

(32) 9 C. P. L. R. Cr. 20.—Kisan Kehaloo.—A prosecution under s. 19 (f) requires the previous sanction of the District Magistrate.

(34) 1 Wier 860.—Perumal Chetti.—In the absence of a proclamation or order under s. 3, clause 2, of Act XXXI of 1860, for a general disarmament or search for arms, the sanction under s. 20 is necessary for a prosecution under s. 19 (f) for possession of a gun without licence.

(35) 24 P. R. 1913, Cr.—Sunder Singh.—Having regard to the Punjab Govt. Notn. No. 826, dated the 25th Feb. 1875, making the provisions of s. 32 of the Arms Act (XXXI of 1860) operative, in the greater part of the Punjab, including the Karnal District, the previous sanction of the District Magistrate was not a condition precedent to a prosecution for an offence under s. 19 (f) of the Act.

(36) 5 M. L. T., 152.—Abdul Kadir Sahib.—No proceeding under s. 19 (f) can be instituted without the previous sanction of the District Magistrate and a conviction under that section without such sanction is illegal.

(37) 1924 Rang. 85. (A. I. R.) Nag Tha Hia.—Conviction under s. 19 (f) is bad if no express sanction is obtained. No sanction is necessary under s. 20.

(38) A. I. R. 1921, All. 143.—Amir Ahmad.—In the Bijnor and certain other parts of the United Provinces in the north of the rivers Jumna and Ganges the sanction of the District Magistrate for a prosecution under s. 19 of the Arms Act is not necessary.

(39) 51 I. C., 208 and 38 I. C. 329.—Malua and Gopal.—The servant of an exempted person commits no offence by carrying his master's gun and shooting game with his master's permission.

(40) 13 C. W. N. 124.—Madho Lal.—A servant was found using a gun which was lent to him by his master who held a licence for the gun for his own purpose. Held that the Act of the accused was an infringement of the provisions of s. 19 (f) of the Act.

(41) 4 M. L. R. 78.—Mukunda.—From s. 22 of the Act it is clear that the transfer of possession contemplated is something more than the entrusting of an arm to a servant. Moreover, in ss. 14 and 19, the Act deals with possession and control as distinct matters. A servant using a gun belonging to his master would no doubt have the weapon under his control, so long as the use continued, but the weapon would remain in the master's possession. Throughout the Arms Act the word "possession" must be taken to mean something different from mere "control."

(42) 4 N. L. R. Cr. 146.—Khudda Gend.—When a person who apparently had a licence to go armed had come to village wherein his cousin's servant was to shoot, feeling thirsty, went to get a drink, leaving the gun with the servant (a person not holding a licence under the Arms Act), held that such a temporary custody of the gun by the servant did not amount to "possession" or "control" contemplated by s. 19 (f).

(43) 3 C. W. N. 304.—Kali Nath Singh.—An order extending the time of renewal of licences has the effect of keeping licence previously granted practically in force, and a person cannot be convicted of an offence under s. 19 (f) for a breach of its provisions within the extended time. Exemption from the Act applies to the possession of a gun, so long as it is the property of the licensee, and the mere fact that it happened, at the time to be carried by a servant, does not make the servant liable for not having himself a licence under the Act.

(44) 14 Bom. L. R. 591.—Jadu Babu.—The accused kept a gun, as a servant of C, who was licensed to bear it. After C's death the accused continued in the employ of C's undivided brother V, who succeeded C in the management of the property. The accused was convicted under s. 19 (f) for having been in possession of an unlicensed gun. On appeal, it was contended that the liability, if any, was that of V, who had neglected to renew the licence. Held that the accused was rightly convicted, for he was the only person who had the possession and the control of the weapon.

(45) All W. N. —Hurley, 1931.—A person licensed to carry a gun lent one of his servants his gun to shoot game with it. Held that the servant should not be convicted for carrying a gun without a licence and that the gun should not be confiscated.

(46) U. S. R., 1897-1893. Vol. I, 1—Nga Myat Aung.—It must constantly happen that sportsmen on their way to and from the field, hand over their guns to their servant to avoid unnecessary fatigue to themselves and by doing so it does not appear that the servants should be considered as going armed when they have no control over the use of the gun so far as intended and are simply bearers of the gun as a load. If the gun were taken to pieces before being handed to the servant, it would be difficult to hold that he could be armed with it and the moral restrictions of the servant's duty to make no use of the gun seems in effect to make the same difficulty when the gun is left complete.

(47) 22. All. 118.—Gangadin.—By a notification under s. 27 issued by the Govt. of India, certain persons, amongst them certain Rajas and members of the Legislative Council of the Lieutenant Governor of the N. W. Provinces, were exempted from the operation of ss 13 and 16, but with this proviso that "except where otherwise expressly stated, the arms and ammunition carried or possessed by such person shall be for their personal use, etc." Held that the terms of this proviso would allow of a person exempted under the notification, above alluded to, sending a servant armed with a gun into a neighbouring district to shoot birds for him, and that a gun so carried and used by the servant of the exempted person was in the "personal use" of the exempted person within the meaning of the notification. The above ruling was dissented from in the following case.

(48) 25. C. P. L. R., 112.—Sonia tell.—The accused Sonia Teli, an agricultural servant of Rao Bahadur Bapu Rao Dada was found in the village of Dongargarh carrying a loaded gun belonging to his master. The village belonged to the Rai Bahadur and the accused was proceeding to his master's field for the purpose of frightening off pigs from the crop. Sonia was charged under s. 19 (e) with going armed in contravention of the provisions of s. 13, but was acquitted on the strength of the ruling of the Allahabad High Court in *Empress versus Gangadin* (quoted above—22, All. 118.) Held that the exemption should be construed literally, but the construction adopted by the Magistrate ignores the undoubted fact that the privilege conferred by the exemption is of a personal nature and does not extend to the servants and retainers of the person exempted.

(49) 40 All. 420—Ghulam Hussain—A pardanashin lady and her minor son, a young man of 17 years of age, lived together in the family house in which there was a small collection of arms of various kinds which had belonged to the father who as an honorary magistrate, was exempt from the operation of the Arms Act. Held, that a finding that the son was in possession of these arms, and, not having a licence for them, was liable to conviction for an offence under s. 19 (f), was not open to objection.

(50) 62. P. R 1905, Cr.—Sher Zaman—The accused was charged with being in possession of a dagger found in cloth or quilt inside a basket in one of the rooms of his house. The room and house were jointly occupied by the accused and his son, and the prosecution failed to prove that the dagger was in the exclusive possession and control of the accused, or that he was its owner. Held that the accused was under the circumstances not guilty of an offence under the Arms Act.

(51) 65 I. C., 447—Narain Singh—Where it is found that the two accused were lying in a bed in the house of another and in the bedding a chhavi was found wrapped in a cloth, held that it was impossible to say which of the two was actually in possession, even if it was proved that the owner of the house was not the owner.

(52) 1923 Lah. 813.—Alia—A chhavi was found in a house in the joint possession of both the accused, it could not be said with any degree of certainty that one of them was in exclusive possession thereof and the accused must therefore be given the benefit of doubt.

(53) 3 Lah. 308—Hari Singh.—A Sikh possessing or wearing one sword commits no offence under s. 19 by virtue of the exemption under Sch. II.

(54) A. I. R. 1926, Lah. 61.—*Ms. Babo.* Keeping ammunition and arms in a bag hidden under a chhadar or hidden under the clothes falls clearly under s. 20 and not merely under s. 19.

(55) A. I. R. 1924, AH. 175. (47 All. 267) *Muhammed Hassan.* The accused's father held a licence for gun. The licence did not mention that he was

entitled to hand over his gun to a retainer. The accused took out the gun of his father for the purpose of shooting birds and was found out by an officer of the police and tahsildar. Held, that though the spirit of the law was not contravened, yet, the letter was certainly contravened. The sentence was reduced to a fine of Rs. 25.

(56) A. I. R. 1925, All. 3-6.—Babu Ram.—When communal riots were taking place in different quarters of the town, the accused, brother of a licence-holder, took out his brother's gun and fired shots in the air so that people mischievously inclined might know that it was not safe for them to do any mischief to the people living in the house.—Held, that the possession of the gun was on behalf of the brother and the accused was not guilty under s. 19 (f). (1924, All. 175 above disd.)

(57) 75 P. L. R. 1910.—Sundar Singh.—When it is not shown that the accused had exclusive possession of the room in which arms are found, or that arms were placed there by him or belonged to him, or he knew that they were there, the accused cannot be convicted of the offence under section 19.

(58) 15 All. 129.—Sangam Lal.—Where proceedings under the Act, in respect of the unlawful possession of arms are taken against a member of a joint Hindu family not being the head of such joint family, and arms are found in a common room of the joint family house, it is incumbent upon the prosecution to give good evidence that such arms are in the exclusive possession and control of the particular member of the joint family who is sought to be charged with their possession. The Act is highly penal and must be strictly construed.

(59) 15 C. W. N. 440.—Akhil Nath Datt.—Where the petitioner has been in possession of a gun for some time and made it over a year and half ago to another person in whose possession the gun was without licence, held that the petitioner could not be convicted under s. 19 (f). The only person who can be punished under cl. (f) is the person who has in his possession or under his control any arms in contravention of ss. 14 and 15.

(60) 35 Cal 219.—Prabhat Chandra Chaudhuri.—A person, named Prabhat Chandra Chaudhuri, seized a gun which was in the hands of a servant of an exempted person and fired at a mad dog which had entered the compound of his house. It missed the animal but a shot from the gun wounded a man named Manda Rajbansal. For this Prabhat Chandra Chaudhuri was convicted under s. 304-A, I. P. C. and sentenced to pay a fine of Rs. 300 and to detention in court for one day. The sessions Judge on appeal reduced the fine to Rs. 100. The accused was again prosecuted under s. 19 (f). Held, that the accused was not liable under the section referred to. The provisions of this section do not make the mere possession of a gun punishable; they make possession contrary to the provisions of s. 14 of the Act punishable. The temporary possession which the accused had of the gun when he snatched it up and fired it was not the possession contemplated by s. 14 of the Arms Act.

(61) 24 All 424.—Harpal Rai.—One C. N., a person entitled to possess and use firearms, gave a pistol to an acquaintance who was not entitled to possess and use firearms, asking him to take it and get it repaired in a neighbouring town. This acquaintance gave the pistol to his father, Harpal Rai, who was taking it into the town to get it repaired, when he was arrested and charged with an offence under s. 19. Held, that Harpal Rai was under the circumstances, guilty of no offence under the Arms Act. The mere temporary possession, without a licence of arms for purposes other than their use as such, is not an offence within the meaning of section 19.

(62) 24 Bom. 487.—Kalyan Chand Gopal Chand.—The accused, who was a cousin of the licensee, borrowed the gun and carried it in a marriage procession where he fired some shots and wounded some people accidentally. The licensee was forbidden under the terms of his licence from taking the gun to a public assemblage. Held that the accused was guilty of an offence under s. 19. Where a marriage procession emerged from private premises and goes down the public street, then it is open to the public to join the procession and the marriage procession becomes a public assemblage.

(63) 27 Cal. 692—Ahmed Husain.—The accused was suspected of being in possession of arms after the cancellation of his licence. The Assistant Magistrate of Purneah, with a number of police, went to the house of the accused to search for arms. The police had no search warrants, nor was there anything to show upon what charge the accused was arrested. Two gun-stocks, some ammunition and implements for reloading were discovered in the house. There was nothing to show that the sanction required by s. 29 of the Act was given before proceedings were instituted against the accused who was convicted and sentenced under ss. 19 and 20 of the Arms Act. Held, that the conviction under s. 20 was not suitable but that the accused must be taken to have had arms and ammunition within the meaning of s. 19 (f), and the conviction under that section must be confirmed.

(64) 35 Cal 473—Tegha Singh—A collection of fire arms, had been kept as an object of worship in a temple in Patna for upwards of two centuries. The Mahant of the temple had neglected to take out a licence in respect of these arms. A police inspector, who was appointed to see that the provisions of the latter Act were obeyed, searched the temple on information received and, having found the arms, prosecuted the person who had charge of the temple. The latter was convicted under s. 19 (f) and sentenced to pay a fine of Rs 50 or to be rigorously imprisoned for two months. The Deputy Magistrate also ordered the arms to be confiscated, and directed the division of their value between the informer, and the police inspector. Held, that the proceedings of the police inspector and the conviction of the accused were not illegal. S. 25 of the Arms Act appears to refer to cases in which the Magistrate considers that arms, whether under a licence or not, are possessed for an illegal purpose, or under circumstances such as to endanger the public peace. S. 30 of the Arms Act appears to contemplate the presence of some specially empowered officer, besides the officer conducting the search. So much of the Deputy Magistrate's order as refers to the division of the value of fire-arms and the fine imposed, between the informer and the inspector was also set aside.

(65) U. B. R. 1907—(4th qr.) 1—Nga Kaing—A sub-inspector of police, not of the first class, who was presented by Government with a six chambered revolver was charged for going armed without a licence. Held, that his exemption covered a dagger also and that the sub-inspector committed no offence by the possession of the dagger.

(66) 1 Weir 655—Boyinapalli Venkataraju.—The mere possession or sale of fireworks, without a licence, is no offence under the Arms Act. But the possession of gun-powder without a licence, even though for the innocent purpose of making the fireworks, is an offence.

(67) 1 Weir 660—Bapi Naleken.—Under the notification of the Government of India dated the 6th March 1879, spears of all kinds are, so far as regards the Presidency of Madras, excluded from the operation and directions contained in the Arms Act.

20. Whoever does any act mentioned in clause (a), (c), (d), or (f) of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway or to the servant of any public carrier,

For secret breaches of sections, 5, 6, 10, 14 and 15.

For concealing arms, etc.

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

NOTES.

(1) Under Sch. II, Cr. P. C. 1898, offences under this section are not bailable and triable only by a court of session. They can, of course, be tried by officers specially empowered under S. 30 of the Code. [Bur A. M., 1926]

(2) For definition of "Public servant" see s. 21, I. P. C.

(3) 8 P. R. 1915 Cr.—Khem Singh.—Accused was carrying in the hand a dang (stick) which had all the knots planed off, which latter fact aroused the suspicions of a police constable who wished to examine it. Accused thereon ran off but was consequently arrested and on being searched was found to have chhavi heads concealed in the cloth which he was wearing. Held, that each case of concealment of arms must be decided on its own facts, i.e. whether it falls under section 19 or section 20 of the Arms Act, and that circumstances connected with the present case showed that the concealment was made so that the possession of the weapon should not be known to the police and the offence therefore fell under section 20.

(4) 9 P. R. 1912 Cr.—Ibrahim.—S. 20 of the Act though widely worded is in practice only applied to cases where the import of arms is attempted and not to ordinary cases of concealment of arms.

(5) 2 L. S. R. 244—Shunshanisa—An offence under s. 20 is only triable by a Court of Sessions and not by a first class Magistrate; and that the sentence under s. 19 (f) was illegal as the prosecution was not sanctioned by the District Magistrate under s. 29.

(6) 1 S. L. R. 18—Azulafad Bangar.—Where a certain firearm has been found from the possession of the accused who had concealed it under a heap of straw, in order that visitors in the house should not see them, held that the concealment was not with the intention specified in s. 20 and the accused could, therefore, be convicted only under s. 19 (f).

(7) P. R. 1917. 44 Cr. 158.—Jai Singh.—The eight appellants were on a joint trial convicted of dacoity under ss. 395, 397, I. P. C. and one of them was not only charged with being concerned in the dacoity, but also with being in possession of arms and ammunition under s. 20 of the Arms Act, at a time subsequent to the dacoity. The learned judge acquitted him of the latter charges as he held he could not be legally convicted of that offence and that of dacoity at the same trial. Held that the trial was illegal and the defect in it could not be cured by the Court acquitting the appellant concerned of the charge under the Arms Act.

(8) 8 B. L. R. 452.—Nga Po Chin.—Where proceedings are instituted against any person for secret possession of arms in contravention of ss. 14 and 15 of the Act the accused should be discharged under s. 20 if the intention to conceal the possession is not made out. Offences created by and punishable under s. 20 are distinct from those under s. 19.

(9) 34. I. C., 321—Nga Po Chin.—Where a person is discharged under s. 20 for want of evidence of intention to conceal his secret possession of arms in contravention of s. 14 or 15 of the Act, proceedings may be instituted against him under s. 19 (f) after sanction thereto is given under s. 29 of Act.

(10) 19 A. L. J. 717—Shiam Sundar.—Where an approver makes a statement disclosing his illegal possession of fire-arms and is released on pardon it is illegal to try him under s. 20.

(11) 15 Cr. L. J. 537.—Udham Singh.—A person carrying revolver in his pocket without a licence is guilty under s. 19 (f) and not under s. 20. When a revolver was found in the possession of one of the two men sitting together and it was proved that at one time the revolver was possessed by one or the other of the two, both are guilty of possessing arms without a licence.

(12) 72 P. L. R. 1918.—Ishar Singh.—A discovery of arms in consequence of the information supplied by the accused that he had buried a revolver in his field, fulfils the requirements of ss. 19 (f) and 20.

(13) 27 Cal. 692.—Ahmed Hossain.—Sections 19 and 20 were so interwoven that it was difficult to see how an offence could be committed under the first paragraph of s. 20 unless an offence under one of the enumerated sub-sections in s. 19 had also been committed. It was not suggested that the charge here was an offence under the second paragraph of s. 20.

(14) 28 Ali. 302—*Ram Sarup*.—The mere denial on the part of a person, whose house is being searched by the police for unlicensed arms, that he has any such arms in his possession does not constitute a concealment or attempt to conceal arms on search being made by the police, within the meaning of the second paragraph of s. 20.

(15) 83 I. C. 726.—*Surjan Singh*.—Where the weapon was found to fit a dang the appellant was carrying was originally concealed but the appellant voluntarily took it from its place of concealment in order to threaten a railway servant who caught him for travelling without a ticket held that it indicates an indifference as to whether the weapon was seen or not. The intention requisite for an offence under s. 20 was not established and conviction must be altered to s. 19.

(16) 2. Lah. 133—*Mangai Singh*.—Appellant was found carrying a bamboo dang 5 ft 7 in. long, which had an iron attachment at the thick end and hidden in the fold of his loin cloth was a blade 8 inches long which fitted the end of the dang. Held, that taking into consideration the nature of the instrument, the fact that the blade could be readily slipped on and off the stick and the fact that it was found detached from the stick and hidden in the appellant's loin cloth showed that it was possessed by him not for ordinary domestic purposes but for purposes of offence and defence and that it was included in the term "arms" used in the Act.

(17) 23 Cr. L. J. —*Sher Ali*.—Each case of concealment of arms must be decided on its own facts and it must be shown that the concealment was made so that the possession might not be known to the police.

(18) 20 C. W. N. 732—*Nishikant Lahiri*.—If on the trial of the case under the Arms Act the evidence recorded indicates an offence under s. 20, the Magistrate ought to commit the case to the Session Court.

(19) 3 L. L. J. 145—*Fakira*.—Merely because the weapon concealed is a ohhavi, maximum sentence ought not to be inflicted.

(20) 20 A. L. J. 355—*Chhotey*.—Discovery of a pistol in the floor of shop of the accused while he had been away from the shop and while his servant was in possession of the shop and its contents, does not render the accused guilty of an offence under the Arms Act.

(21) 17 Cr. L. R. 80.—*B. 80*.—*Balambholl Buttasherhi Ahmed*.—Sentence of three years' rigorous imprisonment without special grounds is very heavy and ought to be reduced.

