wild animals or for any other reason, a note giving the distinguishing marks and description of the arms lent should be made in the licence. (H. D. No. 537 dated the 16th March 1894.)

**XXII. Page 86, rule 37.**—(Form XX, page 132) Where a licence is valid only for the district in which it was granted and the holder wishes to carry his weapons on a journey or in cases in which the licensee wishes to go on a journey accompanied by his retainers who are accustomed to bear arms when accompanying him, a licence is required for which a fee of four annas is charged for all weapons except revolvers or pistols for which a fee of Rs 10 is exacted. A journey licence does not entitle the holder to use the arms covered by it for purposes of sport in the course of his journey. A licensee holding a district or provincial licence wishing to proceed to any place outside the district or province for sport should have his licence made valid for that place and for the journey thereto, or, get his licence made valid for the whole of British India.

(2) Under rule 42 (3) of the Indian Arms Rules, 1924, when the application for the renewal of a licence at its expiration is made in a district, other than that in which the licence was granted, the Magistrate (Commissioner of Police in Calcutta) of the district in which the application for renewal is made should communicate the fact of the grant or refusal of the application, as the case may be, to the Magistrate (Commissioner of Police in Calcutta) of the district in which the licence was granted. In the case of refusal the licence should be returned for cancellation to the Magistrate (Commissioner of Police in Calcutta) of the district where it was granted. In cases where a licensee-holder is transferred or removes his residence from one district or area to another during the period for which his licence is valid, the licence should not be cancelled, but the officer who granted the licence should, if there be no objection and, if necessary after making a reference, to the other district, endorse the licence under rule (29) (2) (b) of the Arms Rules, (now rule 33 (2) (a)) so as to make it valid for the district to which the licensee is transferred or has removed, no extra fee being charged for such endorsement. (H. D. Notn. No. 1633 dated the 6th July 1921 and Bengal G. O. 3605-10 Pl. dated the 27th Oct 1921.)

(2) In order to prevent the surreptitious introduction into a Native State by a person licensed to go armed on a journey of arms and ammunition of different character from that for which the licence was granted the description entered in column 3 of license form XIX (now XX) should be as clear and minute as possible. (For. Dept. letter No. 798 T., dated the 20th Feb. 1901.)

**XXIII. Page 89, rule 43.**—In matters affecting the administration of the Indian Arms Act, 1878, the following functions should be performed by District Magistrates personally—

(1) the grant of licences for pistols and revolvers; (2) the grant and cancellation of licences for all firearms; (3) the disposal of all cases in which a licensee

fails to produce the weapons when he is called upon to do so after purchase or at other times ; (4) the making of recommendations in all applications for exemption ; (5) the issue of licences to go armed on a journey ; (6) the issue of licences to deal in fire arms ; (7) the institution of all prosecutions under the Indian Arms Act, 1878 ; (8) the fixing of the quantity of ammunition to be allowed to a licensee in the case of weapons for which Government has prescribed a maximum limit ; (9) the disposal of confiscated arms ; (10) the inspection of unserviceable weapons ; (11) the grant of rewards in cases under the Arms Act ; and (12) disposal of applications for the inclusion of retainers under licences in Forms XVI and XX. A District Magistrate may, however, by a written order, delegate his duties numbered (5), (9), (10) and (11) to the Additional Magistrate where there is such an officer and entrust to a Joint, Assistant, or Deputy Magistrate the verification of the deposit of firearms when a licence is cancelled or an exemption is withdrawn. Bengal Cir. No. 826-30P., dated 28th Feb. 1913, and Res. No. 5073 p., the 25th Aug. 1911, and E. B. and A. letter No. 4097-4101 P. dated the 23rd Dec. 1911.)

For the powers and duties of police officers under the Arms Act.,-vide para. 22, Madras Local Rules and Orders (page 153)

XXIV. Page 90, rule 46 and Schedule VII, page 107. The omission as regards the payment of fees for licenses to possess cannon and rifles of prohibited bores is already noted in para XII (page 283)

(2) In exercise of the power conferred by rule 46 (3) the G. G. in C. has directed that the fee for licences to re-import shall be remitted in cases where arms and ammunition which have been sent out of British India on approval to persons lawfully entitled to possess them, are re-imported into British India within a period of two months from the date of export. (H. D. No. 3466 dated the 10th Sep. 1909 and No. 808 dated 6th May, 1920)

(3) In exercise of the power conferred by sub rule 46 (3) of the Indian Arms Rules the G. G. in C. has directed that no fee shall be charged in respect of the grant or renewal of a licence in form VI for the export to a State in India of ammunition required for the use of a public railway or the public work. (H. D. Notn No. 810 dated the 6th May, 1920.)

XXV. Page 92, Schedule I—was examined by the Arms Committee in paras 2 to 7 of their report (pages 42-46) and considered by the Government of India in paras 2 to 6 of the resolution dated the 3rd Novr. 1923 (pages 60-61). For the deletion of the entries (11) to (12) in the old rules, vide para. 6 of the resolution (page 61).

(2). Facilities should be afforded to exempted persons, when proceeding with arms beyond the limits of their own province, for obtaining certificates of exemption from the authorities of the district to which they belong. It should be clearly understood that exempted persons cannot be obliged to provide themselves with such certificates, and that the object of issuing them is to afford to their holders a ready means of proving their identity, if their right to carry arms should be challenged, by the authorities of another province in which they may be unknown. It would still be open to persons claiming to have been exempted to prove the fact of exemption, or to establish their identity, by any other means which they might choose to adopt ; but certificates of exemption, if applied for by exempted persons, should invariably be given either by the District Magistrate or by some other officer whom the Local Government sees fit to empower in this behalf. (H. D. No. 27-963-975, dated the 12th July, 1881.)

(3). The registration of fire arms by exemptees is now compulsory. In this connection vide paragraph 5 of the Committees report (page 44) and paragraph 5 of the resolution (page 61.)

(4). Cancellation of individual exemptions is vested only in the Governor General in Council—paragraph 6 of resolution (page 44.)

(5). *Page 92.* Clause (8) excludes from the operation of certain sections of the Act single barrelled rifles of .303 bore required for match-shooting purposes, subject to certain conditions. There appears to be no other provision in the rules empowering the import of .303 or .450 rifles into British India—vide paragraph XIV (page 284).

(6). *Page 90, clause (10).*—The exemption granted by this section has been withdrawn in the case of Satti Mohammad, son of Ghuman, a Lambardar in the Lyallpur District. (Vide Addenda and Corrigenda).

(7). *Page 96.* Clause (10) covers the case of persons holding swords or other arms presented by Commissioners or other Government officers under the general or special orders of the Local Government. (H. D. Notn. No. 329, dated the 31st February 1920.)

(8) In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878) the G.-G. in C. is pleased to exempt from the operation of the prohibitions and directions contained in sections 13, 14, 15 of the said Act persons who were enrolled under section 13 of the Indian Defence Force Act, 1917 (III of 1917) and appointed to the University Corps of the Indian Defence Force and who have signified in writing to the officer who was commanding that Corps their intention of applying for enrolment in a University Corps of the Indian Territorial Force, in respect of arms carried for the purpose of military instruction under the orders of the said officer. (H. D. Notn. No. 2488 dated the 17th Dec. 1920.)

XXVI. *Page, 96 Schedule II.* Air-guns of the "Quackenbush" and "Gem" pattern which were not adapted for use with explosive substance are mere toys and that the application of the Arms Act to these guns which cannot be regarded as deadly weapons would be an unwarranted stringency. It is therefore requested that the test may be applied in deciding whether any particular pattern of Air-gun should or should not be considered as coming within the purview of the Act and the rules thereunder. (H. D. No. 2651 dated the 9th Oct. 1897)

(2) A licence is required for going armed with an air-gun or air-rifle which does not satisfy the test laid down in entry 2 (iii) of Schedule II to the Indian Arms Rules. Such licence should be granted in form XVI, and in the column for ammunition in the licence may be entered the words "no limit prescribed." (Bengal letter No. 3431 P. dated 31st March. 1914).