(22) 42 Cal. 1153—*Harsha Nath Chatterjee*.—The only additional element necessary to constitute an offence under s. 20 is that the possession should be in such a manner as to indicate an intention that such act may not be known to any public servant.

(23) 9 Mad. L. T. 475.—*Gopal Krishna Iyer*.—The first part of s. 20 does not apply to cases of concealments or attempts at concealments by a man who has arms on his person or in a bag which he is carrying or which is otherwise in his immediate personal possession, on his being arrested. It is meant to deal with cases before arrest where a man finding himself arrested being in possession of a revolver, attempts to throw it away, the act of such person would only come under S. 19 (f).

(24) A. I. R. 1927, Lah. 561—*Ghuflam Mohammad*.—If a person carries on his person a small weapon such as a pistol, a dagger, or a blade of ohhavi, he naturally puts it in his pocket or dab, and if with that weapon in his pocket or dab he is in his house or in his village or in bazar or in a court compound, it cannot be inferred that he was so carrying the weapon with the intention specified in s. 20.

(25) 1923 Lah. 434.—*Ali Ahmad*.—Where the arms were discovered on the information given by the accused, the concealment of the ohhavis and other arms recovered from the possession of the accused is clearly within the intention of this section.

(26) A. I. R. 1924 Rang. 85.—*Mun Tsa Hin*.—The accused was in secret possession of homemade guns and cartridges. Sanction was obtained for prosecution under s. 20, but he was convicted both under s. 20 and s. 19 (f). Held,

that the conviction under s. 20 was legal but that under s. 19 (f) was bad for want of sanction.

(27) A. I. R. 1926. Lahore 61.—Mt. Babo.—Keeping ammunition and parts of arms hidden under clothes, falls under s. 20 and not under s. 19.

(28) 6 Lah. 151 Channan Singh.—S. 20 applies only where the possession is such as to indicate an intention that such act may not be known to any public servant as defined in the Penal Code or to any person employed upon a railway or to the servant of an any public carrier. The section applies only to cases where the import or export of arms is attempted and not to any case of possession or concealment of arms. Something more than a mere ordinary concealment should be established in order to bring the possession within the meaning of S. 20. Where the gun was upon a *charpoy* upon which the accused was sitting and was covered with a *dohal* and the accused had been convicted under s. 20 the conviction was altered into one under s. 19 (f) 27. [Cal. 692 fold.—Vide note 13 above.]

(29) A. I. R. 1926. Lah. Chet Singh.—Each case of concealment of arms must be decided on its own facts whether it falls under s. 19 or s. 20. For a conviction under s. 20 there must be some special indication of an intention that the possession of the arms was being concealed from a public servant or from a railway official.

21. Whoever, in violation of a condition subject to which a licence has been granted, does or omits to do
 For breach of licence. any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Note.—Under Sch. II, Cr. P. C. 1898, offences under section 21, 22 and 23 are bailable and triable by any Magistrate [Bur. A. M. p. 19].

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5, to sell the same; or
 For knowingly purchasing arms, etc., from unlicensed persons. delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same;
 For delivering arms, etc., to persons not authorised to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

NOTES.

(1) Dealers in arms will be responsible if they merely rely on such inquiries to satisfy themselves of the legal authority of any intending purchasers. They are similarly not properly discharging their obligation if they send by post arms to any person who professes himself entitled to possess them. They must make due inquiries in all cases of sales, and must in all cases where they have not already sufficient proof that the purchaser is legally entitled to purchase, obtain sufficient proof by further inquiry. (India No. 2964, dated the 11th August 1909.). Under section 22 of the Arms Act, licensed dealers in arms and ammunition are bound to ascertain that the persons to whom they sell arms, ammunition or military stores are legally authorised to possess the same. Any tendency on the part of dealers to evade this obligation should be checked by the

police by their constant strict supervision over the trade in arms and ammunition. The police should also exercise constant vigilant supervision over the registers maintained by licensed dealers in order to ensure that arms and ammunition are not sold to persons other than those legally authorised to possess the same. If on inspection, they find that arms and ammunition are supplied to persons whose exemption seems to be doubtful, they should take steps to ascertain whether such persons are really exempt from the provisions of the Arms Act, and, if not, to report the matter to the District Magistrate. In doubtful cases of sales to persons said to possess licence under the Arms Act Rules, a reference to the registers maintained in police stations will show whether the purchasers are *bona fide* licensees or not.—(Madras L. R. and O.)

(2) 23 Bom. 423—Tyab Ali.—The manager of a licensed vendor of arms, ammunition and military stores sold certain military stores without previously ascertaining whether the buyer was legally authorized to possess the same. Held, that the licensee was liable to punishment under s. 22 of the Arms Act, though the goods were not sold with his knowledge and consent. The principle—"whatever a servant does in the course of his employment with which he is entrusted and as a part of it, is his master's act"—is applicable to the present case.

(3) 5 L. B. R. 83—Adams.—A and his servant N while out on a shooting excursion, came across a deer recently killed by a tiger. A fixed his rifle over the killed deer so as to form a trap for the tiger and went home leaving the trap in charge of N. A was charged under s. 22 of the Arms Act, with having delivered the rifle into the possession of an unauthorised person. Held, that the delivery into possession contemplated by s. 22 of the Arms Act is such a delivery as to give the person into whose possession the arm is delivered, control over the arm and authority to use it as an arm and that therefore A cannot be convicted for an offence under s. 22.

(4) A. I. R. 1926, Cal. 265.—Nirmal Chandra De.—S. 22 deals with persons without licences dealing with licensed vendors or purchasers or with licensees dealing with unlicensed vendors or purchasers.

(5) See also 4 N. L. R. 78—Mukunda.—24 All 434—Harpat Rai.—34 Cal. 219.—Probhat Chandra Chaudhuri, and L. B. R. 1872-189, 535—Nga Poka—Notes to s. 19.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, 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.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale shall be confiscated.

NOTES.

(1) 15 Cr. L. J., 21.—Kettuva Rowther.—For delay in getting a licence renewed, a Magistrate imposed a fine and ordered confiscation of the gun. Held, the fine was a sufficient punishment and set aside the order of confiscation and directed the retention of the gun at the Police Station till the production of a licence entitling the holder to possess the gun.

(2) **1 Weir 664—Gangamma.**—Confiscation is in addition to some sentence which the Magistrate is bound to pass.

(3) **Confiscated arms, ammunition and military stores may be sold to licensed dealers or to other persons entitled to possess them, and such 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.** (India Nos. 1404 dated the 14th June 1907 and 1628 dated the 9th Oct 1907.)

Rules for disposal of confiscated arms:—Madras.—All arms, ammunition or military stores which may be forfeited, or confiscated, under the Sea Customs Act or under other legal enactments, should be forwarded in the Presidency town to the Commissioner of Police, and in the mufassal to the Magistrate of the district, for disposal in accordance with the rules published on page 22 of Part I of the Madras Police Gazette, dated 13th February 1909. Such of these arms as are intended for destruction locally will be forwarded to the District Police Head-quarter office for destruction by the Police Armourer in the presence of the Reserve Inspector who should certify to the Magistrate that the arms have been properly broken up. (Madras L. R. and O.)

Bombay.—Arms etc., deposited at a Police station under section 14 [or sec 16] of the Act should, in the Presidency town, be kept in such place as may be appointed by the Commissioner of Police, and elsewhere should, without delay be sent with a report by the officer in charge of the Police station to the nearest Mamlatdar's or Mahalkari's Kacheri. On the expiry of the period specified in these sections the arms, etc., should be sold under the orders of the District Magistrates to a licensed vendor or person licensed to possess arms or to go armed, and may, for that purpose be sent from one Mamlatdar's or Mahalkari's Kacheri to another or to the headquarters of the district. Such arms as cannot be so sold should, if valuable, be sent to the nearest arsenal, and if not valuable, should be destroyed. Confiscated arms and other articles should be dealt with in the same manner as provided for arms, etc., deposited under section 14 [or section 16] of the Act, and not restored within the periods specified in these sections. (Bombay L. R. and O.)

Bengal.—The Court Sub-Inspector shall follow the procedure indicated below in the case of all confiscated and forfeited weapons; but before doing so, he shall take the order of the Magistrate in charge of the working of the Arms Act, who shall, before a weapon is despatched to the Ordnance Office or is destroyed or is sold by auction or is transferred for the use of the police, or of any other department of Government, satisfy himself that its number and description agree with those given in the Malkhana Register. All arms, ammunition or military stores deposited under section 16 of the Arms Act and the rules made there-under shall be kept in the malkhana for one calendar year from the 1st January of the year following that in which they were deposited. Arms, ammunition and military stores as defined in section 4 of the Indian Arms Act, 1878 (XI of 1878), which are confiscated or forfeited under any provision of that Act or of any other enactment for the time being in force and which have been kept in the malkhana for the prescribed period may, if they can be utilised by the police or by any department under the Government, be retained and brought into use with the sanction of the Local Government. If any such arms, ammunition or military stores are not so retained, they, with the exception of revolvers and pistols and rifles of prohibited bores, should be sold by auction to licensed vendors or to persons who by exemption or licence are entitled to possess them, the police being informed of the names and addresses of the purchasers in order to enable them to verify the sale. The sales in the mufassal should be conducted in January every year by a gazetted officer who should be selected for the purpose by the District Magistrate. In Calcutta the Commissioner of Police will arrange for the auction to be held by Messrs Mackenzie Lyall and Co. The unsold arms, ammunition or military stores should be destroyed locally in the presence of the District Magistrate or of a gazetted officer whom the District Magistrate (or the Commissioner of Police in the case of Calcutta) may select for the purpose; but all rifles of prohibited bores, revolvers and pistols shall invariably be sent to the Ordnance Officer, Fort William, Calcutta, between 1st February and 15th March every year to be broken up or otherwise destroyed. The Commissioner of Police, Calcutta, shall depute a responsible police officer to the arsenal to check and compare with the invoice the number and description of such weapons made over to the Ordnance Office for destruction. The weapons which have been deposited but not yet been forfeited may be sold by auction on the written application of the owner, the sale-proceeds being paid to the owner.

Note. When despatching consignments to the arsenal, District Officers should send an intimation to the Commissioner of Police, Calcutta, together with a complete list giving the number and description of the weapons sent for destruction. [Bengal order Nos. 1515-91 Pl., dated the 17th May 1923, and R. and O., para. (97)]

United Provinces.—The discretionary power of confiscating arms conferred by section 24 of the Arms Act should be very considerably used. A mere breach of licence is not ordinarily an adequate reason for confiscation; and junior Magistrates should usually refer the question of the necessity for confiscation to the Magistrate of the district for decision. (*U.P., G. O. No 454-VI. - 989, dated the 14th March, 1887.*)—Arms, and other article to which these rules under s. 16, apply which become forfeited to His Majesty, shall be disposed of by the Magistrate as follows:—

(1) Arms, ammunition, and stores which can be utilised by the police or by any department under Government may be retained and brought into use with the sanction of the local Government. Arms, ammunition and stores not so retained may be sold to licensed dealers or other persons entitled to possess them.—(2) Any rifled firearms or rifle barrels not so disposed of shall be sent to the nearest Ordnance Officer to be broken up. Other arms shall be broken up locally and the materials sold.—(3) Any ammunition or stores not disposed of under the provisions of clause (1) shall be destroyed. [In the case of gunpowder and other explosive materials Magistrates must make suitable arrangements for their safe custody, so as to guard against danger to life and property. As a rule the police magazine should be the place of deposit for such materials.] These orders will apply also to arms, ammunition and military stores confiscated under section 24 of the Act. (*U. P. No. 1841 VI.—856-D., dated the 29th June, 1907.*)

Punjab.—(i) Arms ammunition and military stores which have been deposited in the *maikhana* and forfeited to Government and have not been ordered by a Court to be destroyed, may be sold, under the orders in writing of the District Magistrate, to persons entitled to possess them. A specific and distinct order must be passed with respect to the sale of each weapon, or of each lot of ammunition or military stores proposed to be sold, and the sale price must be fixed by the District Magistrate unless the sale is to be by auction. In passing orders for the sale of arms, ammunition or military stores the District Magistrate should remember that arms, ammunition and stores which can be utilised by the police or by any department under Government may be retained and brought into use with the sanction of the Local Government, and should refer for orders any case in which it appears that it would be to the advantage of Government that the arms, ammunition or stores should be retained.

(ii) The officer of the head-quarters staff who, under the orders by the District Magistrate, deals in the first instance with questions relating to the Administration of the Indian Arms Act, 1884, and of the rules thereunder, shall be informed of the sale of arms, ammunition and military stores, and shall be furnished a full description of the articles sold and with information as to the address of the purchaser.

(iii) All arms, ammunition and military stores which have been ordered by a court to be destroyed, or for the destruction of which the District Magistrate, after considering the possibility of their disposal, has passed express orders shall be dealt with as follows:

(a) All rifled fire-arms and fire-barrels, pistols and revolvers shall be sent to the nearest Ordnance Officer under proper precautions, to be broken up. The Nazarat Officer shall advise the Ordnance Officer concerned of the despatch of such arms and shall personally supervise their despatch. He shall also inform the District Magistrate as soon as he has actually despatched them and shall, in due course, submit the receipt of the Ordnance Officer to the District Magistrate, for his information.

(b) All arms other than those referred to in clause (a) of this rule, ammunition and military stores shall be broken up or destroyed locally in the presence of the Nazarat Officer and the materials (if any) remaining shall be sold.

Central Provinces.—On the forfeiture or confiscation of any such arms, ammunition or military stores, or of any arms, ammunition or military stores under section 24 of the Act, the Deputy Commissioner shall dispose of them as follows:—

(1) Arms, ammunition and stores which can be utilized by the police or any department under Government, may be retained and brought into use with the sanction of the Local Government. Arms, ammunition and stores not so retained may be sold to licenced dealers or persons entitled to possess them. (2) Any rifled fire-arms or rifle barrels not so disposed of shall be sent to the nearest Ordnance Officer to be broken up. Other arms shall be broken up locally and the materials sold. (India No. 1407, d. 11th June 1907.) (3) Any ammunition or stores not disposed of under the provisions of clause (1) shall be destroyed.

On the confiscation of any animals or property, other than arms, ammunition or stores, under section 24 of the Act, the Deputy Commissioner shall cause them to be sold by auction in the same way as property sold in execution of a decree of a civil court. (C. P., R. and O., para 46)

N.W.F.P.—Arms, ammunition or military stores that have been forfeited to His Majesty under sections 14 and 16, or that have been confiscated under sec. 24 shall be disposed of follows:—

(1) Arms, ammunition and military stores which can be utilised by the police or by any department under Government may be retained and brought into use with the sanction of the Local Government. Arms, ammunition and military stores not so retained may be sold to licenced dealers or other persons entitled to possess them. (2) Any rifled fire-arms or rifle-barrels not so disposed of shall be sent to the nearest Ordnance Officer to be broken up. Other arms shall be broken up locally and the materials sold. (3) Any ammunition or military stores not disposed of under the provisions of clause (1) shall be destroyed. [N. W. F. P., L. R. and O., para. 9]

Vide also Notes under s. 28, page 79.

VIII.—Miscellaneous.

25. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose,

or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a licence, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate, or by, or in the presence of, some officer specially empowered in this behalf by name or in virtue of his office by the local Government.

NOTES.

(1) 15 All. 129.—**Sangam Lal**—When a Magistrate issues a search warrant under s. 25 it is necessary that he should record the grounds of his belief that the person against whom the warrant is issued has in his possession arms, ammunition or military stores for an unlawful purpose. The Act is highly penal and must be strictly construed.

(2) 42 Mad. 26.—**Gaddam Panchalu Reddi**—A magistrate directing the issue of a warrant to search premises on information received that the owner or occupant thereof is in possession of firearms without a licence, acts as a Court and not merely as a public servant, whether he purports to act under the Cr. P. Code or under s. 25 of the Arms Act.

(3) The grounds of belief should be recorded before a search warrant is issued. Mere speculative searches are not authorised by law. (U. P. Rule 92).

(4) 3 C. L. J. 75, (12 C. W. N. 973)—*Brojendra Kishor Rai Chaudhuri*.—The defendant, who did not, before causing the search of the plaintiff's house to be made, first record the grounds of his belief, could not justify the search under the provisions of the said Act. As there was no proceeding pending before him, the defendant was not a court within the meaning of s. 94, Cr. P. C., and, therefore the defendant could not direct a search to be made in his presence under the provisions of s. 165 of the Code. The search having been for the purpose of discovering arms generally, s. 165 of the Code did not apply. Conducting a search for arms is not an act done in the discharge of a judicial duty. Even where a defendant's *bona fide*, in conducting a search, is established, it does not release him from the obligation the law casts upon him, as being in supreme control of the search party, of seeing that the search was conducted in a proper and reasonable manner. In such a case, the damages should be substantial, and not merely normal.

(5) 36 Cal. 433, (13 C. W. N. 456).—*Brojendra Kishor Rai Chaudhuri*.—When a statute creates a special right, but certain formalities have to be complied with antecedent to the exercise of that right, a strict observance of the formalities is essential to the acquisition of that right. In a general search of arms, under s. 25, the Magistrate holding such search must first record the grounds of his belief as directed therein, in order to avail himself of the protection of that section from the consequences of his action. A Magistrate can only conduct a search under s. 105, Cr. P. C., when he is competent to issue a search warrant under s. 96 of that Code which applies to the issue of a search warrant by the Court. *Per Maclean C. J.*—When there are special provisions in an Act of the Legislature dealing with the case of a search for arms, and laying down what are the conditions precedent to the making of such a search and there are general provisions in another Act of the Legislature dealing with searches generally, and in point of fact, the search was one made for arms it ought, in the absence of evidence, to show that the search was made under the general as opposed to the specific legislation, to be taken that the search was made not under the general provisions authorising searches, but under the special provisions authorizing a search for arms, and especially so, when the search was made by one who, in the circumstances, had no power of search under the general provisions as to searches. The scheme as regards searches under the Code of Criminal Procedure is as follows:—(1) the Court can issue a search warrant under s. 96; or (2) in lieu of that, the Magistrate may himself search under s. 195; and (3) s. 169 deals with searches by a police officer and not by a Magistrate. The duties of a magistrate in this country are at once executive and judicial. If a search is conducted by a Magistrate in his executive capacity, he cannot rely on Act XVIII of 1850 as a protection from the consequences of holding a search. *Per Harrington J.*—Where the statute authorises the doing of an act which is *prima facie* a wrong to an individual, the doer must comply strictly with the conditions imposed by the statute, if he desires to rely on the statute as a justification for his act. A Magistrate cannot be said to be acting judicially in directing a search to be made without any proceeding having been instituted before him which he would be called on to determine judicially. The respondent though successful was not allowed his costs for pressing charges of malice against the appellant which were held to be unfounded.

(6) 29 Cal. 963.—On appeal to the Privy Council, Their Lordships thought that there was no foundation for the suit; Clarke's action under the circumstances was quite justified. The charge of personal misconduct advanced and reiterated without any shadow of proof deserves the severest reprobation. Their Lordships therefore advised His Majesty that the appeal ought to be allowed, the order of the Court of Appeal discharged and the suit dismissed with costs.