(3) Cases in which difficulty is experienced in determining whether an air-gun is a deadly weapon or a toy may be referred to the Inspector of Guns and Rifles, Ichapur; (ii.) When reference is necessary to the Inspector of Guns and Rifles, Ichapur, regarding the classification of an air-gun, the weapon or weapons under reference should be sent together with 25 slugs or darts per weapon; (iii) The package containing the weapon (or weapons) should be sealed, seals counter sunk and protected, and each package must be indelibly marked, in paint or otherwise, with the gross weight of the case, office of issue and address of the consignee. Every package should contain a packing note giving a full list of the contents. The package should be consigned to Superintendent, Rifle Factory, Ichapur, (Railway Station, Ichapur). The postal address of the Inspector of Guns and Rifles, Ichapur, is Nawabganj. His Telegraphic address is "Inspector, Guns" Ichapur, Nawabganj. (H. D. letter No. 812-821 dated 9th June 1914.)

XXVII. *Page 97, Schedule II.* Entry 3 (vi)—Kirpans. (1) Vide para. II page 281).

(3) In exercise of the power conferred by section 27 of the Indian Arms Act, 1878, the G.-G. in C. is pleased to exclude from the operation of the prohibitions contained in sections 14 and 15 of the said Act any arm belonging to a commissioned officer, warrant officer, non-commissioned officer, or soldier of His Majesty's forces for the time being serving beyond the limits of British India. (H. D. notn. 1582 dated 20 August 1920).



XXVIII. Page 106, Schedule VI,—entry (14), authorises a Commanding officer of a Gurkha Battalion, instead of a Civil officer, to grant licenses for the export of *Kukris*.... (Of. Rule 43 (2), page 89.)

XXIX. Schedule VIII, Licence Forms. The conditions attaching to the grant of any licence are printed on the form itself. These should be carefully noted and observed as the infringement of any one of them constitutes an offence under the Indian Arms Act and renders the holder of the licence liable to prosecution. Prominent amongst these conditions are those which require the giving of information forthwith at the nearest police station of the loss or theft of any arms or ammunition and the embargo on the taking of arms to a fair, religious procession or other public assemblage unless specially authorised to do so.

XXX. Page 134.—with reference to H. D. Notn. No. F. 829-1-22 dated 3rd November 1923, on page 134 *ante.*, it may be noted that the effect of this Notification is that Court fee payable on appeals against the refusal of a licence under rule 43 of the Indian Arms Rules, 1924, is one anna.

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# THE INDIAN ARMS ACT MANUAL.—FIFTH EDITION.

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2.	"	1737	23rd Sep. 1879	80.
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4.	Home	1862	14th Dec. 1880	24.
5.	For.	448 I. P.	31st May 1881	285
6.	Home	963 75	12th July 1881	290.
7.	"	1630	7th Oct. 1881	21
8.	"	2089 50	15th Dec. 1881	23
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10.	"	2861 J.	29th June 1887	80
11.	Home	2955	9th Nov. 1888	80
12.	For.	2733 I.	8th July 1889	285
13.	"	1816 I.	2nd June 1890	77
14.	"	1927 J.	23rd March 1891	24
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23.	"	1490	2nd July 1898	81.
24.	"	1641	28th July 1899	163
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30.	"	5762	18th Oct. 1901	83
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34.	"	1957	20th Aug. 1906	285
35.	"	2166-74	17th Sep. 1906	284
36.	"	2516-19	8th Nov. 1906	284
37.	"	1404	14th June 1907	282
38.	"	1638	9th Oct. 1907	282
39.	"	445	7th Feb. 1908	17
40.	"	794	26th March 1908	71
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45.	"	"	"	900	"	1st May	1911	"	71
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47.	Home	"	"	34	"	9th June	1911	"	71
48.	"	"	"	3007	"	11th Nov	1912	"	80
49.	C. and I.	"	"	8072-8074	"	20th Sep.	1913	"	281
50.	Home	"	"	812-21	"	9th June	1914	"	291
51.	C. and I.	"	"	5377	"	26th July	1919	"	24
52.	Home	"	"	2202	"	4th Nov.	1920	"	198
53.	For.	"	"	202 C.	"	5th Feb	1920	"	285
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56.	"	"	"	88-810	"	6th May	1920	"	290
57.	"	"	"	1582	"	8th Aug.	1920	"	291
58.	"	"	"	2206	"	4th Nov.	1920	"	94
59.	"	"	"	1336	"	8th June	1921	"	198
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61.	"	"	"	1344	"	9th June	1921	"	193
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*Addenda and Corrigenda to the Indian Arms Act Manual—(Fifth Edition.)*