(7) 144 P. L. R. 193.—*Sharat Khan*.—Where the accused were convicted of offences under ss. 225-332, I. P. C., and it was urged on their behalf on revision that a search under the Arms Act which gave rise to the alleged obstruction and use of criminal force on their part, was illegal inasmuch as it was made at night and was not restricted to the procedure laid down in s. 25, held, maintaining the convictions that a search by night is not illegal and, in cases under the Arms Act, does not override s. 165 of the Cr. P. Code.

(8) U. B. R., 1892-1896, Vol. 1, 1.—*Nag Po Tein*.—Search for arms would be illegal if it was not ordered by a Magistrate in pursuance of s. 25.

(9) **A. I. R. 1927.**—**All. Shiam Lal.**—Want of compliance with the provisions of s. 25 will not render conviction under ss. 19 and 20 illegal.

(10) The officers mentioned below are empowered under this section to conduct searches :—

Bombay.—District and Assistant Superintendents of Police (Bombay R. and O.)

Bengal.—Any Police officer not below the grade of sub-Inspector, or the Deputy Conservators of Forests Jalpaiguri and Buxa Duars in the Jalpaiguri district (Bengal R. and O. para 82 (2).)

United Provinces.—Justices of the Peace and Superintendents, Assistant Superintendents, Deputy Superintendents and Inspectors of Police. (G. O. No. 3264-VI-660-D-2, dated the 9th November 1907).

PUNJAB.—All Police officer not below the rank of officer in charge of a station. (Notn. 943, dated the 10th July 1907.)

CENTRAL PROVINCES.—All Police officers not below the rank of Sub-Inspector. (Notn. No. 8126 G. dated the 6th November 1893)

N. W. F. PROVINCE.—All Police officers not below the rank of officer in charge of a station. (Notn. No. 7103 G dated the 2nd May 1822.)

[See also Notes under sec 28 of the Act, page 79.]

26. The Local Government may at any time order or cause to be seized any arms, ammunition or military stores in the possession of any person, notwithstanding that such person is licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

**Seizure and detention
by Local Government**

27. The Governor-General in Council may, from time to time, by notification published in the Gazette of India,—

Power to exempt.

(a) exempt any person by name or virtue of his office, or any class of persons, or exclude any description of arms or ammunition or withdraw any part of British India from the operation of any prohibition or directions contained in the Act ; and

(b) cancel any such notification, and again subject the persons or things or the part of British India, comprised therein to the operation of such prohibition or direction.

NOTES.

(1) For persons or classes of persons exempted—Vide Schedule I.

(2) For arms, ammunition or military stores excluded—Vide Schedules II & III.

(3) For parts of British India withdrawn—Vide Schedule IV.

(4) **5 P. R. C. 1892 - Bishen Singh.**—There is no provision of law or of any rule having the force of law whereby the **Army Regulations, India, can be held legally to restrict the powers exercised by the Governor General in Council under s. 27 of the Arms Act.**

28. Every person aware of the commission of any offence punishable under this Act shall, in the absence of reasonable excuse, the burden of proving which shall lie, upon such person, give information of the same to the nearest Police Officer or Magistrate ; and, every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse, the burden of

**Information to be given
regarding offences.**

proving which shall lie upon such person, give information to the nearest Police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Act has been or is being committed.

NOTES.

(1) The provisions of this section should be widely notified in the 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. 23 dated the 27th Feb 1879.)

(2) Rules relating to grant of rewards in the several provinces.

Bombay—The Commissioner of Police, Bombay, and the District Magistrates, including the Agent to the Governor in Panch Mahals, the Political Superintendent, Thar and Parkar, and the Superintendent Upper Sind Frontier, have been authorised to pay a reward of not less than half the value of articles confiscated under s. 24 to the Custom Officers, Railway Servants, Public Carriers, Police Officers, Steam-boat officers or other persons who may have given information which led to the detection of the offence, or who may have arrested the offenders or seized their arms under s. 12 of the Act. It should be notified in the *Bombay Government Gazette* that rewards may be so paid and all heads of departments and agents of all Railways should be requested to explain to their subordinates and make as widely known as possible the provisions of the Act and particularly the responsibilities created by sec. 28 and the rewards which may be earned Bom. L. R. and O.)

(1) All persons are bound to give information of the offences under the Act. (Madras L. R. and O. para. 27).

Bengal.—If a person is convicted of an offence punishable under the Indian Arms Act, 1874, reward may be granted to those officers or other persons who gave the original information which led to the conviction of the offenders, and also, if there be sufficient reason, to those who actually arrested the offender or seized the property in respect of which the offence was committed

District Magistrates are empowered to pay such rewards at their discretion up to a limit of Rs. 100 in each case, and up to Rs. 500 with the previous sanction of the Commissioners of Divisions. Proposal for the payment of rewards exceeding Rs. 500 shall be submitted through Commissioners of Divisions for the sanction of Government. In the town of Calcutta the Commissioner of Police is empowered to pay such rewards at his discretion up to a limit of Rs. 500 in each case. Proposals for the payment of rewards exceeding this amount shall be submitted for the sanction of Government. Rewards may not be granted by Magistrates subordinate to District Magistrates. When a subordinate Magistrate convicts an offender under the Indian Arms Act, he shall submit the records of the case to the District Magistrate, together with his recommendation as to the grant of a reward and the persons to whom it should be paid, and the District Magistrate shall pass such orders thereon as he may think fit. In fixing the amount of the reward the fact of the arms and ammunition being new or old, serviceable or unserviceable, should be taken into consideration.

Rewards should be paid as soon as possible after the order of the court of first instance is confirmed, or, if no appeal has been preferred, after the period allowed for appeal has expired.

Payments for rewards will be drawn up by the Magistrate in their contingent bills and charged against "Law and Justice—Courts of Law." Provision of rewards should be made under this head by Magistrates in their district budgets.

Exceptional cases may occur in which it is desirable to grant rewards to officers or informers in cases which do not end in conviction, or in which judicial proceedings are not instituted. Rewards in such cases will be paid by the Police Department under departmental rules. The same procedure should be followed in successful prosecution with regard to informers whose names it is not desirable to divulge. (Bengal Resn. No. 655P.—D., dated the 27th May 1914, letter 1524 P.—D., dated the 25th July 1914 and para 86, Bengal R. and O.)

Rewards in cases under the Indian Arms Act, 1878, should always be upon a liberal scale, but this is particularly necessary in the case of weapons which are habitually used for the purpose of murder and assassination. Large rewards should, therefore, be given for information leading to the recovery of a revolver, automatic pistol, or magazine pistol or similar weapon possessed without lawful authority. (Bengal No. 8976-77P., dated the 8th Oct. 1914 and para. 87, Bengal R. and O.)

By section 28 of the Act every person employed upon any railway or any public carrier is bound, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, to give information to the nearest Police Officer regarding any box, package, or bale in transit which he may have reason to suspect contains arms, ammunition, or military stores in respect of which an offence against this Act has been or is being committed. Such persons although legally bound to furnish the information required, are eligible for the rewards mentioned in the proceeding rules. (Para 88, Bengal Local R. and O.)

United Provinces.—(a) When any arms, or other articles, are confiscated under section 24, the convicting Magistrate shall, immediately on conviction, pay a reward of not less than half the estimated value on the confiscated articles to the person or persons who may have given information which led to the detection of the offence, or who may have assisted in the arrest of the offender and seizure of the arms or other articles. Such payments will be charged against Law and Justice, and be drawn by Magistrates in their contingent bills.—(b) Any Magistrate convicting an offender of any offence under the Act may, at his discretion, grant a reward, not exceeding the amount of fine imposed, in such proportions as he may think fit to any person or persons who have contributed to the arrest of the offender or the seizure of the arms or other articles.—(c) If no fine is inflicted, or if a larger reward than the fine imposed seems needed, and in all cases in which persons are apprehended or arms or other contraband articles seized the Magistrate of the district is hereby authorised to pay rewards, at his discretion, to the persons who have contributed to the arrest of the offenders, or the seizure of the arms or other contraband articles, up to the limit of Rs. 100 in each case, and up to Rs. 500 with the sanction of the Commissioner of the division. Rewards exceeding Rs. 500 shall not be paid without the sanction of Government.—(d) If such cases occur before a subordinate Magistrate, he should at once forward the papers connected with the case, together with his recommendation as to the amount of the reward and the persons to whom it should be paid, to the Magistrate of the district, who will at once pass such orders thereon as shall seem required.—(e) Provisions for rewards under this rule should be made by Magistrates in their district budgets; but informers who bring to light breaches of the Arms Act should be rewarded under the rules relating to rewards of class (b) in paragraph 367 of the Police Regulations. [U. P. No 982 IV—66-D-2, dated the 8th April 1907]

Rewards payable to police officers shall be credited to the head "General Police Fund"—Sub-head "one-half share of recoveries on account of police supplied for private entertainments creditable to Government, payable to the force as rewards" and drawn by the superintendents of police concerned when required for payment to the force. If the money has not been so deposited by the convicting magistrate the superintendent of police is not empowered to pay the reward. The balances under the sub-head mentioned above are carried forward from year to year and do not lapse to Government. (U. P. Correction List No. 2).

Punjab, No. 899 S. dated the 29th June 1910.—The attention of the Lieutenant-Governor has been recently drawn to the necessity for the stricter enforcement of the law against the unauthorised possession of arms in the province. The matter is one in which Government must chiefly depend on the vigilance of the Police, and it has been suggested that one means of furthering the object in view is to institute a system of liberal rewards for information leading to recovery of arms in unlawful possession.

(a) In notification No 943, dated the 10th July 1907, certain rules under the Arms Act were framed, 10 and 11 of which contained orders regarding the payment of rewards by Magistrates in cases which come before them. So far as can be ascertained these orders have, to a great extent, been lost sight of, and the attention of all officers concerned is accordingly directed to the subject. It is of great importance that rewards should always be paid for information leading to the recovery of arms in unlawful possession, and that these rewards should, if anything, err, on the side of liberality. It is not proposed to lay down any scale of rewards or to restrict

the amount of a reward to that payable under the rules quoted above. A reward payable under these rules can, and should, be supplemented whenever expedient from other sources, e.g., the police grant for rewards, and discrimination should be used in fixing the amount of the reward which latter need not bear an exact relation to the value of the weapon recovered. The recovery of a cheap revolver might, in certain circumstances be a matter of far greater importance than the recovery of a valuable military rifle. There are obvious objections to the exhibition of too much energy in the direction of advertising the fact that liberal rewards will be paid for information leading to the recovery of illicit arms, but District Magistrates and Superintendents should exercise their discretion in this connection and enlist the aid of zaildars, lambardars and native gentlemen of the district, rather than work through ordinary informers.

Central Provinces.—On the confiscation of any arms, ammunition, stores, animals or other property under section 24 of the Act, the convicting Magistrate may award a sum not exceeding the estimated value of the property so confiscated to the person or persons who may have assisted in the discovery and seizure of the arms or other property, or in the arrest of the offenders. Such payments may be drawn in the contingent bill, and charged to "Law and Justice." When any person is convicted of an offence under the Act, convicting Magistrate may award a sum not exceeding the amount of the fine imposed to any person or persons who may have assisted in the discovery and seizure of the arms or other property, or in the arrest of the offenders. Where an appeal lies from the conviction, payment shall not be made until the period of the appeal shall have lapsed, or if an appeal has been laid, until the conviction shall have been confirmed. [Para 47, C. P., Local R and O].

N. W. F. P.—Notn. No. 3028 G., dated the 18th March 1923. When any arms or other articles are confiscated under section 24 the convicting Magistrate shall immediately upon conviction, pay a reward of not more than half the value of the confiscated articles, and in such proportion as he may deem advisable after due consideration of all the facts of the case, to the person or persons (Police Officers are included) who may have given information which led to the detection of the offence or who may have assisted in the arrest of the offenders and seizure of the arms or articles. Such payment will be chargeable to Law and Justice, and be drawn by Magistrates in their contingent bills. Any Magistrate convicting an offender of any offence under the Act may at his discretion, grant a reward not exceeding the amount of the fine imposed, in such proportions as he may think fit, to any person or persons (Police Officers are included) who have contributed to the arrest of the offender or the seizure of the arms or other articles. The powers vested in Magistrates by these Rules will be exercised subject to the supervision and general control of the District Magistrate.

Assam.—Superintendents of Police shall grant rewards on the following scale for information leading to the discovery of arms or ammunition in the possession of a person not entitled to possess them. These orders will operate automatically and the grant of these rewards will not be optional but obligatory, unless for any special reasons the Superintendent of Police moves the Inspector General of Police through the Deputy Commissioner to have their action suspended by the Local Administration.

(1) Rifles, revolvers and any class of modern pistol—Rs. 100. (2) Breech-loading smooth-bore guns—Rs. 100. (3) Muzzle-loading smooth-bore guns—Rs. 30. (4) Ammunition or explosives proportionate to the amount discovered, but not less than—Rs. 10.

Articles confiscated by a court should be disposed of by the District Magistrate, and the rewards should be paid as soon as possible after the period within which an appeal can be preferred expires, or the order of the court of first instance is confirmed, whichever may first happen.

By section 28 of the Act every person, employed upon any railway or by any public carrier, is bound, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, to give information to the nearest police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Act has been or is being committed. Such persons, although legally bound to furnish the information required, are eligible for the rewards mentioned in the preceding rule [Assam L. R. and O., paras 10 and 11].

29. Where an offence punishable under section 19, clause (f), has been committed within three months from the date on which this Act comes into force in any province, district or place to which section 32, clause 2 of Act XXXI of 1860, applies at such date, or where such an offence has been committed in any part of British India not being such a district province, or place, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the District, or, in a Presidency town of the Commissioner of Police.

(1) See notes (29) to (38) under s. 19, *ante*, and note (1) to sec. 30, below.

30. Where a search is to be made under the Code of Criminal Procedure, 1882, or the Presidency Magistrates Act, 1877, in the course of any proceedings instituted in respect of an offence punishable under section 19, clause (f), such search shall, notwithstanding any thing contained in the said Code or Act, be made in the presence of some officer specially appointed by name or in virtue of his office by the local Government in this behalf, and not otherwise.

NOTES.

(1) *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. 25 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.).

(2) In the Madras Presidency searches in respect of an offence punishable under section 19 (f) may be made in the presence of a Magistrate, an Inspector or Sub-Inspector of Police or of a head of a village. In the taluks of Calicut, Ernad and Waiyavanad and Malabar district, searches in respect of offences punishable under section 19 (f) may be made in the presence of a Magistrate, an Inspector or sub-Inspector of a Police, station house officer or of a head of a village. (Notn. Nos. 344 and 132 dated the 31st Aug. 1893 and the 14th March. 1885).

(3) In other provinces searches under this section are to be made in the presence of the following officers:—

Bombay.—Police officers of not lower rank than a chief Constable (Bombay L. R. and O.)

Bengal.—Magistrate or a Police Officer not below the grade of sub-inspector (Notn. No. 10673 P. dated the 12th Nov. 1914, and para 83 Bengal L. R. and O.)

United Provinces.—Magistrates, Justices of the Peace, Superintendents, Assistant Superintendents and Deputy Superintendents, Inspectors of Police, and officers-in-charge of reporting stations (G. O. No. 3264 dated the 9th Novr. 1907).

Punjab.—Police-officers of rank not below that of officer in charge of a station. (Notn. No. 114 dated the 10th July 1909).

Central Provinces.—Magistrates and Police Officers not below the rank of Sub-Inspector. (Notn. No. 8126 dated the 6th Nov. 1893).

N. W. F. Province.—All Police officers of rank not below that of officer in charge of a station (Notn. No. 7103 G., dated the 2nd May 1922.)

(4) 16 A. L. J. 721—Baburam.—The power of search in respect of an offence punishable under s. 19 (f) must be exercised in the presence of some officer specially appointed by name or in virtue of his office by the Local Government in this behalf. A search conducted by a Police officer in charge of a reporting station, specially empowered as above, without obtaining a warrant from a Magistrate, is not illegal.

(5) 8 P. R. 1915 Gr. Khem Singh.—Search in this section refers to searches of house or premises occupied by suspected persons and not to searches of persons. Even if the search of the accused was illegal it made no difference to the fact that the accused was in illegal possession of arms.

(6) 47 All. 575, (A. I. R. 1925), All—434 Kutroo.—Although the search is illegal, a person can be convicted if the evidence against him is conclusive.—The ordinary meaning of "in the course of any proceedings instituted" in this section is in the course of any legal proceedings which have already begun. "In the presence of some officer" mean that there must be two persons, namely, the person making the search and the officer specially appointed.—(See also notes under s. 25, on page 76, ante).

(7) A. I. R. 1927, Cal. 721—Ismail Khan.—Entering a case in the case book and making out a charge is not institution of proceeding.

31. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the Act: Provided that no person shall be punished twice for the same offence.

NOTES.

(1) 5 Bom L. R. 26.—Kanjji Joy Singh.—The accused was sentenced to a term of imprisonment for an offence under the Arms Act. The sentence was ordered to run concurrently with another sentence previously passed upon him under s. 123, Cr. P. C. Held that the sentence for the substantive offence must commence at once and cannot be postponed to take effect after the expiry of the period of imprisonment in default of giving security for good behaviour which the accused was undergoing at the date of the conviction, that s. 35, Cr. P. C., applies to sentences on conviction for offences at one trial and has no application to imprisonments under s. 123, Cr. P. C.

(2) 3 L. B. R. 218—Po. Ka.—The case against the accused was found on facts which constituted an offence under the Arms Act as well as under section 30 of the Rangoon Police Act. Held that the accused should not have been charged and convicted twice as for two offences under each of the said Act.

(3) 8 M. L. T. 298.—Joseph Kangani.—Where a case might properly have been tried under the Arms Act or the Explosives Act, but the public prosecutor did not ask the High Court to order a retrial, the High Court cannot convict the accused under either of those two enactments without a fresh trial.

32. The local Government may from time to time, by notification in the local official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

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.

33. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Act, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

Notice and limitation
of proceedings.

NOTE.—For additional section 34—See Punjab Local Rules and Orders.

THE FIRST SCHEDULE.—ENACTMENTS REPEALED.—(SEE SECTION 3).

Number and year.	Title.	Extent of Repeal.
XVIII of 1841	An Act for consolidating and amending the enactments concerning the exportation of military stores,	So much as has not been repealed.
XXX of 1854	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban and Tenasserim Provinces.	In the preamble, the words "and that the exportation of munitions of war from any of these Provinces into foreign States should be prohibited." Section II.
XXXI of 1860	An Act 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 certain cases.	So much as has not been repealed
VI of 1866	An Act to continue Act, No. 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 certain cases) and for other purposes.	The whole.
III of 1872	The Santhal Parganas Settlement Regulation.	So much of the Schedule as relates to Act XXXI of 1860 and Act VI of 1866.
IX of 1874
XV of 1874
	The Arakan Hills District Laws Regulation, 1874.	So much of the Schedule as relates to Act XVIII of 1841.
	An Act for declaring the local extent of certain enactments and for other purposes.	So much of the first Schedule as relates to Act XVIII of 1841.

THE SECOND SCHEDULE—ARMS, ETC., LIABLE TO DUTY.

[Repealed by the Repealing and Amending Act, 1891 (Act XII of 1891).]

THE INDIAN ARMS RULES, 1924 ; as amended by subsequent notifications published up to 1st January 1928.

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HOME DEPARTMENT, NOTIFICATION, NO. F. 829-1-22, DATED THE 3RD NOVEMBER, 1923.—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to make the following rules:—

1. **Short title.**—(1) These rules may be called the Indian Arms Rules, 1924.

(2) They shall come into force on the 1st January, 1924.

2. **Interpretation.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

“District Magistrate” means in the case of Aden, the Assistant Political Resident: in the case of the suburbs of Calcutta, as defined in the Government of Bengal notification, dated the 21st September 1880, the Commissioner of Police, Calcutta, and, in cases where the Local Government so directs in respect of any district or part thereof, an Additional District Magistrate;

“Form” means a Form as set out in Schedule VIII; and

“the Act” means the Indian Arms Act, 1878,

(2) The General Clauses Act, 1897, shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of an Act of the Governor-General in Council.

NOTE.

In exercise of the power conferred by clause (1) of rule 2, the Governor in Council is pleased to direct that the powers and duties of a “Magistrate of the District” shall be exercised and performed by the additional District Magistrate of Manbhum within the Dhanbad Sub-division of that District. (B. and O. Notn. 440 P, dated the 8th November, 1921).

Application of the Act.

3. **Exemption, exclusion and withdrawal.**—(1) The persons and classes of persons, the arms and ammunition, and the parts of British India specified or described in Schedules I to IV are, respectively, exempted, excluded and withdrawn to the extent and subject to the condition therein specified from the operation or prohibitions and directions contained in the Act:

Provided that the exemptions specified in Schedule I are made subject to the following conditions, namely:—

(a) they shall not be deemed to render lawful the import of arms or ammunition, save from Berar, or the transport within the Province of Burma of arms, ammunition or military stores, through the medium of the Post Office;

(b) save in the case of persons included in entry (1) (b), entry (2) or entry (6) (e) of the said Schedule, any person so exempted shall register in such manner as the local Government may prescribe any firearm or ammunition for the same in respect of which he is exempted from the operation of any provisions of the Act;

(c) every person shall, on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest police station ; and

(d) the Governor-General in Council may, by notification in the Gazette of India, direct that any such exemption conferred on a class of persons shall cease to extend to any person included in that class who may be named in the notification.

(2) Any person failing to comply with any condition of exemption set out in provisos (b) and (c) to sub-rule (1) shall be deemed to have violated these rules.

NOTES.

(1) The exemption conferred under this rule (and entry (10), Schedule I) shall cease to extend to Satti Muhammad, son of Ghuman, Lambardar of Chak No. 246, Rakh Branch, Lyallpur District, Punjab. (Notn. No. F. 21-XV-24 dated the 22nd April 1924.)

(2) The Home Department notification No. F. 21-XIX-23, dated the 1st August 1923, withdrawing the exemption conferred by sub-rule (1) of rule 3 of the Indian Arms Rules 1920, [in clause (g) of entry (11) to Schedule I relating to landholders and members of a Municipal Board or a Committee] on Pir Muhammad Hassan wala Abdul Rahman of the Thar and Parkar District, in respect of the prohibitions and direction, contained in sections 13, 14, 15 and 16 of the Indian Arms Act 1878 (XI of 1878) is hereby cancelled. (Notn. No. F. 21-XIX-22-23, dated the 9th Sept. 1924.) [Note.—Entry No. (11) of Schedule I annexed to the Indian Arms Rules 1920, has been omitted from the Schedule attached to the present Rules.]

(3) Under proviso (d) to sub-rule 1 of Rule 3, the exemption conferred on persons holding titles conferred or recognised by Government, and on taluqdars of Oudh shall cease to extend to Raja Sri Partab Singh, taluqdar of Haraha, Bara Banki district, U. P. (Notn. No. F-21 XXXIII-27 dated the 14th May 1927)

(4) In exercise of the powers conferred by clause (b) of sub-rule (1) of rule 3 of the Indian Arms Rules, 1924, the Governor in Council (Punjab) is pleased to direct that all persons who enjoy exemptions under schedule I shall furnish to the District Magistrate of the District in which they reside, within three months from the date of this order, a list showing the number and description of fire-arms in their possession, and shall thereafter inform the District Magistrate in writing of any increase or decrease in such number within one month from the date on which such increase or decrease takes place. Failure on the part of an exemptee to comply with this order will render him liable to the cancellation of his exemption. No fee shall be payable in respect of any communication made by an exemptee in accordance with the provisions of this order. (Punjab No. 6820 dated the 5th March 1923).

(5) The firearms and ammunition possessed by persons exempted under Schedule I and residing in the Ajmer-Merwara Municipal area or within three miles thereof, shall be registered by application in writing to the District Magistrate and Commissioner, Ajmer-Merwara. No fees will, however, be payable by them in respect to the arms and ammunition, the quantity and description of which will hereafter be declared by the Local Government as reasonable for possession for personal use. (Ajmer-Merwara Notn. No. 1010-305 B, dated the 20th June 1924)

(6) In all cases in which arms are stolen the question of the desirability of withdrawing any licence or exemption enjoyed by the possessor should be taken into consideration. (E. B. and A. No. 2705-09 G, dated the 29th April 1910)

(7) District Magistrate should report for the orders of Government any case in which an exempted person either makes or permits improper use of his weapon, or persists in ignoring ordinary precautions for their safe custody, or by his general behaviour proves himself unworthy of the privilege of exemption. (E. B. and A. No. 84-88 Pl. dated the 12th Dec. 1911.)

(8) The Chief Commissioner is pleased to direct that all persons who enjoy exemption under Schedule I shall furnish to the District Magistrate, Delhi, within three months from the date of this notification, a list showing the number and

description of firearms in their possession, and shall thereafter inform the District Magistrate in writing of any increase or decrease in such number within one month from the date in which such increase or decrease takes place. Failure on the part of an exemptee to comply with this order will render him liable to the cancellation of his exemption. No fee shall be payable in respect of any communications made by an exemptee in accordance with the provision of this notification. (Delhi News, No. 1550 dated the 13th March 1925.)

4. Extension—For the purposes of the definition of “military stores” in section 4 of the Act all sections of the Act are extended throughout British India to all lead, sulphur and saltpetre.

(See notes under Schedule II, appended to these Rules).

Import.

5. Restriction upon import of cannon and certain other articles.—(1) A licence for the import of—

- (a) cannon,
 - (b) articles designed for torpedo service,
 - (c) war-rockets, or
 - (d) machinery for the manufacture of arms or ammunition,
- may be granted in Form I only by the Governor-General in Council.
- (2) A copy of every licence granted in accordance with sub-rule (1) shall forthwith be sent—

(a) where the articles are consigned to a Presidency-town or Rangoon—to the Commissioner of Police, or

(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

6. Restriction upon import of arms, ammunition and military stores from Portuguese India.—A licence shall not be granted for the import of any arms, ammunition or military stores from Portuguese India.

Provided that nothing in this rule shall be deemed to limit or otherwise affect any power conferred by these rules to grant a licence for the import of ammunition which, in the opinion of the authority granting the licence, is intended in good faith for blasting purposes.

7. Restriction upon import of certain rifles.—(1) A licence shall not be granted for the import by sea or by river or land, save from Berar,—

(a) of rifles of 303 or of 450 bore or of pistols or revolvers of .441, .435 or any intermediate bore or of parts of or fittings for rifles, pistols or revolvers of such bores or, save as otherwise provided by rule 38, of ammunition which can be fired from such rifles pistols or revolvers, or of appliances the object of which is the silencing of firearms; or

(b) save with the previous sanction of the Governor-General in Council, of rifles, or parts of or fittings for rifles, of any other bore; or

(c) of any arms or ammunition through the medium of the Post Office.

(2) Nothing in clause (b) of sub-rule (1) shall be deemed to limit or otherwise affect any power conferred by these rules to grant, save as otherwise provided by rule 6, a licence for the import of rifles, or parts of or fittings for rifles, which, in the opinion of the authority granting the licence, are intended in good faith for sporting purposes.

NOTES.

(1) Attention is invited to proviso (1) to sub-rule (1) of rule 33 of the Indian Arms Rules, 1924—* * * * *. Several instances have recently come to the notice of the Government of India in which licensing officers have granted licences for the possession of weapons of prohibited bore without first satisfying themselves that such weapons have been lawfully imported into British India, in fact, before the weapons have been imported at all, and such possession-licences have been produced at Customs Houses, as the authority for importing the weapons which being of prohibited bore, can only be imported under an import licence issued by the Governor-General in Council. There seems to be an impression among certain licensing officers that the prohibition against the import of such weapons does not apply to weapons required for personal use. This impression is quite unjustified and to correct it, as desired by the Government of India, the local Government desires to impress on licensing officers the necessity of strict compliance with the provisions of the Arms Rules in this respect. The Government of India have instructed the Customs authorities in all cases of the kind referred to above to detain the weapon under section 6 of the Arms Act, pending a reference to them and the local Government. (India No E-21-XVII-25, dated the 9th Sept. 1925, Bengal Rule 58A, and C. P. Rule 52.)

(2) 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 R. and Orders, para 8.)

(3) The importation of rifles with "sub-target rifle machines" is strictly prohibited by the Government of India. [India No. 2516-19, dated the 8th Nov. 1906, and U. P. G. O. No. 375-1, 3752 VI-660-D. L., dated the 23rd Nov. 1906.]

(4) 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. [India No. 4638, dated the 6th August 1906.]

(5) Persons who are already in possession of rifles of '303 bore and of '450 bore of the Martini Henri pattern, or of revolvers of '450 bore and wish to obtain cartridges for their own use are allowed to possess such ammunition to the extent of 200 rounds only for each class of rifle or revolver subject to the condition that they obtain under rule 33 of the Indian Arms Rules a licence which should be made over to the selected dealer referred to in rule 28. In the case of person or persons entitled to a free licence for arms a licence may be granted free. [India Nos. 606 and 867, dated the 20th Feb. 1901 and 30th March, 1905.]

(6) Although the prohibition against the importation of rifles of '303 bore became absolute on the 28th October, 1906, in the case of rifles of '450 bore on the 1st May, 1907, in the case of revolvers of '450 bore on the 1st January, 1924, and in the case of '441, '455, or any intermediate bore, with effect from 1st August, 1924, it may be presumed that the import of rifles and revolvers of these bores was lawful where such rifles or revolvers have been in the possession of owners or of the persons from whom the present owners bought from before the introduction of the Rules of 1920, or in the case of revolvers of '450 bore from before the 1st Jan. 1924, and in the case of '441, '455 or any intermediate bore with effect from 1st August, 1924. A declaration to this effect from an applicant for a licence of such a weapon should generally entitle him to a licence. [India Nos. 2166 and 454-66, dated, respectively, the 11th September, 1906, and 14th Feb. 1907, and No. F-21-XXX-23 dated the 23rd April 1924.]

Nota.—In the case of weapons described as '450/400, '557/450, '500/450, the former of the two figures represent the size of the chamber and the latter figure the size of the bore. Consequently, while a weapon described as 450/400 is not of prohibited bore, weapons described as '577/450 or '500/450 and ammunition to fit them are subject to the restrictions imposed on weapons and ammunition of the prohibited bores. (*India No. 1343, dated the 9th June, 1911, and U. P. No. 1653-VI-283, dated the 28th June, 1911.*)

(8) An exempted person may, without an order or licence, import rifles of a non-sporting character through an agent—(i) when the arms are sent to him direct;—(ii) if the arms are sent to an agent and the latter obtains a certificate from the exempted person that the imported arms are *bona-fide* his property and the agent only clears them from the custom house and forwards them. (*India No. 22/1821, dated the 24th Aug. 1896, and No. 2531, the 9th Dec 1897.*)

(9) The sights of guns and rifles should be regarded as parts of arms within the meaning of the Indian Arms Act, 1878. The sights for rifles of '303 bore fall accordingly within the restriction imposed by rule (7) (i) (a) of the Indian Arms Rules, upon the importation of rifles, or parts of such rifles, of such bore (*India No. 900, dated the 1st May 1911.*)

(10) It has been decided that licencees shall not in future be required in case of re-importation of rifles of certain military patterns and that it may be left to the Customs authorities to give necessary permission to re-import, a reference being made to the Local Government in doubtful cases. The following conditions have accordingly been laid down to govern cases of re-importation, and, subject to them, the Customs authorities have discretion to admit weapons of the classes referred to:—

(i) that the examination of the arms at the Customs House at the time of export shall be compulsory, (ii) that, as a general rule, export passes giving a full description of the weapons to be exported shall be obtained from the Collector of Customs by the person exporting the weapons; (iii) that these passes shall be accepted by the Collector of Customs as the best proof of export on the weapons being satisfactorily identified at the time of re-importation; and (iv) that in cases in which such export passes have not been obtained, it will rest with the Collector of Customs personally to accept such other proof of export as he may consider reasonable and proper. (*Burma Govt. Cir. No. 42 1903, based on orders of the Govt. of India No. 2752 dated the 20th July, 1903.*)

(11) The re-importation of rifles of military pattern and revolvers and pistols of 441, '455 or any intermediate bore, is now permitted. Examination of such arms at the Customs House at the time of export is compulsory. An export-pass giving a full description of the weapon should be obtained from the Collector of Customs at the time of export and will be accepted on re-import provided the weapon is satisfactorily identified. Even if no export-pass has been obtained, the Collector of Customs personally may accept other proof of export. (*India No. F-21-LXNIII-24 dated the 8th Dec. 1924.*)

(12) The re-importation of rifles of '303 and 450 bore and pistols and revolvers of '441, '455 and intermediate bores are permitted subject to the four conditions described in Note (10) above.

8. Import of arms, ammunition or military stores into the certain ports.—Save as otherwise provided by rules 5 to 7, a licence may be granted in Form II for the import by sea—

(a) of arms, ammunition or military stores, at a Presidency-town or Rangoon—by the Commissioner of Police;

(b) of arms, ammunition or military stores, at the ports of Calicut, Karachi, Cochin and Aden—by the District Magistrate;

(c) of saltpetre or lead, at the ports of Akyab and Moulmein—by the District Magistrate; and

(d) of sulphur in reasonable quantities, at the port of Tuticorin—by the Local Government on satisfactory proof that the sulphur is required in good faith for medicinal, manufacturing or agricultural purposes

Provided that all arms, ammunition or military stores imported into Aden shall be landed at the Abkari Pier at Tawahi only, and removed thence by the importer to such Government warehouse as the Political Resident may appoint in that behalf.

9. **Import of arms, ammunition or military stores by sea from Madras, Rangoon or Bombay into certain ports**—Save as otherwise provided by rules 5 to 7, a licence for the import by sea of arms, ammunition or military stores—

(a) from the port of Madras into the ports of Tuticorin, Bimlipatam, Cocanada, Negapatam, Mangalore, Gopalpore, Visagapatam, Pamban, or Masulipatam, or

(b) from the port of Rangoon into the ports of Akyab, Moulmein, Sandoway, Kyaukpyu, Tavoy, Mergui, or Victoria Point, or

(c) from the port of Bombay into the port of Mangalore, may be granted in Form II by the District Magistrate of the district in which the port of import is situated.

10 **Import by land or river of arms, ammunition or military stores.**—(1) Save as otherwise provided by rules 5 to 7, a licence for the import by land or river of arms, ammunition or military stores may be granted in Form III,—

(a) where the arms, ammunition or stores are consigned to a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) where they are consigned to any other place—by the District Magistrate of the district in which such place is situated.

(2) Such a licence may be granted for the import of arms which—

(a) belong to any person who resides in a State in India and is exempted under Schedule I from the necessity of taking out a licence for going armed with, or for possessing, such arms, and

(b) are imported solely for the purpose of repair, by the Political Officer for such State; and such licence shall also cover the re-export of such arms to the State from which they were imported.

(3) Where the arms, ammunition or stores are imported from a State in India otherwise than under rule (2), a copy of the licence shall forthwith be sent to the Political Officer for such State.

(4) Where the arms, ammunition or stores are imported by road or river from elsewhere than Berar and are consigned to a district not on the frontier of British India, a copy of the licence shall forthwith be sent to the District Magistrate of the district into which they cross such frontier; and such Magistrate may, in his discretion, require the licensee to produce them for his inspection before allowing them to be taken out of the district.

(5) (a) Where the arms, ammunition or stores are imported by land or river from Berar under a licence, the importer shall deliver the licence, within six days of the arrival of the consignment at its destination,—

(i) in a Presidency-town or Rangoon—to the Commissioner of Police, or

(ii) in any other place—to the District Magistrate of the district in which the place of destination is situated, or such other Magistrate as the District Magistrate may appoint for the purpose.

(b) Any officer to whom a licence is delivered under clause (a) shall satisfy himself—

(i) that the arms, ammunition or military stores correspond with the description given in the licence, and

(ii) that any deficiency is properly accounted for, and any subordinate Magistrate to whom a licence is delivered under sub clause (i) of that clause shall forward it to the district Magistrate.

(6) Where the arms, ammunition or stores are imported by rail, a copy of the licence shall forthwith be sent by the authority granting it to the railway authorities at the place to which such arms, ammunition or stores are consigned.

11. **Import from Berar.**—A certified copy of a licence to export from Berar into British India arms, ammunition or military stores granted under the Berar Arms Rules, 1924, shall be deemed to be a licence for import into British India granted under these rules.

12. **Scrutiny by railway authorities of consignment.**—(1) The railway authorities to whom a copy of a licence has been sent under sub-rule (6) of rule 10 shall require the consignee to produce the original licence and shall satisfy themselves—

(a) that the arms, ammunition or stores claimed by him correspond with the description given in such licence, and

(b) that such licence is identical in substance with the copy sent to them.

(2) Where, in any case referred to in sub-rule (1)—

(a) the consignee fails to produce the original licence, or

(b) the arms, ammunition or stores claimed by him do not correspond with the description given in such licence, or

(c) the licence is not identical in substance with the copy sent to the railway authorities,

such authorities shall not deliver the consignment and shall forthwith inform the nearest Magistrate.

13. **Production and delivery of import licences.**—(1) The consignee of arms, ammunition or military stores imported under a licence from elsewhere than Berar shall—

(a) where the consignment crosses the frontier by land or river, produce the licence within six days of such crossing before the District Magistrate of the district into which the consignment so crosses, or before such other officer as the District Magistrate may appoint in that behalf; and

(b) in any case in which the consignment is imported by land or river, deliver the licence within six days of the arrival of such consignment at its destination—

(i) in a Presidency-town or Rangoon—to the Commissioner of Police, or

(ii) in any other place—to the District Magistrate of the district in which such place is situated.

(2) Every officer before whom a licence is produced or to whom a licence is delivered under sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in the licence ; and

(b) that any deficiency is properly accounted for.

Export.

14. Restriction upon export by sea of cannon and certain rifles.—(1) A licence for the export by sea of—

(a) cannon, or

(b) rifles, or parts of or fittings for rifles,

may be granted in Form IV or Form V only by, or with the previous sanction of, the Governor-General in Council :

Provided that nothing in this rule shall be deemed to limit or otherwise affect any power conferred by these rules to grant a licence for the export by sea of rifles, or parts of or fittings for rifles, which, in the opinion of the authority granting the licence, are intended in good faith for sporting purposes.

15. Export by sea of arms, ammunition or military stores from and to certain ports.—(1) Subject to the provisions of rule 14, a licence for the export by sea of arms, ammunition or military stores may be granted in Form IV—

(a) at a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) at the port of Calicut, Karachi, Dhanushkōṭi, Tuticorin or Aden—by the District Magistrate.