1. Page 69-70, Rule 3, sub-rule (1) (d), and page 95, Schedule I, item (10). Add as footnote :—

The exemption conferred under this rule shall cease to extend to Satti Mohammad, son of Ghuman, Lambardar of Chak No. 246, Rakh Branch, Lyallpur District, Punjab. (H. D. Notn. No. F. 21-XV-24 dated the 22nd April 1924.)

2. Page 85, Rule 34 (1), sub-rule (b), after the word "Magistrate" add the words :—

"or by any other officer specially empowered by the local Government in that behalf." (H. D. Notn. No. F. 21-XXVI-24 dated the 23rd April, 1924.)

3. Page 78, Rule 22, sub-rule (2). For clause (c) *substitute* the following clause :—

"by any person licensed to possess such articles or exempted from the liability to obtain such licence, where such articles are transported in reasonable quantities for his own use from the premises of a licensed-dealer, or are transported for purposes of examination or repair to or from any such premises or are transported to any other person so licensed or exempted as aforesaid." (H. D. Notn. No. F. 21-XVIII-24 dated the 11th June 1924.)

4. Page 84, Rule 33, sub-rule (1). For clause (a) *substitute* the following :—

(a) In Madras and Bombay by the Commissioner of Police; in Calcutta—by the Deputy Commissioner of Police at head-quarters; and in Rangoon—by the Assistant Commissioner of Police, Rangoon. (H. D. Notn. No. F. 21-XVI-24 dated the 12th June 1924.)

5. Page 84, Rule 33. Add as sub-rule (4) :—

(4) The District Magistrate, South Arcot, may, on the recommendation of His Excellency the Governor of the French Settlements in India endorse a licence granted in Pondicherry for the possession of arms and ammunition or for going armed as valid for a period of one month throughout British India or any specified part thereof, and such licence shall, when so endorsed, be deemed for such period to be a licence granted under sub-rule (1). (H. D. Notn. No. D-875 dated the 30th April 1924.)

6. Page 85, Rule 34, sub-rule (1). For clause (b) *Substitute* the following :—

(b) in any other cases by the District Magistrate or by any other officer specially empowered by the local Government in that behalf, (H. D. Notn. No. F. 21-XXVI-24 dated the 23rd April 1924.)

7. Pages 90-91, Rule 46. Insert the following sub rule after sub-rule (3) :—

(9) No fee shall be chargeable in respect of the endorsement under sub-rule (4) of rule 33 of a licence granted in Pondicherry. (H. D. Notn. No. D-875 dated the 30th April, 1924.)

8. Page 94, Schedule I, entry (b). Add the following clause :—

(i) The Tazimi Istimrardars of Ajmer—Merwata.

(ii) The Nawab of Borañ.

(iii) The Diwan of Durgah Khwaja Sahib

(iv) The Jagirdar of Gangwana.

(v) The Jagirdar of Dodiana.

(vi) The Jagirdar of Jharwasa.

(H. D. Notn. No. D. 4282 dated the 2nd June 1924)

Page 95. Schedule I, entry (10)—See correction No. 1 above.