(2) Save as otherwise provided in sub-rule (3), every licence granted under sub-rule (1) shall be for export either—

(a) to such one of the ports specified in clause (a) or clause (b) of sub-rule (1), or

(b) in the case of export from the port of Madras—to such one of the ports mentioned in clause (a) of rule 9, or

(c) in the case of export from the port of Rangoon—to such one of the ports mentioned in clause (b) of rule 9, or

(d) in the case of export from the port of Bombay—to such one of the ports mentioned in clause (c) of rule 9, or

(e) to such other places in his Majesty's dominions outside India, as may be specified or described in the licence.

(3) A licence may be granted at any of the ports mentioned in clause (a) or clause (b) of sub-rule (1) for the export by sea of saltpetre or lead to the ports of Akyab or Moulmein, &c.

(4) A copy of every licence of the nature referred to in clauses (a), (b), (c) and (d) of sub-rule (2) and in sub-rule (3) shall forthwith be sent—

(a) where the arms, ammunition or stores are consigned to a Presidency-town or Rangoon—to the Commissioner of Police, or

(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

16. **Export by sea of arms, ammunition or military stores from certain ports to ports in States in India or foreign territory.**—(1) (a) A licence for the export by sea of arms, ammunition or military stores from any of the ports of Madras, Bombay, Calcutta, Rangoon, Calicut, Karachi or Aden to any port in a State in India or other foreign territory may be granted in Form V by the Governor-General in Council:

Provided that a licence shall not be granted for export to a port on the sea-board of Arabia other than a port in the political charge of the Political Resident at Aden or of the Political Resident in the Persian Gulf.

(b) A licence for the export by sea of arms (other than arms in respect of which the restriction imposed by rule 14 applies), ammunition or military stores may be granted in Form V by any of the officers specified in the first column of Schedule V when the arms, ammunition or stores are to be exported from a port specified in the corresponding entry of the second column to a port specified in the corresponding entry of the third column thereof, subject in each case to the conditions specified in the fourth column.

(2) A copy of every licence issued under this rule for the export of arms, ammunition or military stores to any port in a State in India or to any port in the political charge of the Political Resident at Aden or of the Political Resident in the Persian Gulf shall forthwith be sent by the authority granting it to the Political Officer or the Political Resident concerned.

(3) The authority granting a licence under this rule shall also send a copy of such licence to the agent or master of the vessel by which it is intended that the arms, ammunition or military stores covered by the licence shall be shipped, and such agent or master shall not receive for despatch any case or package containing arms, ammunition or military stores unless such case or package is accompanied by the original licence, and shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in such licence, and

(b) that such licence is identical in substance with the copy sent to him.

(4) Where in any case referred to in sub-rule (3)—

(a) the case or package is not accompanied by the original licence, or

(b) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(c) the licence is not identical in substance with the copy sent to him,

such agent or master shall not receive the consignment for despatch, and shall forthwith inform the nearest Magistrate.

17. Export by land or river of arms, ammunition or military stores.—(1) A licence for the export by land or river of arms, ammunition or military stores to any place outside British India may be granted in Form VI,—

(a) by the Governor-General in Council, or

(b) by any of the officers specified in the first column of Schedule VI when the arms, ammunition or stores are to be exported to a place specified in the corresponding entry of the second column, subject in each case to the conditions specified in the third column.

(2) Any licence for the export by land or river of arms, ammunition or military stores to a State in India in political relations with a Local Government may be granted under the signature of a Secretary to such Government, or by such other officer as may be empowered by the Governor-General in Council in that behalf.

(3) Where any arms, ammunition or stores are exported to a State in India under a licence granted under this rule by any authority other than the Political Officer for such State, a copy of such licence shall forthwith be sent to such Political Officer.

(4) Where the arms, ammunition or stores are exported by road or river, a copy of the licence shall forthwith be sent to the District Magistrate of the district out of which they cross the frontier of British India; and such Magistrate may, in his discretion, require the licensee to produce them for his inspection before allowing them to leave the district.

(5) (a) Where the arms, ammunition or stores are exported by rail, a copy of the licence shall forthwith be sent by the authority granting it,—

(i) in the case of a consignment despatched from a Presidency-town or Rangoon—to the Commissioner of Police, and

(ii) in all other cases—to the District Magistrate of the district from which the consignment is to be despatched.

(b) The Commissioner of Police or District Magistrate shall forthwith send a copy to the railway authorities at the place from which the consignment is to be despatched; and the railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence, and shall satisfy themselves—

(i) that the arms, ammunition or stores correspond with the description given in such licence, and

(ii) that such licence is identical in substance with the copy sent to them.

(c) Where in any case referred to in clause (b)—

(i) the case or package is not accompanied by the original licence, or

(ii) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(iii) the licence is not identical in substance with the copy sent to them,

such authority shall not receive the consignment for despatch, and shall forthwith inform the nearest Magistrate.

(d) Where the arms, ammunition or stores are exported by rail to Berar, a copy of the licence shall be attached to the way-bill or invoice, as the case may be, and telegraphic advice of every such consignment shall be sent by the railway authorities from the forwarding to the receiving station

18. **Export to Berar.**—A certified copy of a licence to import from British India into Berar, arms, ammunition or military stores, granted under the Berar Arms Rules, 1924, shall be deemed to be a licence for export from British India granted under these rules.

19. **Delivery of export licences.**—(1) Where any arms, ammunition or military stores are exported by road or river, the licence shall, within six days of the arrival of the consignment in the district out of which it is to cross the frontier and before it so crosses, be delivered to the District Magistrate of such district or to such other officer as the District Magistrate may appoint for this purpose.

(2) Every officer to whom a licence is delivered under sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in the licence, and

(b) that any deficiency is properly accounted for.

NOTES.

(1) No licence should be granted under rule 17 (2) (Form VI), 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 No. 4523-27 P. J. dated the 31st Dec. 1919 and U. P. No. 6448-VI-844 dated the 31st Dec. 1919.)

(2) 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 or 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 (1924). (India No. 292-G., dated the 5th Feb. 1920.)

(3) Under section 1 (b) of the Indian Arms Act, no licence is necessary for the export of arms, ammunition or military stores issued to Indian 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) of the Arms Act. (India No. 1816-I., dated the 2nd June, 1899, and No. 298-G., dated the 5th Feb. 1920.)

(4) 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 enquiry, where necessary, and it will be within the discretion of the Local Government 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. (India No. 1171 P. dated the 31st Jan. 1880 and No. 759-G., dated the 20th Sep. 1882.)

(5) 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. (India No. 448-I P., dated 21st May 1881.)

(5) In the transmission of arms, ammunition and military stores from one British district to another through foreign territory the procedure prescribed is that both an export and an import licence, in the regular form, should be taken out—the export licence for the transmission of the consignment to foreign territory, and the import licence to cover its re-conveyance into British territory. Whenever such a case arises a copy of the original licence for export should be communicated by the issuing officer to the Magistrate of the place to which the consignment is ultimately destined. [U. P. No. 1336 VIII—66-A., dated the 15th July, 1887.]

(6) It is a matter of the greatest importance that effectual measures should be taken to prevent arms exported for retail sale in an Indian State from getting into the hands of persons unfit to possess such weapons: but after a licence for a consignment has been given, it is practically impossible to secure any control over the ultimate disposal of the arms covered by it. It is not, therefore, thought advisable that the export of firearms for sale in Indian States should ordinarily be permitted, except under the restriction mentioned below.

Political Officers should be instructed not to give in future certificates of their consent to intending importers of arms without first satisfying themselves that the arms are actually required for the personal use of some responsible and respectable person who would be entitled to possess them under the Arms Act Rules if he were in British India. [India No. 2735-I, dated the 6th July, 1889.]

Import and Re-export.

20. **Import and re-export by sea of arms, ammunition and military stores.**—Where a vessel bound for a port other than a port in British India calls at any port in British India in the course of its voyage, and there remains for a period exceeding forty-eight hours, any arms, ammunition or military stores in the possession of any passenger not exempted from liability to take out a licence in respect of such possession, shall be delivered by him to the Customs-Collector to be detained until the departure by sea of such passenger, and it shall not be necessary for such passenger to take out any licence in respect of arms, ammunition or military stores so delivered and detained.

Transport.

21. **Prohibition of transport by post of arms, ammunition or military stores within the Province of Burma.**—The transmission by post within the Province of Burma, of arms, ammunition or military stores is prohibited.

22. **Prohibition of transport of arms, ammunition or military stores otherwise than under licence.**—(1) Save as herein otherwise provided, the transport of arms, ammunition or military stores is

prohibited over the whole of British India, except under a licence and to the extent and in the manner permitted by such licence.

(2) Nothing in sub-rule (1) shall be deemed to apply—

(a) to arms and ammunition transported personally or as personal luggage in reasonable quantities for his own use by any person lawfully entitled to possess arms or go armed ;

or, subject to the provisions of rule 39 and save in the case of arms or ammunition consigned to any place in the province of Ajmer-Merwara from outside the province.

(b) to arms, ammunition or military stores which are covered by a licence for their export or import and are being transported by a licensed dealer in accordance with such licence—

(i) from the place of despatch in British India to the port or other place of export or from the port or other place of import to the place of destination ; or

(ii) by transshipment in the port of import for re export by sea ; or

(c) to arms, ammunition or military stores transported—

(i) 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 purpose of examination or repair to or from any such premises, or are transported to any other person so licensed or exempted as aforesaid ;

(ii) by a licensed dealer, where such articles are transported in a case or package legibly addressed to such a person as is referred to in sub-clause (i), in compliance with an order given by such person for the supply of such articles in reasonable quantities for his own use.

23. Restriction upon transport of cannon and certain other articles.—(1) A licence for the transport of—

(a) cannon ;

(b) articles designed for torpedo service,

(c) war-rockets, or

(d) machinery for the manufacture of arms or ammunition,

may be granted in Form I only by the Governor General in Council.

(2) A copy of every licence granted in accordance with sub-rule (1) shall forthwith be sent—

(a) where the articles are consigned to a Presidency-town or Rangoon—to the Commissioner of Police, or

(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

24. Transport of Arms, ammunition or Military Stores—

(1) Save as otherwise provided by rule 23, and subject to the provisions of sub-rule (2) of rule 39, a licence for the transport of arms, ammunition or military stores may be granted in Form VII,—

(a) where the arms, ammunition or stores are consigned from a Presidency-town or Rangoon—by the Commissioner of Police;

(b) where they are consigned from any other place—by the District Magistrate of the district in which such place is situated.

(2) A copy of every licence granted under sub-rule (1) for transport beyond the local limits of the authority of the officer granting it shall forthwith be sent—

(a) where the arms, ammunition or stores are consigned to a Presidency-town or Rangoon—to the Commissioner of Police, or

(b) where they are consigned to any other place—to the District Magistrate of the district in which such place is situated.

(3) A copy of every licence granted under sub-rule (1) by a District Magistrate for transport within the limits of his district shall forthwith be sent to the subordinate Magistrate (if any) having authority at the place to which the arms, ammunition or stores are consigned.

(4) Where the arms, ammunition or stores are transported by rail, a copy of the licence shall be attached to the way-bill or invoice, as the case may be, and telegraphic advice of every such consignment shall be sent by the railway authorities from the forwarding to the receiving station; and the consignment shall not be taken from the railway premises unless the railway police, or, if there are no railway police, the railway authorities, have satisfied themselves that the arms, ammunition or stores correspond with the description given in the licence.

NOTES.

(1) See notes under section 10 of the Act, on page 49, *ante*.

(2) No licence is required for the removal of ammunition from one magazine or warehouse to another in the same locality (U. P. No. 8-2955, dated the 9th Nov. 1888.)

(3) No licence is required for the transport of arms and ammunition to their place of destination after import, when they are despatched forthwith in accordance with condition 3 (b) of licence Form II, as rule 22 (2) (b) (1) exempts arms and ammunition in this case from the requirement of a transport licence. If the dealer, however, imports arms or ammunition and does not despatch them forthwith to their places of destination but keeps them in his shop or a warehouse and sells them after some time, a separate licence in Form VII will be required for the despatch of arms or ammunition for which a fee of Rs. 10 is payable. (Bengal R. and O., para. 2.)

(4) A dealer should not be given a licence in Form VII to cover the transport of arms and ammunition which are not even in his possession at the time the licence is issued; nor should he be allowed to spread the despatch of the arms covered by the licence over an indefinite period; under rule 42 (2) of the I. A. R., 1924, the licence should not, except for special reasons, be granted for a period longer than twice the time occupied in the journey by the route indicated on the licence. On the other hand, it is not necessary that he should despatch all the articles specified in the licence in one lot; but he may only despatch under one licence articles which are part of one consignment included in one transaction and sent off at or about the same time. In other words licences should be given only for definite consignments which are ready or almost ready for despatch at the time the licence is issued. Under rule 24 (4) each way-bill or invoice must be accompanied by a copy of the transport licence and it will be for the consignors to supply the railways with the necessary copies. (Bengal No. 14813 P., dated the 17th Nov. 1917, and R. and O., para. 15.)

(5) Under Rule 22 (2) (b) (i), a licence is no longer required for the transport of arms and ammunition to their place of destination immediately after import in accordance with condition 3 (b) of the licence to import in Form II. If the arms or ammunition are kept, however, for some time in a warehouse or shop before despatch, a licence to transport in Form VII is required. (Bengal R. and O. para 16)

25. Delivery of transport licences.—(1) The consignee of any arms, ammunition or military stores transported by land or river under a licence, shall deliver the licence within six days of the arrival of the consignment at its destination—

(a) in a Presidency-town or Rangoon to the Commissioner of Police, or

(b) in any other place—to the District Magistrate of the district in which the place of destination is situated, or to such other Magistrate as the District Magistrate may appoint in that behalf.

(2) Any officer to whom a licence is delivered under sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or military stores correspond with the description given in the licence, and

(b) that any deficiency is properly accounted for, and any subordinate Magistrate, to whom a licence is delivered under clause (b) of that sub-rule, shall forward it to the District Magistrate.

Import, Transport and Re-export.

26. Licence for import, transport and re-export of arms, ammunition and military stores.—(1) Save as otherwise provided by rules 5, 7 and 23, a comprehensive licence for the import by sea, land or river, of arms, ammunition or military stores and for their re-export may be granted in Form VIII—

(a) where the arms, ammunition or stores are consigned from one Indian State to another separated therefrom by British Indian territory—by the Political Officer for either State,

(b) where they are consigned from any place in Indian State to any other place in the same State separated therefrom by British Indian territory—by the Political Officer of such State :

Provided that nothing in this sub-rule shall apply to import from, or export to, Berar.

(2) (a) Where under the authority of the licence granted under sub-rule (1), the arms, ammunition or stores are to be transported across British Indian territory entirely by rail, a copy of the licence shall forthwith be sent by the Political Officer granting it to the other Political Officer concerned, and to the railway authorities at the place from which the consignment is to be despatched.

(b) The railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence and shall satisfy themselves—

(i) that the arms, ammunition or stores correspond with the description given in such licence, and

(ii) that such licence is identical with the copy sent to them.

(c) Where in any case—

(i) the consignment is not accompanied by the original licence, or

(ii) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(iii) the licence is not identical with the copy sent to them, the railway authorities shall not receive the consignment for despatch and shall forthwith inform the Political officer granting the licence.

(3) Where under the authority of a licence granted under sub-rule (1) arms, ammunition or stores are to be transported across British Indian territory and re-exported by road or river—

(i) a copy of the licence shall forthwith be sent by the Political Officer granting it to the District Magistrate of the district out of which the consignment is to cross the frontier of British India into the State to which it is exported; and

(ii) the licence shall within six days of the arrival of the consignment in the district out of which it is to cross the frontier of British India into the State to which it is exported, and before it so crosses, be delivered to the District Magistrate of such district, or to such other officer as the District Magistrate may appoint for this purpose.

(4) Every officer to whom a licence is delivered under clause (ii) of sub-rule (3) shall satisfy himself.—

(a) that such licence is identical in substance with the copy sent to him under clause (i) of that sub-rule, or to the District Magistrate in case he is not the District Magistrate himself;

(b) that the arms, ammunition or stores correspond with the description given in the licence; and

(c) that any deficiency is properly accounted for.

NOTE.—See note (6) to Rule 19, page 97 *ante*.

Export and Re-import.

27. Licence for export and re-import of arms, ammunition and military stores.—(1) Save as otherwise provided by rules 5 and 7, a comprehensive licence for the export by sea, land or river of arms, ammunition or military stores and for their re-import where such arms, ammunition or stores are consigned from any place in British India to any other place in British India separated therefrom by Indian State territory, may be granted in form VIII by the licensing authority of either such place, that is to say, by the authority empowered under these rules to grant a licence for the export of such arms, ammunition or military stores when consigned from, or, as the case may be, for their import when consigned to, such place:

Provided that nothing in this sub-rule shall apply to export to, or import from Berar,

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent by the licensing authority granting it to the other licensing authority concerned and also—

(a) Where the arms, ammunition or stores are to be transported entirely by rail to the railway authorities at the place from which the consignment is to be despatched, and

(b) Where the arms, ammunition or stores are to be transported by road or river to the District Magistrate of the district into which the consignment is to cross the frontier of British India on re-importation.

(3) The railway authorities shall not receive for despatch any case or package containing arms, ammunition or military stores unless accompanied by the original licence and shall satisfy themselves :—

(a) that the arms, ammunition or stores correspond with the description given in such licence, and

(b) that such licence is identical with the copy sent to them.

(4) Where in any case—

(a) the consignment is not accompanied by the original licence, or

(b) the arms, ammunition or stores contained therein do not correspond with the description given in such licence, or

(c) the licence is not identical with the copy sent to them, the railway authorities shall not receive the consignment for despatch and shall forthwith inform the nearest Magistrate having jurisdiction at the place where the consignment is tendered for despatch.

NOTE.

(1) *Vide Govt. of India orders*, contained in No. F. 21—LXVIII—24 dated the 8th Dec. 1934, in notes (8—10) to Rule 7—regarding reimportation of rifles of military pattern, page 91 *ante*.

Manufacture and sale.

28. Manufacture, conversion, sale and keeping for sale of arms, ammunition or military stores.—(1) A licence—

(a) in Form IX to manufacture, convert, sell, or keep for sale, or

(b) in Form X to sell and keep for sale, any arms, ammunition or military stores may, save as otherwise provided by sub-rule (2), be granted—

(i) in a Presidency-town or Rangoon—by the Commissioner of Police, or

(ii) in any other place—by the District Magistrate.

(2) A licence—

(a) in Form XI to manufacture, convert, sell or keep for sale, or

(b) in Form XII to sell or keep for sale,

breech-loading rifles, parts of breech-loading rifles, rifle-ammunition or military stores for rifles shall be granted only—

- (i) by the Local Government, or
- (ii) in Sind, by the Commissioner in Sind.

(3) The Local Government or, in Sind, the Commissioner in Sind may, by licences granted by it or him under this rule, authorize selected dealers to sell and keep for sale a specified amount of ammunition for rifles of '303 or of '450 bore and for pistols and revolvers of '441, '445 or any intermediate bore :

Provided that the licensee shall not sell from his stock to any person who does not hold—

- (a) a licence to possess such ammunition, or
- (b) a licence for the export of ball'd ammunition to a State in India granted by a Political Officer empowered, under sub-rule (1) of rule 16 or sub-rule (1) of rule 17, to grant licences for export to such State.

(4) Every Magistrate and every Police-officer not below the rank of Inspector, or, if the Local Government so directs, of Sub-Inspector, may, within the local limits of his authority,—

(a) enter and inspect any premises in which arms, ammunition or military stores are manufactured, converted, sold, or kept for sale, and

(b) examine the stock and accounts of receipts and sale of arms, ammunition or military stores.

NOTES

(1) The selected dealers referred to, shall not be permitted to keep in stock at any one time more than 25000 rounds, collectively, of the ammunition for rifles of prohibited bores and their books will be open to inspection and their sales liable to comparison with the number of licences for possession issued to individuals. This 25000 rounds mentioned is not an annual quantity, but the maximum quantity of ammunition of the prohibited bores which any dealer can be permitted to hold at any one time. This quantity is the collective total of the three kinds of ammunition (India letters No. 806, dated the 20th Feb. 1901 and No 5672, dated the 18th Oct. 1901.)

(2) Under section 22 of the Arms Act licensed dealers in arms and ammunition are bound to ascertain that the persons to whom they sell arms, ammunition or military stores are legally authorised to possess the same. Any tendency on the part of dealers to evade this obligation should be checked by the police by their constant strict supervision over the trade in arms and ammunition. (Madras R and O)

(3) Dealers in arms will be responsible if they merely rely on such inquiries to satisfy themselves of the legal authority of any intending purchasers. They are similarly not properly discharging their obligation if they send by post arms to any person who professes himself entitled to possess them. They must make due inquiries, in all cases of sales, and must in all cases where they have not already sufficient proof that the purchaser is legally entitled to purchase, obtain sufficient proof by further inquiry. (India 2964, dated the 11th Aug. 1909.)

(4) Whenever a licence to carry arms is given to any person who appears to be travelling bona fide for the purpose of trade, a note should be made on the licence of the number of persons accompanying such person, and he should be given distinctly to understand that should his followers be augmented at any time, or should he join any other company or gang, his licence would be at once

liable to cancellation. [U. P. No. 85, dated the 12th July, 1826, and No. 2550 VI—827, dated the 17th Dec. 1836.]

Keeping for safe custody.

29. Licence to keep for safe custody firearms and ammunition.—A licence to keep for safe custody firearms and ammunition deposited by their owners for that purpose may be granted in Form XIII to the holder of a licence in Form IX, Form X, Form XI, or Form XII,—

(a) in a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) in any other place—by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf.

Possession.

30. Restriction upon possession of cannon and certain other articles.—(1) A licence for the possession of—

(a) cannon,

(b) articles designed for torpedo service,

(c) war rockets, or

(d) machinery for the manufacture of arms or ammunition, may be granted in Form I only by the Governor-General in Council.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent—

(a) where the articles are to be kept in a Presidency-town or Rangoon—to the Commissioner of Police, or

(b) where they are to be kept in any other place—to the District Magistrate of the district in which such place is situated.

NOTES.

(1) A licence granted to a Maharaja for the possession of cannon should be regarded as a licence granted in favour personally of the Maharaja who holds the title at the time the licence is issued, and it is necessary for the licence to be renewed in the case of each succeeding title-holder, (India letter No. 1490, dated the 2nd July 1898),

(2) No fee is prescribed for the licence to import, export, transport or possess "cannon" Vide (Licence Form No. 1.)

31. Possession of arms, ammunition or military stores.—Save as otherwise provided by rule 30, a licence for the possession only of arms, (other than pistols or revolvers), ammunition or military stores may be granted in Form XIV—

(a) in a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) in any other place—by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf.

32. Licence for the possession and use of firearms for purposes of target practice.—A licence for the possession and use of firearms, for the purpose of target practice, by the members of any military mess or of any club or association may, with the sanction of the Local Government, be granted in Form XV in the name of the mess, club or association—

(a) in a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) in any other place—by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf.

Possession and going armed.

33. Possession of arms and ammunition and going armed for sport, protection or display.—(1) Save as otherwise provided by rule 30, a licence for the possession of arms and ammunition in reasonable quantities for going armed for the purposes of sport, protection or display may be granted in Form XVI—

(a) In Madras and Bombay—by the Commissioner of Police ; in Calcutta—by the Deputy Commissioner of Police at headquarters ; and

in Rangoon—by the Assistant Commissioner of Police, Rangoon.

(b) in any other place—by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf ; and

(c) in the case of a person residing in a State in India—by the Political officer for such State :

Provided that—

(a) no licence shall be granted for the possession of rifles of '303 or '450 bore or of pistols or revolvers of '441, '455 or any intermediate bore or of ammunition for the same or for going armed with such rifles, pistols or revolvers, unless such rifles, pistols or revolvers or such ammunition have been lawfully imported into British India ; and

(ii) no licence shall be granted in respect of ball'd ammunition for rifles, pistols or revolvers of such bores, unless the authority granting the licence is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes, or that such pistol or revolver has been lawfully imported into British India, as the case may be, and the amount of ball'd ammunition which such licensee may possess during the period of twelve months next ensuing shall be entered in the licence.

(2) Any licence granted under sub-rule (1) may be made valid by the licensing authority as follows :—

(a) throughout the province in which it is granted or any specified part thereof, or throughout British India, and

(b) when granted by a Political Officer under clause (c) of that sub-rule, throughout the whole or any specified part of British India.

(3) Any such licence having effect outside the Province in which it is granted shall be granted subject to any restrictions which may be imposed by any general or special order of a Local Government in regard to its own province.

(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, not exceeding one year, 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).

(5) A licence granted under rule 20 of the British Beluchistan Arms Rules, 1927, may be countersigned by the Secretary to the Chief Commissioner, British Beluchistan, as valid throughout the whole or any specified part of British India, and if so countersigned, shall be deemed to be a licence granted under this rule.

NOTES.

(1) See para. 8 of the "Explanation of Rules" page 33 *ante*.

(2) The following instructions will be observed by the military authorities in respect of the private arms of British and Indian ranks. Applications 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 licence fees is recommended. An application, accompanied by a copy of the nominal roll and full description of the private arms, will then be submitted to the civil authorities concerned for the issue of the necessary licences.

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 licence 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 licence 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 Reserve, 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. [India No. 1838 dated the 11th Oct. 1920 and C. P., R. and O. para 14.]

(3) The possession of Government arms and ammunition is prohibited.—*vide* conditions of licence forms, and also 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 bazar 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 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 W^{AD} 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 ceases to be the property of Government, will be distinguished from Government arms by bearing the mark of invertedX [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. [*Note.—The statements are published on pages 160-180 of the Burma Arms Manual, Edn. 1926.]

(4) The issue and renewal of licences for pistols and revolvers must be kept in the hands of District Magistrate himself and never be delegated to a subordinate. In dealing with applications for licences for pistols and revolvers it must be understood that such licences are not to be given or renewed without adequate reason. For the purpose of legitimate defences a smooth-bore gun charged with buckshot would be equally, if not more, effective on almost every occasion. New licences for pistols and revolvers will be granted only in cases of real necessity and to persons of approved character; in each case the District Magistrate shall at the time of issue record his reason for granting the licence. And no licence should be renewed unless the weapon is produced before and passed by the District Magistrate. Magazine and repeating pistols must be classed as revolvers.—(Bengal No. 659—60P. dated the 20th May 1909, extended to Eastern Bengal under Circular No. 826—30 P. of the 28th Feb. 1913 and India No. 2125 C, dated the 21st March 1919.)

(5) Revolvers and pistols may be possessed only by persons of good character who can satisfy the licensing authority as to the need for such weapons. No fresh licences for such weapons should be granted unless the licensing authority is satisfied that the weapons are really necessary, but existing licences should ordinarily be renewed. [U. P. No. 23/VI—844, dated the 2nd Jan. 1920, and No. 2440/VI—844, dated the 5th May, 1920]

(6) With reference to sub-rule (3) of rule 33, it is directed that holders of licences in Form XVI, granted, in other provinces, and having effect in the Punjab, shall, upon entering any district in the Punjab send their licences to be endorsed by the District Magistrate, and shall inform him of the period of their stay in his district; provided that, when the period spent in any district does not exceed fourteen days, no endorsement shall be necessary. No fee shall be payable in respect of any endorsement made in accordance with this order. (Punjab No. 1821 dated the 5th March 1924.)

(7) In cases where a licence-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 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. (India No. 1633, dated the 6th July 1921, Bengal No. 3605—10 P., dated the 27th October 1921, and R and O, para. 59)—When an application for a licence is made in a district other than that in which the applicant is domiciled or has his principal residence, the Magistrate should consult the Magistrate of the other district before passing orders on the application. (Bengal No. 1213 P., dated the 16th March 1922, and R and O para. 60.)

(8) Licences in form XVI for possession and going armed may be freely made valid throughout British India under rule 33 (2) in the case of persons who require the endorsement. Holders of All-India licences should be reminded, when such licence is granted, of their liability to any restrictions which may be imposed by any Local Government in regard to its own province under rule 33 (3). The Government of Bengal have decided not to impose for the present any restrictions on all-India licences granted by other provinces. (Bengal R. and O para 62).

(9) A single licence should ordinarily be issued for all weapons issued in the name of one person. The licensing authority may, however, issue more than one licence for different weapons, in cases where a single licence would cause inconvenience, e.g., a licence to a zamindar for arms kept at different *kacharis*. (Bengal R. and O, para 63)

(10) The attention of the District Officers is drawn to Forms XVIII and XIX which are specially intended to provide for the needs of cultivators who desire to keep arms to defend their lives and their crops from wild beasts. District Officers should issue licences in Forms XVIII and XIX when the guns are really needed for the purpose of destroying wild animals, Form XVI being used in other cases where no other form is specially applicable. Advantage should be taken of opportunities to convert licences in Form XVI to licences in Forms XVIII and XIX when possible and appropriate. Licences in Form XIX should be issued with liberality for the protection of crops in places where they are damaged by wild animals. In drawing the attention of the District Officers to the special purposes for which licence in Forms XVIII and XIX are designed, it is not intended to place undue restrictions on the grant of licences in Form XVI for the purpose of protection of life and property. (Bengal R and O, para 64)

(11) A licence for a double-barrel breech-loading, 12-bore shot gun should not cover weapons of the type of the "Paradox," "Explora" and "Fauneta" ball and shot gun, as they are rifled for two inches from the muzzle. Such weapon should not be regarded as smooth bore guns and should not be sold to holders of licences unless the terms of the licence expressly include rifles. (India No. F. 23 X dated 22nd May 1923, Bengal No. 10675 77 P., dated the 10th Sep 1915 and U. P. Rules, para. 58)

(12) Licensed dealers should be instructed not to sell automatic repeating guns or even the ordinary pattern of repeating guns, such as the Winchester, unless the terms of the licence expressly cover the same. (Bengal No. 2126 P., dated the 13th July 1916 and R and O, para 66.)

(13) Licences for the possession of automatic magazine guns, such as the five-shot automatic Browning gun should not be issued with the same facility as for ordinary single-barrelled guns, but should only be granted to persons who would be considered fit to possess superior weapons, such as a sporting rifle. In issuing licences for these guns which should be on Forms used for ordinary single barrelled breech loading guns, it is essential that the description of the guns, should be clearly entered, thus:—Browning automatic five shot. Winchester guns should be dealt with in the same way. (Bengal No. 1732 P., dated the 24th March 1919, and R. and O., para. 67.)

(14) Inclusion of RETAINERS of licence-holders and exempted persons. (See also Notes to Rule 37).

BENGAL.—Inclusion of retainers under licences in Forms XVI and XX. (i) The provision for including retainers is intended to meet the case only of persons whose standing or circumstances are such as to make it reasonable for them to employ retainers or servants who would be required in the ordinary course of their duties to carry weapons. The privilege should, as a rule, not be granted except in the case of gentlemen included in the Darbar lists of their respective districts and to private

firms and rich merchants as provided in paragraphs 42 and 44 of the Bengal Local R. and O. If any retainers whose name is entered in a licence, should, during the continuance of the licence, die, or be dismissed from, or resign the service of the licence-holder, no other person shall be entitled to possess arms or ammunition as the successor of such retainer, unless his name, father's name and address are entered in the licence under the signature of the officer who granted the licence or the successor to such officer. When no retainers are licensed, the fact should be clearly indicated in column 5 of Form XVI or column 4 of Form XX, as the case may be. (ii) Retainers of exempted persons shall not be allowed more than one smooth-bore muzzle-loading or breech-loading gun each. (iii) As a precaution against the possibility of firearms of exempted great zamindars' retainers passing into the hands of unauthorised persons, each retainer is to be furnished by his Zamindar with a Parwana* authorising him to carry one smooth bore breech-loading or muzzle-loading gun. It is not desirable that spare copies of the form should be allowed to accumulate with private persons. "Great zamindars" should therefore be given only as many forms as they have retainers covered by their exemptions, and they should be requested to take particular care not to leave blank forms where unauthorised persons can have access to them. For similar reasons indenting officers should keep their spare stock of the forms under lock and key in a responsible officer's charge.

*Parwana Form.—You A. B., son of C. D., of village E, thana F, are hereby appointed to be my armed retainer and you are authorised to possess, carry and use, in accordance with all lawful orders issued by me or my agent at _____, one muzzle-loading gun No. _____ gunpowder and _____ percussion caps. You must not use the gun or ammunition for any unlawful purpose except as may be ordered, and you must carry this parwana with you whenever you carry the gun outside the house or my Kacheri.—You must at once inform the nearest police station of the loss or theft of any ammunition or of the gun.

(Thumb impression of retainer,
to whom this parwana is issued)

(Sd.) X. V. Z.—(Name,
title, if any, and address.)

(iv) As it was represented that private firms, which had to make large remittances of money, experienced great difficulty in obtaining licences for their darwans, instructions were issued that licences in Form XVI of the Indian Arms Rules should be granted in the name of the firm (European or Indian) and that the name of the firm's chaprasis or servants who would ordinarily be employed in guarding remittances and who would be entrusted with guns should be entered in the appropriate column of the licence form. At the same time a parwana in following form* should be issued to the licensee for each of the retainers allowed. These parwanas should remain in the personal custody of a responsible member or agent of the firm and should be made over to the retainers when they are entrusted with the guns by virtue of the licence. Should it be necessary to make any change in the list of the licensed retainers a responsible member or agent of the firm may make and sign the alteration in the parwana. The parwana should be returned at the end of the year along with the licence, when application for the latter's renewal is made. When such darwans, chaprasis or servants accompany a remittance they must take out journey licences in Form XX unless they hold licence in Form XVI made valid under rule 33 (b) for the districts through which the journey is to be made. The same precautions are prescribed to prevent these forms coming into the hands of unauthorised persons as in the case of the parwanas of great zamindars' retainers (NOTE.—When licences are granted to firms in respect of pistols and revolvers for use by their employees the necessary alteration should be made in manuscripts in the parwana form, inserting pistol or revolver for "gun")

*Parwana— You Son of of Village Thana District are hereby appointed to be an armed retainer of the firm and you are hereby authorised to possess, carry and use in accordance with all lawful order issued by me or a member or agent of the firm one breech-loading gun No. _____ and cartridges.—You must not use the gun or ammunition for any unlawful purposes or except as you may be ordered, and you must carry this parwana with you whenever you carry the gun.

Thumb impression of the retainer
to whom this parwana is issued.

Signature, Name—Address
Position in the firm.
Name and address of firm—

(v) Gun licences in Form XVI should be freely granted to rich merchants, who do not at present enjoy the privilege of keeping armed retainers, if they keep a retainer or servant of the pensioned sepoys class. It is not desirable to fix any limit of income for merchants to whom licences may be granted; District Officers should use their discretion in granting such licences. It should be understood that the duty of selecting and appointing ex-sepoys will lie with the employer and not with the District Magistrate. While encouraging the employment of ex-sepoys as retainers or servants District Magistrates should grant licences for servants or employees, not of the pensioned sepoy class, who satisfy the Magistrate that they are of good character and are able to use a gun. (Bengal No. 271P.—D., dated the 13th July 1913, No. 95P.—D., dated the 25th April 1916 and R. and O. para 42.)

United Provinces.—(i) The terms of the licence in Form XVI mean that, unless there are clear orders to the contrary, a retainer is allowed to carry and use the arms covered by the licence (i.e., entered in columns 8 and 9 of the licence) whether he is in attendance on his master or not—(ii) The retainer of an exemptee, if included in list of retainers sanctioned under clause 6 (g) of Schedule I, and communicated to the District Magistrate, is similarly entitled to carry and use the arms in respect of which his master is exempt whether he is in attendance on his master or not.—(iii) Relations can be entered in column 5 of the licence as retainers without payment of extra fees.—(iv) The entry of retainers should not be allowed as a matter of course but after consideration of the status and needs of the licensee. The fact that the licensee is of a class which does not habitually use arms but needs arms for the protection of himself or his property should be a valid reason for allowing a retainer. (U. P. No. 533-VIII-225 dated the 9th Sept., 1924 and para 48 of R. and O.)

Central Provinces.—Retainers should be entered on Form XVI licences only in the exceptional cases of landholders of position, who used formerly to be exempted, and other former exemptees, and of other respectable persons of similar standing, and also in the case of banks and firms and bodies corporate, and where it is proposed to allow such retainers, their identity and character should be carefully verified before the issue of the licence. In suitable cases certain members of the licensee's family may be included as retainers in licence Form XX with a view to enable them to carry arms on a journey.—The power of entering retainers on licences must not be abused. Retainers who would never on their own merits obtain licences should not be entered on licences of others without very good reason. There is no sufficient reason for allowing retainers in the licences given to ordinary applicants. As a general rule, if a retainer is fit to have a licence he should take one out for himself and pay his fee. If he is not fit to have a licence, neither is he fit to be shown as a retainer in the licence of another person.—As a precaution against the possibility of firearms of retainers passing into the hands of unauthorized persons, each retainer is to be furnished with a *parwana* in the accompanying form authorising him to carry the arms.

***PARWANA FORM.**—You, A. B., son of C. D., of village E, thana F, are hereby appointed to be my armed retainer and you are authorized to possess, carry and use, in accordance with all lawful orders by me or my agent at one muzzle-loading or breech-loading gun No. gunpowder and percussion caps. You must not use the gun or ammunition for any unlawful purpose and you must carry this *parwana* with you wherever you carry the gun.

You must at once inform the nearest police station of the loss or theft of any ammunition or of the gun

(Thumb impression of retainer to whom the *parwana* is issued.)

X V. Z.
(Name, title, if any, and address.)

(ii) If any retainer whose name is entered in a licence should, during the continuance of the licence, die or be dismissed from or resign the service of the licence-holder, a report should be made by the licence-holder to the granting authority. No other person shall be entitled to possess arms or ammunition as the successor of such retainer, unless his name, father's name and address are entered in the licence under the signature of the officer who granted the licence or the successor to such officer. The granting authority should report any information as to changes of address received by him either from licence-holders, in compliance with condition 11 of the conditions attached to the licence in Forms XVI or otherwise, to all subsequent renewing authorities, of whose existence the former will necessarily be aware under proviso (c) to rule 42 (3) of the Indian Arms Rules, 1924.—Condition 11 of Form XVI should be strictly enforced as the accuracy of the register in Form

II mentioned in rule 37 (in C. P., R. and O.) will be impaired if changes of address are not duly communicated by licence-holders, (C. P., R., and O. paras. 11 and 12.) [NOTE.—The same rules apply to Berar where the Forms corresponding to Forms XVI and XX are Forms XII and XV.]