9. Page 107, Schedule VII, entry (1), clause (a) after the words "Indian Territorial Force" insert the words "and any warrant officer of the Royal Indian Marine." (H. D. Notn. No. D-564 dated the 20th May 1924).

10. Page 108, Heading. Opposite Form I. For the words and figures "see rules 5, 23 and 27" read "(see rules 5, 23 and 30)."

11. Page 125, Schedule VIII. Licence form XVI. In the formula of signature, for the words "Commissioner of Police" wherever they occur, substitute,

Commissioner	of Police
Deputy Commissioner	"
Assistant Commissioner	"

The following amendments (viz. 12 to 18) made by H. D. Notn. No. P-31 XXX-23 dated the 23rd April 1924, will take effect from the 1st August 1924.

12. Page 70, Rule 7, sub-rule (1) (a). For the words and figures "pistols or revolvers of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."

13. Page 83, Rule 28, sub-rule (3). For the words and figures "pistols and revolvers of 450 bore" substitute the words and figures "pistols and revolvers of 441, 455 or any intermediate bore."

14. Page 84, Rule 33, sub-rule (1), proviso (i). For the words and figures "pistols or revolvers of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or an intermediate bore."

15. Page 85, Rule 34 sub-rule (1), proviso (a). For the words and figures "pistols or revolvers of 450 bore." substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."

16. Page 87, Rule 38, sub-rule (1). For the words "pistols and revolvers of 450 bore" substitute the words and figures "pistols and revolvers of 441, 455 or any intermediate bore."

17. Page 92, Schedule I, column 2, clause (d). For the words and figures "revolvers or pistols of 450 bore" substitute the words and figures "revolvers or pistols of 441, 455 or any intermediate bore."

18. Page 106, Schedule VI. Entry (11) clause (a), sub-head (iii). For the words and figures "revolvers or pistols of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."

8. *Page 94, Schedule I, entry (b). Add the following clause :—*

(i) The Tazimi Istimrardars of Ajmer—Merwara.

(ii) The Nawab of Borañ.

(iii) The Diwan of Durgah Khwaja Sahib

(iv) The Jagirdar of Gangwana.

(v) The Jagirdar of Dodiana.

(vi) The Jagirdar of Jharwasa.

(H. D. Notn. No. D. 4282 dated the 2nd June 1924)

*Page 95. Schedule I, entry (10)—See correction No. 1 above.*

9. *Page 107, Schedule VII, entry (1), clause (a) after the words "Indian Territorial Force" insert the words "and any warrant officer of the Royal Indian Marine." (H. D. Notn. No. D-564 dated the 20th May 1924).*

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Commissioner	of Police
Deputy Commissioner	"
Assistant Commissioner	"

*The following amendments (viz. 12 to 18) made by H. D. Notn. No. F-21 XXX-23 dated the 23rd April 1924, will take effect from the 1st August 1924.*

12. *Page 70, Rule 7, sub-rule (1) (a). For the words and figures "pistols or revolvers of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."*

13. *Page 83, Rule 28, sub-rule (3). For the words and figures "pistols and revolvers of 450 bore" substitute the words and figures "pistols and revolvers of 441, 455 or any intermediate bore."*

14. *Page 84, Rule 33, sub-rule (1), proviso (i). For the words and figures "pistols or revolvers of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or an intermediate bore."*

15. *Page 85, Rule 34 sub-rule (1), proviso (a). For the words and figures "pistols or revolvers of 450 bore." substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."*

16. *Page 87, Rule 38, sub-rule (1). For the words and figures "pistols and revolvers of 450 bore" substitute the words and figures "pistols and revolvers of 441, 455 or any intermediate bore."*

17. *Page 92, Schedule I, column 2, clause (d). For the words and figures "revolvers or pistols of 450 bore" substitute the words and figures "revolvers or pistols of 441, 455 or any intermediate bore."*

18. *Page 106, Schedule VI. Entry (11) clause (a), sub-head (iii). For the words and figures "revolvers or pistols of 450 bore" substitute the words and figures "pistols or revolvers of 441, 455 or any intermediate bore."*