34. **Temporary licence for possession of arms and for going armed by bona fide travellers.** (1) Save as otherwise provided by rule 30, a licence may be granted in Form XVII to a *bona fide* traveller proceeding from a port of arrival in British India to his place of destination and for the possession of arms and ammunition in reasonable quantities during the period occupied in so proceeding and for going armed during such period—

(a) if the port of arrival is a Presidency-town or Rangoon—by the Commissioner of Police, and

(b) in any other cases—by the District Magistrate or by any other officer specially empowered by the Local Government in that behalf:

Provided that—

(a) no licence shall be granted for the possession of rifles of '303 or '450 bore or of pistols or revolvers of '441, '455 or any intermediate bore, or of ammunition for the same or for going armed with such rifles, pistols or revolvers unless such rifles, pistols, revolvers or ammunition have been lawfully imported into British India, and

(b) no licence shall be granted in respect of ball ammunition for rifles, pistols or revolvers of such bores, unless the authority granting the licence is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into British India, as the case may be.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent—

(a) where the licensee's place of destination is a Presidency-town or Rangoon—to the Commissioner of Police,

(b) where his place of destination is elsewhere in British India or Berar—to the District Magistrate of the district in which such place is situated,

(c) where his place of destination is in an Indian State—to the Political Officer for such State.

(3) Any officer to whom a copy of such licence has been sent under sub-rule (2), shall satisfy himself when necessary that the licensee has complied with condition 6 entered on the form of licence.

NOTES.

(1) In this rule a new Form of licence (XVII) has been introduced permitting a *bona fide* traveller proceeding from a port of arrival in British India to his place of destination to possess arms and ammunition in reasonable quantity during the period of the journey. Passengers who had no permanent licence for their arms must produce this temporary licence on board when they will be permitted to land with

the arms failing which the arms will be taken possession of by Collector of Customs and returned to the passenger on his obtaining a licence in this form from the Commissioner of Police and presenting it at the Customs office in accordance with the preceding rule. With a view to obtaining this temporary licence before landing it is desirable that passengers should furnish their agents with full particulars of the arms they are bringing with them, and instruct them to obtain the necessary licence from the Commissioner of Police and meet the boat with this licence. When possible the Commissioner of Police will arrange for an officer authorised to issue these licences to meet incoming vessels, but this facility is not guaranteed. (Bengal R. and O., para 4.)

(2) See also para. 13 of "Explanation of Rules" (page 35), para. 15 of Arms Committee's recommendation, (page 81), para. 11 of Home Dept. resn. dated the 30th Nov. 1923 (page 27.)

35. Possession of arms and ammunition, and going armed for the destruction of wild animals. A licence for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to human beings or cattle may be granted in Form XVIII by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf.

36. Possession of arms and ammunition and going armed for the protection of crops. A licence for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to crops or cattle may be granted in Form XIX by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf:

Provided that such licence—

- (a) shall only be granted to *bona fide* cultivators; and
- (b) shall be valid only in the place or area specified in the licence by the licensing officer.

NOTES.

In order to cover the cases of Government arms which in some provinces 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 arms lent should be made in the licence. (India No. 537 dated the 16th March 1894.)

37. Going armed on a journey. (1) A licence for going armed on a journey in or through any province may be granted in Form XX—

(a) in a Presidency-town or Rangoon—by the Commissioner of Police;

(b) in any other place—by the District Magistrate or by any Sub-divisional Magistrate specially empowered by the Local Government in that behalf, or

(c) in the case of a person residing in a State in India—by the Political Officer for such State.

(2) Where a Commissioner of Police or District or Sub-divisional Magistrate receives an application for a licence of the nature referred to in sub-rule (1) from any person who—

(a) is not resident within the local limits of his authority, or

(b) is not personally known to him,

he shall, before granting the licence, ascertain—

(i) when the applicant resides in a Presidency-town or Rangoon—from the Commissioner of Police ;

(ii) when the applicant resides in another place in British India or Berar—from the District Magistrate of the district in which such place is situated, or

(iii) when the applicant resides in a State in India—from the Political Officer for such State,

whether there is any objection to the grant of the licence unless, for reasons to be recorded, he considers this precaution to be unnecessary.

(3) A licence granted under rule 21 of the British Beluchistan Arms Rules, 1927, may be countersigned, by the Secretary to the Chief Commissioner, British Beluchistan, as valid throughout the whole, or any specified part of British India, and if so countersigned, shall be deemed to be a licence granted under this rule.

NOTES.

(1) There are possibilities of danger in allowing a general licence to carry arms to be granted in these forms to the retainers of licence-holders as without an obligation on the part of the officer granting the licence 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 licence. (Statement of Changes, 1909.)

(2) The quantity of ammunition which a licensee may possess should in every case be entered in column 3 of the licence, but 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 licence represents the absolute maximum which a licensee may possess throughout the year. (India No 4108 dated the 1st Nov. 1909.) See also notes under Rule 33, page 107 *ante*.

Possession and Import or Transport.

38. Possession by dealers of certain balled ammunition with liberty to import. (1) A licensed dealer authorized by the Local Government or the Commissioner in Sind under sub-rule (3) of rule 28 to sell and keep for sale a specified amount of balled ammunition for rifles of '303 or of '450 bore and for pistols and revolvers of '441, '455 or any intermediate bore may be permitted—

(a) in a Presidency-town or Rangoon—by the Commissioner of Police, or

(b) in any other place—by the District Magistrate,
to import such ammunition up to such amount.

(2) Where application is made under sub-rule (1) for permission to import balled ammunition, the dealer shall produce his licence and, if permission is granted, the authority granting it shall

endorse on the licence the quantity of balled ammunition for which, and the date on which, such permission was granted.

Application for, and grant of, Licences.

39. Previous sanction in certain cases. (1) Save as provided by rule 26, a licence, having effect beyond the local limits of the authority of the officer granting it, shall not be granted—

(a) for the export of any arms, ammunition or military stores to a State in India without the previous sanction of the Political Officer for such State, or to any place in Berar without the previous sanction of the Magistrate of the district in which such place is situated :

Provided that the previous sanction of such Political Officer shall not be necessary in cases where the consignee is—

(i) a Ruling Prince or Chief :

(ii) a gazetted officer in civil employ or an officer holding His Majesty's commission in his Majesty's military or air forces ;

(iii) a member of the family of a Ruling Prince or Chief or a Noble or an official of a State in India who has been designated in this behalf by the Local Government or Political Officer concerned, or

(iv) one of the persons or a person belonging to one of the classes of persons specified in Schedule I,

and the consignment is intended for the personal use only of the consignee ; or

(b) for the import or transport of any arms, ammunition or military stores—

(i) to a Presidency town or Rangoon without the previous sanction of the Commissioner of Police ; or

(ii) to any other place in British India, without the previous sanction of the District Magistrate of the district in which such place is situated ; or

(iii) to any port within the political charge of the Political Resident at Aden or the Political Resident in the Persian Gulf, without the previous sanction of such Political Resident.

(2) Save by the Commissioner of Police in a Presidency-town or Rangoon, a licence shall not be granted under rule 24 for the transport of any breech-loading rifle or balled ammunition to any place in—

(a) the North-West Frontier Province, or

(b) the Rawalpindi, Dera Ghazi Khan, Mianwali or Attock Districts of the Punjab, without the previous sanction of the Local Government.

(3) The previous sanction referred to in this rule may be obtained either—

(a) by the applicant for the licence, or,

(b) by the officer to whom application for the grant of such licence is made.

(4) Where the previous sanction is sought by the officer to whom application for the grant of the licence is made, he shall send a copy of the proposed licence to the authority whose previous sanction is required, and, on receipt of the reply of such authority, he shall either grant the licence or inform the applicant that his application is refused.

NOTES.

Under rule 39 (1) it is no longer necessary that the previous consent of the Political officer should be obtained in cases where arms and ammunition ordered from the towns of Madras, Bombay and Calcutta are exported to an Indian State under a licence granted by the Commissioners of Police, Madras and Bombay, and the Deputy Commissioner of Police, Calcutta, for the personal use of—(1) a Ruling Prince or Chief, or (2) a member of his family or a noble or an official of his State who may be designated in this behalf by the local Government or Political Officer concerned. The Commissioners of Police, Madras and Bombay and the Deputy Commissioner of Police, Calcutta, are however required under rule 17 (3) of the Arms Rules to send to the Political Officer concerned, in due course, copies of all licences issued by them, to enable a check on the import of arms and ammunition to be exercised. The list of persons who have been designated in the United Provinces under this rule is contained in Appendix B to the U. P. Local Rules and Orders (India No. 299-G dated the 5th February 1920.)

40. Applications for licence. (1) Every person who wishes to obtain a licence under these rules shall apply in writing, through the medium of the post office or otherwise at his option, to the nearest authority empowered to grant such licence and shall in such application furnish all such particulars as may be necessary to enable such licence to be granted:

Provided that an application on behalf of a person subject to the provisions of the Indian Army Act, 1911, shall be made to the authority so empowered in respect of the place where such person permanently resides. Where, however, such person has his permanent home outside British India the application should be made through his commanding officer to the licensing officer of the district in which he is for the time being serving.

(2) Without prejudice to the generality of sub-rule (1) every person applying for a licence—

(a) for the import by land or river,

(b) for the export, or,

(c) for the transport,

of any arms, ammunition or military stores shall specify in his application—

(i) the place of destination,

(ii) the route,

(iii) the time likely to be occupied in the journey, and

(iv) the quantity, description and price of each kind of arms, ammunition or stores in respect of which the licence is required and the purposes for which they are intended

(3) Where the grant of the licence requires the previous sanction of some other authority specified in rule 39, the application shall state whether such previous sanction has been obtained and, if so, shall be supported by evidence thereof.

NOTES.

As some doubt seems to exist whether applications for licences under the Indian Arms Act may still be sent through officers in charge of police stations, the Government desire to explain that the executive instructions appended to G. O. No. 2577, Judicial, dated 23rd November 1914, which empower Police Station House officers to receive applications for arms licences have not been cancelled by the issue of the Arms Act Rules of 1920. It is not compulsory that applications should be sent through officers in charge of police stations, nor is it incumbent on District Magistrates to consult the police before granting or refusing a licence. There is however no objection to the sending of an application through the officer in charge of a police station. (Madras No 268 J, dated 11th July 1921)

41. Form and language of licences. (1) Every licence shall be granted or renewed in the appropriate Form, and subject to the conditions set forth in such Form, and, save as therein otherwise expressly provided, the arms, ammunition or military stores specified and the persons named in the licence shall alone be covered thereby.

(2) Every such licence shall be written or printed—

(a) where it is granted in a Presidency-town or Rangoon, or where it is granted in a district and is intended for use beyond the limits of such district, in English and, if the licensing officer so direct, in the vernacular, or

(b) where it is granted in a district and is intended for use only within the limits of such district, in English or in the vernacular, as the licensing officer may direct.

42. Duration and renewal of licences. (1) Save as herein otherwise provided, every licence under these rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate Form, the authority granting it may enter thereon.

(2) A licence for the transport of arms, ammunition or military stores shall not, save for special reasons to be recorded by the authority granting it, be granted for a period longer than twice the time likely to be occupied in the journey to the place of destination by the route indicated in the licence.

(3) Every licence may, at its expiration and subject to the same conditions (if any) as to previous sanction as would apply in the granting thereof, be renewed by the authority who granted it or by any other authority empowered to grant a licence of the description in question :

Provided as follows—

(a) licences in Form XI or Form XII, may, where the Local Government so directs, be renewed by the Commissioner of the Division in which the licensee resides, or carries on business ;

(b) any sub-divisional Magistrate may renew a licence in Form XVI; and

(c) where a licence is renewed by an authority, other than the authority who granted it, the former shall forthwith inform the latter of the fact of renewal and the period for which such renewal is valid.

NOTES.

(1) A question has been raised whether under rule 37 (3) of the Indian Arms Rules 1920. [present rule 42 (3)] a licence granted in one district can be renewed in another district. According to this rule, every licence may be renewed by the authority who granted that licence; it does not lay down that the licence shall only be renewed by the very officer who granted it. The Government therefore consider that licensing authorities are competent to renew in their districts, a licence originally issued in another district by licensing officers of like status. (Madras—No. 237, J., dated 1st June 1921.)

(2) Under sub-rule (3) of rule 42 when an application for the renewal of 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 application, as the case may be, to the Magistrate (Commissioner of Police, 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. (Bengal R. and O. para 59. For the second para of Bengal Rule 59 and for Rule 60 *vide* Note (7) to Rule 33, *ante*.)

(3) Commissioners of Divisions are authorised in the following provinces to renew licences in forms XI and XII, in the case of those licensees who reside or carry on business in their respective divisions.

United Provinces—(G. O. No. 206 VIII, 413 dated the 19th Jan. 1924—U. P. R. and O. para. 61.)—**Punjab**—(Cir. No. 1342 dated 17th Jan. 1925). and **Central Provinces**—(Notn. No. 435-465 IV dated the 21st Aug. 1924, C. P. Notn. No. 436-465-VI dated the 21st Aug. 1924, C.P., R. and O. para. 25).

43. Discretion and control of authorities empowered to grant licences. (1) Every authority empowered to grant or renew a licence or to give his previous sanction to such grant or renewal, may, in his discretion—

(a) refuse to grant or renew such licence or to give such sanction, or

(b) where the authority is subordinate to a Local Government, refer the application for orders to such Local Government :

Provided that in any case in which such authority refuses to grant or renew a licence, the applicant for such grant or renewal may appeal to the immediate official superior of the authority so refusing.

(2) Every such authority shall exercise all powers and perform all duties, conferred or imposed by these rules, subject to the control of the executive authorities to whom he is subordinate.

44. Obligation to produce licences. (1) Any person who—

(a) holds a licence granted or renewed or a pass granted under these rules, or

(b) is acting under colour of such licence or pass,

shall forthwith produce such licence or pass upon the demand of any Magistrate or of any Police officer of a rank not below that of officer in charge of a police-station.

(2) Nothing in sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a licence to grant or renew it upon any condition, not inconsistent with that sub-rule, with respect to the production of such licence.

45. Production of arms. The authority by whom any licence has been granted under rule 31, rule 32, rule 33, rule 35 or rule 36 or by whom any such licence has been renewed under sub-rule (3) of rule 42, may, for the purpose of satisfying himself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by order in writing require the licensee to produce the arms at such time and place and for the inspection of such person as may be specified in the order.

NOTES.

(1) **N. L. R.—Suraj Prasad.**—When receiving application for licences under the Arms Act 1878, a district Magistrate is not acting as a Criminal Court, that is judicially, but as an executive officer.

(2) Should a licensee be unable to produce arms held under a licence, when called upon to do so under rule 45 he should be required to give an account of their disposal. Such cases should be dealt with by the Magistrate in person. Should the account not prove satisfactory the renewal of the licence either in whole or in part should be refused. If it appears that arms covered by the licence have been sold to any person other than a person exempted under section 27 of the Arms Act, and, that no information of such has been lodged as required under section 5 of the Act, the Magistrate should consider whether the licensee should not be prosecuted under section 19 (b) of the Act. Similarly in the case of failure to report loss or theft of fire-arms the licensee is liable to prosecution under section 21 of the Act read with the condition of his licence requiring information to be given to the nearest police-station of loss or theft of the arms. (Bengal R. and O. para 68,) vide also note (6) to Rule 3, on pages 88, ante.

Fees.

46. Fees payable for licences. (1) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) indicated in the Form in which it is granted or renewed.

(2) When any arms, other than—

(a) cannon, or

(b) rifles, revolvers or pistols in respect of which the prohibition imposed by rule 7 applies,

or any ammunition or military stores are imported under a licence into any British port and re-exported thence and re-imported into any of the ports specified in rule 8 or in rule 9, the necessary licences for such re-export under rule 15 and for such re-import under rule 8 or rule 9 shall be respectively chargeable with a fee of one rupee only.

(3) The Governor-General in Council may, by general or special order, grant exemption from, or reduction of, the fee payable in respect of any licence.

(4) The Local Government may, by general or special order, remit or reduce the fee payable in respect of the grant or renewal of any licence—

(a) for the import, transport or possession of sulphur in reasonable quantities proved to the satisfaction of the Local Government to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition; or

(b) granted under rule 10 to any person for the import of any arms, ammunition or military stores in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of person or property.

(5) Any Political Officer authorised under rule 17 to grant licences in Form VI may remit the fee payable in respect of the grant or renewal of any such licence in the case of arms and ammunition exported for personal use, or in the case of ammunition exported for the use for blasting purposes, whether on a public work or not, of the Government of the State for which he is the Political Officer.

(6) The fee payable in respect of the grant or renewal of any licence in Form VI shall be remitted in the case of all licences in that Form granted under rule 17 by the Commissioner of Police in Madras or Bombay, the Deputy Commissioner of Police in Calcutta, or by the District Magistrate of Delhi, Meerut, Lahore, Rawalpindi, or Karachi.

(7) The fee payable in respect of a licence in Form VI granted under rule 17 by the District Magistrate of Malabar for export to Mahe shall be reduced to one rupee in every case in which the value of the consignment does not exceed twenty rupees.

(8) No fee shall be chargeable in respect of the grant or renewal of any licence in form XVI to any member of any of the classes of persons specified in the first column of schedule VII for possession of and going armed with the arms and ammunition specified in the corresponding entry in the second column thereof. Provided that if application for renewal is not made within one month of the date on which the licence expires, the licensing authority may, in his discretion, levy renewal fees at the rate specified in Form XVI.

(9) No fee shall be chargeable in respect of the endorsement under sub-rule (4) of rule 33 of a licence granted in Pondicherry.

NOTES.

(1) Under rule 41 (3) [now rule 46 (3)], 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. (India No. 808, dated the 6th May 1920 and para. 17, Bengal R. and O).

(2) Under rule 41 (3) [now rule 46 (3)], 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. (India No. 810, dated the 6th May 1920 and Bengal R. and O. para. 18).

(3) Under rule 39 (4) (a) [now rule 46 (4) (a)], the Governor in Council (Bengal) is pleased to remit the fee payable in respect of the grant or renewal of all licences for the import, transport or possession of sulphur in reasonable quantities required in good faith for medicinal, agricultural, manufacturing, or industrial purposes other than the manufacture of ammunition and to delegate to the Commissioner of Police, Calcutta, and the District Magistrates in the Presidency of Bengal the duty of being satisfied as to the *bona fides* of purpose for which the sulphur is required to be imported transported or possessed. (Bengal Notn. No. 3742 P., dated the 21st April 1913, and R. and O., para. 31.)

(4) 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 (c) (iii) of the heading of Form XVI (Bengal No. 1308 P. J., dated the 23rd March 1920 and R. and O., para 30).

47. Fees payable for duplicates Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

(a) where the original licence was granted without the payment of any fee free of all fee, or

(b) in any other case, on payment of a fee of one rupee or of the fee with which the original licence was chargeable, whichever is less.

48. Collection and refund of fees. (1) All fees payable under rule 46 or rule 47 shall be paid by means of non-judicial stamps or in cash, at the option of the applicant.

(2) Where a fee of not less than one rupee payable under these rules has been realised, and the application for the grant or renewal of a licence or duplicate is refused, the value of the fee shall be refunded upon application for the same being made within two months from the date of such refusal.

NOTES.

(1) Under rule 48 (1) licence fees are payable by means of non-judicial stamps or in cash at the option of the applicant and payment of fees in cash cannot, therefore, be refused. When fees are tendered in cash at the office of the district or sub-divisional magistrate the party should be directed to credit the amount into the treasury and make over the treasury chalan to the magistrate's office. When the licence fees are remitted by money order, the procedure detailed in article 500 of the Civil Account Code, Volume II, should be followed. (Bengal R. and O., para 28)

Cancellation and Savings.

49. Cancellation of the Indian Arms Rules, 1920. The Indian Arms, Rules, 1920, are hereby cancelled :

Provided that all exemptions, exclusions and withdrawals made, all licences or duplicates granted or renewed, all fees imposed, levied, remitted or reduced, and all powers conferred, by or under those rules shall, so far as they are consistent with these rules, be deemed to have been respectively made, granted, renewed imposed, levied, remitted, reduced, or conferred hereunder.

SCHEDULE I.—PERSONS EXEMPTED.—(See rule 3).

The persons or classes of persons specified or described in the first column of the sub-joined table are, subject to the provisions of provisos (b) and (c) to rule 3, exempted, in respect of the arms and ammunition described in the second column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Act as are indicated in the fourth column, subject to the provisos and restrictions entered in the third column.

THE TABLE.

Persons or classes of persons.	Arms and ammunition	Provisions and restrictions.	Prohibitions and directions.
<p>(1) (a) The Viceroy and Governor-General of India, the Commander-in-Chief in India, the Governors of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Assam, the Chief Commissioner of Delhi, the Commissioner in Sind, Privy Councillors, members of the Council of India when visiting India during their term of office, members of the Executive Councils of the Governor-General and Governors, Ministers in Governors' Provinces and Members of the Indian Legislature, during their tenure of office and for six months thereafter. Residents of the First Class, Chief Justices and Puisne Judges of High Courts, Judges of Chief Courts, Judicial and Additional Judicial Commissioners, members of Boards of Revenue, Financial Commissioners;</p> <p>(b) Every Ruling Prince or Chief having a salute of guns.</p>	<p>All except— (a) cannon; (b) articles designed for torpedo service; (c) war rockets; (d) rifles of 303 or 450 bore and pistols or revolvers of .441, .455 or any intermediate bore (and ammunition which can be fired from the same, not lawfully imported into British India; (e) machinery for the manufacture of arms or ammunition; and (f) appliances the object of which is the silencing of firearms.</p>		Those contained in sections 13 to 15.
<p>(2) (a) Every Ruling Chief not having a salute of guns;</p> <p>(b) such members of the families of Ruling Princes or Chiefs and such nobles, officials, or accredited agents of a State in India as may be designated by the Local Government or Political Officer concerned.</p>	Ditto.	This exemption shall be subject to such conditions (if any) as may be prescribed by the local Government or the Political Officer,	Ditto.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions	Prohibitions and directions
<p>(c) the retainers of any Prince, Chief or other person referred to in sub-heads (a) and (b) when such Prince, Chief or person is entering, passing through or residing in British India, to such numbers as may be agreed to by the Political Officer, concerned under the special or general orders of—</p> <p>(i) the Governor General in Council, or</p> <p>(ii) in respect of Ruling Princes or Chiefs whose political relations are with a local Government, the local Government concerned, and</p> <p>(d) all officials of States in India passing through British India on duty.</p>		as the case may be, and may, where necessary, be of a general nature dispensing with the necessity of a fresh order on each occasion	
<p>(3) Every Maharaja, Raja or Nawab whose title has been conferred or recognized by Government, every Peer, Baronet, Knight Bachelor, and Knight of any Order established by the Crown, and the Khans of Teri and Phulera in the North West Frontier Province</p>	Ditto	<p>The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not exceed such quantities, if any, as—</p> <p>(a) the Governor General in Council, or</p> <p>(b) a local Government in respect of the territories administered by it or subject to its control, may declare to be reasonable for such person to carry or possess.</p>	Those contained in sections 13 to 15.
<p>(4) Every Consul and Consular Agent.</p>	Ditto.	Ditto.	Ditto.
<p>(5) Every person of Coorg race and every Jumma tenure holder† in Coorg, who, by his tenure is liable to perform military or police duties.</p>	Ditto.	<p>The arms or ammunition carried or possessed by any person herein exempted whilst residing or travelling outside the Province of Coorg shall not exceed one rifle with 100</p>	Ditto.

† The exemption granted to Jumma tenure holders in Coorg shall cease to extend to K. Somayya's Jumma Coorg.—Notn. No 2206, dated the 4th November 1920.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions
<p>(6) The following persons and their retainers, namely :—</p> <p>(a) the ancient Zamindars and Poligars of the Madras Presidency : every Malikana holder in the Malabar District : the Prince of Arcot ; M. R. Ry. A. L. A. R. R. M. Arunachalam Chettiar Avargal, Zamindar of Devakottai in the Ramnad district ; the Mahant of Tirupati in the North Arcot district and Shaik Mushtak Shah, the present Valiva Thangal of Kundotti in the Ernad Taluk, Malabar district of the Madras Presidency ;</p> <p>(b) the first class Sardars of the Deccan and Southern Maratha Country States ; the first class Sardars of Gujarat ; and such members of the Talpur family and Jagirdars and Zamindars in Sind as the Government of Bombay may designate ;</p> <p>(c) such Zamindars of Bengal, Bihar and Orissa, and Assam as the Local Government may designate in this behalf ;</p> <p>(d) such Sardars and Jagirdars of the Punjab and North-West Frontier Province as the Local Government may designate in this behalf ;</p> <p>(e) Shan Sawbwas and other Chiefs in Burma ;</p> <p>(f) (i) the Zamindars of the Scheduled Districts of the Central Provinces ;</p> <p>(ii) the Dewan of Seoni ;</p> <p>(iii) the Bhuskute of Timarni and Burhanpur ;</p> <p>(iv) the senior representative of the family of the Rao of Saugor ;</p> <p>(v) the head of the junior branch of the Bhonsla family, known as the Kuar Sahib ;</p>	Ditto.	<p>rounds of ammunition for the same and one smooth-bore breech or muzzle-loading gun with 500 cartridges or the equivalent in leaden-shot and gunpowder.</p> <p>The exemption shall be subject to—</p> <p>(a) the orders of the Local Government regarding the persons to be included in this category, the number of retainers and the quantity and description of arms and ammunition to be permitted in each case, the purposes for which such arms may be carried, and</p> <p>(b) the annual registration of the retainers' weapons exempted, the number and description only being specified.</p>	Ditto.

† See Notp. No. 1310, dated the 8th June 1906, relating to a Zamindar of Sartur in the Madura district.

Persons or classes of persons.	Arms and ammunition.	Provisions and restrictions.	Prohibitions and directions.
<p>(vi) the representative of the family of the former Rajas of Saugor ;</p> <p>(g) the Taluqdars of Oudh, Rao Udaibir Singh of Gopalpura, Jalaun, Raja Bahadur Bijai Bahadur Singh of Katehra ; and such other Zamindars of the U P. as the Local Government may designate in this behalf; and</p> <p>(h) (i) The Tazimi Istimrardars and non-Tazimi Sanadi Istimrardars of Ajmer-Merwara,</p> <p>(ii) The Nawab of Boraj.</p> <p>(iii) The Diwan of Durgah Khwaja Sahib,</p> <p>(iv) The Jagirdar of Gangwana,</p> <p>(v) The Jagirdars of Dodiana,</p> <p>(vi) The Jagirdar of Jharwasa.</p>			
<p>(7) Any of the undermentioned persons not being members of trans-border tribes, namely —</p> <p>(a) armed guards accompanying sheep, goats, asses and cattle under the provisions of the Frontier Grazing Regulation, 1874 (I of 1874), or (b) villagers residing in the North-West Frontier Province</p>	All arms except rifles, pistols, revolvers and daggers.		Those contained in section 13.
<p>(8) every officer holding a Commission from His Majesty, every officer of His Majesty's Indian Forces or of Indian States Forces, or of the Indian Territorial Force, every person enrolled under the Auxiliary Force Act, 1920, (XLIX of 1920), and every warrant officer or Staff Sergeant of a British Unit of His Majesty's Regular Forces including a Warrant Officer or Staff Sergeant who is an instructor of the Auxiliary Force, India, or of Indian Territorial Force.</p>	Single-barrel rifles of .303 bore required for match-shooting purposes.	<p>1. Only one such rifle at a time shall be imported or used by any person hereby exempted.</p> <p>2. The rifle shall be sighted to a range of over 1,000 yards.</p> <p>3. The rifle shall, in the case of the regimental officers, warrant officers, non-commissioned officers, and persons appointed to Corps of the Auxiliary Force, India, or of Indian Territorial Force, become part of the equipment of the Corps to which the owner for the time being belongs.</p>	All.

Persons or classes of persons	Arms and ammunition.	Provisions and restrictions	Prohibitions and directions.
		<p>4. The owner shall at the time of importation, produce a certificate from the Commanding Officer of the Corps, senior officer or Head of Department to which he belongs, to the effect that, in the case of the regimental officers, warrant officers, non-commissioned officers, and persons appointed to Corps of the Auxiliary Force, India, or of the Indian Territorial Force, the weapon will be brought on to the equipment ledger of the Corps, and in the case of Staff and Departmental officers, will be brought on to the equipment ledger of a Corps, in the officer's command or office inventory of stores, and will be accounted for in the same manner as other equipment</p> <p>5 This exemption shall in the case of persons appointed to a Corps of the Auxiliary Force, India, or of the Indian Territorial Force, cease to have effect on removal of the owner from the force.</p> <p>6. Any person hereby exempted may dispose of his rifle to another person so exempted: Provided that the rifle becomes part of the equipment of the Corps to which</p>	

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions
(9) The Officer Commanding a Unit in His Majesty's Regular Forces or in any Indian State Forces, and when he is in possession of a pass granted and signed by his Officer Commanding, every warrant-officer, non-commissioned officer and soldiers in His Majesty's Regular Forces or in any Indian State Forces.	Such arms and ammunition as are provided for sporting purposes by Government or from a regimental fund under the authority of the officer commanding the unit.	the latter belongs and is accounted for as such. This exemption shall apply in the case of warrant officers, non-commissioned officers and soldiers in respect of weapons and ammunition entered in the pass and to the areas and for the dates specified in the pass and in the case of officers commanding only in respect of the purchase and stocking of arms and ammunition which are provided for sporting purposes by Government or from a regimental fund.	Those contained in sections 13 to 15.
(10) Persons holding swords or other arms received by them as gifts from the Governor General in Council or a local Government, or the Commander-in Chief	Such swords or other arms as have been so received, together with ammunition for any fire-arms so received.	The ammunition in respect of which any person is herein exempted shall be of such description only and shall not exceed such quantities as— (a) the Governor-General in Council, or (b) a local Govt. in respect of the territories administered by it or subject to its control, may direct.	All.

NOTES.

(1) *Vide* notes to Section (1) of the Act, on pages 39, 40 *ante*, and to Rule 3 on page 88-89 *ante*.

(2) Any arms 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, are excluded from the operation of the prohibitions and directions contained in sections 14 and 15 of the Act (India No. 1582 dated the 20th Aug. 1920.)

(3) Persons who were enrolled under section 12 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, are exempted in respect of arms carried for the purpose of military instruction under the orders of the said officer. (India No. 2488 dated the 17th December 1920.)

(4) Entry No. 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 (India No. 329 dated the 21st Feb. 1920.)

(5) The following are a few of the special exemption under the Arms Act :—

MADRAS—(a) Guns brought to British India by the European Residents of the French Settlements of Pondichery, Karikal or Mahe are exempt from import duty provided that the guns are covered by a pass issued under the authority of the Government of the settlement from which they are brought, and countersigned by a British Magistracy certifying that the holders are entitled to carry the guns for sporting purpose. (G. I. Notn. in Boards Progs. No. 267, dated the 21st June 1893.) (Note—Ammunition belonging to French sportsmen which, in the opinion of the Sayer staff, is being taken in unreasonable quantities should be brought to the notice of the Collector.) (b) The provision of chapter IV of the Indian Arms Act, XI of 1878, cannot, as a matter of courtesy, be enforced to the case of the French Military and Police Officers, when passing the Tindivanam, Villupuram, and Cuddalore taluks, nor customs duty be demanded at the Sayer stations in respect of arms which such Officers are entitled to carry in French Territory. (G. O. No. 175, dated the 25th Jan. 1895)—(c) French native subjects are for the purposes of sports or protection, allowed to carry with them across the frontier, guns on payment of import duty, when holding gun licences granted by the District Magistrate concerned. Such duty is liable to be refunded under G. O. No. 2553, dated the 16th Dec. 1891, on a report from the French Government that the gun on which import duty was paid has been re-exported. (Madras L R and O.).

(6) BOMBAY.—As a special case the provisions of chapter IV of the Arms Act, should not, as a matter of courtesy, be enforced in the case of—(a) Non-European Civil Officials serving under the Government of Portuguese India who are entitled to wear a uniform and sword; and (b) Military Officers of that Government when travelling through districts through which the ordinary routes by land or sea from Goa to Daman pass. All Portuguese Officers (Military and Civil) passing through British territory are, on their giving a simple declaration that they are proceeding to Portuguese territory, are allowed to transport their firearms without let or hindrance (Bombay No. 6674 dated the 8th Oct. 1909). A similar concession has been made by the Government, Portuguese India, to British Officers passing through Goa territory on their way to British territory. (No. 6674 dated the 8th Oct., 1909.)

(7) In exercise of the powers conferred by proviso (b) to rule 3 (1) of the Indian Arms Rules, 1924, and in supersession of [Bombay] Govt. Notn. No. 7226, dated the 2nd August 1920, the Governor in Council is pleased to direct that :—

(a) All persons exempted from any of the provisions of the Arms Act, XI of 1878, under Schedule I to the said rules, shall, in the case of persons already in possession of fire-arms or ammunition for the same, within two months of the date of publication of this notification in the Bombay Government Gazette, and in the case of other persons, within one month of the date on which any fire-arm or ammunition for the same comes into their possession, register such fire-arm or ammunition with the authority hereinafter mentioned, stating in writing the particulars specified in the sub-joined table. Such registration shall, in the case of persons residing in the City of Bombay, be made with the Commissioner of Police, Bombay, and in the case of persons residing elsewhere, with the District Magistrate of the district in which they reside. (b) The Commissioner of Police, Bombay, and all District Magistrates shall maintain in the subjoined form a register of all fire-arms and ammunition for the same registered under the notification.

FORM OF REGISTRATION.

Name of exempted person.	Grounds of exemption.	Description of firearms and ammunition.	Maker's name and number.
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(Notn. No. 184 Poll. dated the 17th March 1934.)

(8) The directions in regard to the registration of firearms possessed by persons exempted from any of the provisions of the Indian Arms Act, 1878, under entry 8 (b) of Schedule I of the said rules, shall not apply to the firearms possessed by **Maheerban Pratapsainbrao alias Bhausabeb Bhonsle of Satara**, enrolled on the list of Deccan Sardars of the First Class in Black Ink, with judicial as well as honorary privileges. (Notn. No. 721, Poll. dated the 12th April 1922.)

(9) Under the provisions of entries (3) (4) and (6) in the table to Schedule I, the Govt. of Bombay have declared that the persons or classes of persons specified or described in the third column of the table hereto appended shall, in respect of the arms which they can carry or possess within the limits of the Bombay Presidency in virtue of any exemption granted under rule 3 of the said Rules and the said Schedule, be subject to the restrictions specified in the fourth column. (Notn. No. 1233 Poll. dated the 20th July 1923.)

Serial No.	Entry in the table sub-joined to Schedule I of the Indian Arms Rules.	Persons or classes of persons exempted.	Quantity of arms or ammunition to which exemption is restricted.
1	2	3	4
1	(3)	Maharajas, Rajas or Nawabs whose titles have been conferred or recognised by Government, all Peers, Baronets, Knight Bachelors, and Knights of any Order established by the Crown.	Arms— 3 shot guns. 3 rifles. 1 revolver or pistol. No limit as regards arms other than firearms. Ammunition— 200 rounds for each rifle at a time. 100 rounds for revolver or pistol at a time. No limit as regards ammunition for shot guns.
2	(4)	Every Consul or Consular Agent	Do.
3	6 (b)	(i) First Class Sardars of the Deccan and Southern Maratha Country States and First Class Sardars of Gujarat. (ii) Six retainers of each of such Sardars.	Do. and also old family weapons not otherwise exempted under the rules, of which a list must be furnished to the District Magistrate who will supply a copy to the Sardar under his signature. Arms— One firearm and one other weapon of each retainer. Ammunition— 100 rounds for each firearm at a time.

(Notn. No. 1233 Poll. dated the 20th July 1923.)

(10) Under the provisions of entry (6) in the table appended to Schedule I, of the I. A. R. 1920, the Government of Bombay, have declared that the restrictions imposed by Notn. No. 7227, Serial No. 3 (1) dated the 2nd Aug. 1920, on the quantity of arms or ammunition which may be possessed by First Class Sardars of the Deccan and the Southern Maratha Country States in virtue of the exemption granted to them by said entry, shall not apply to the arms and ammunition possessed by Meherban Pratapsinhrao alias Bhausaheb Bhonsle of Satara, enrolled in the list of Deccan Sardars of the First Class in Black Ink, with judicial as well as honorary privileges (Bombay Notn. No. 722, Poll. dated the 12th April 1922).

(11) Under the provisions of entry 6 (b) in the table contained in Schedule I, of the I. A. R., 1920, Government of Bombay, have declared that the members of the Talpur family and the Jagirdars and Zamindars in Sind mentioned in the first column of Schedule A, hereto appended, shall be exempt from the prohibitions and directions contained in sections 13 to 15 of the Indian Arms Act, 1878 (XI of 1878), subject to the restrictions specified in the second column of the said Schedules:—

SCHEDULE A.

Names of persons exempted 1	Quantity of arms or ammunition to which exemption is restricted. 2
<p><i>Members of the Talpur Family.</i></p> <p>(1) H. H. Mir Haji Nur Mahomed Khan <i>walad</i> Mir Mahomed Hussainali Khan. (2) Mir Sohrab Khan <i>walad</i> Mir Rustom Khan. (3) Mir Mir Mahomed Khan <i>walad</i> Mir Ghulam Hyder Khan. (4) Mir Fatehali Khan <i>walad</i> Mir Ali Hussein Khan. (5) Mir Ghulam Murtaza Khan <i>walad</i> Mir Shah Mahomed Khan. (6) Mir Mehrab Khan <i>walad</i> H. H. Mir Ali Mardan Khan (7) H. H. Mir Haji Fateh Khan <i>walad</i> H. H. Mir Haji Sher Mahomed Khan.</p>	<p>Arms— 3 shot guns. 3 rifles. 1 revolver or pistol. No limit as regards arms other than firearms. Ammunition— 200 rounds for each rifle at a time— 100 rounds for revolver or pistol at a time.</p>
<p><i>Jagirdars and Zamindars</i></p> <p>(8) Jam Bijar Khan <i>walad</i> Maherali Khan. (9) Nawab Ghulam Hyder Khan <i>walad</i> Nawab Wali Mahomed Khan, Laghari. (10) Nawab Fateh Mahamed Khan <i>walad</i> Nawab Mahomed Khan, Laghari. (11) Pir Sabghatulla Shah <i>walad</i> Shams-ul-Ulma Pir Shah Marden Shah, Kingri (12) Pir Sayed Mahomed Saleh Shah <i>walad</i> Pir Ghulam Mahyaddin Shah Gilani, Ranipur. (13) Khan Bahadur Sardar Sunder Khan <i>walad</i> Ali Nurad Khan Sundrani. (14) Khan Bahadur Saiyid Khan <i>walad</i> Jaffar Khan Rind. (15) Sardar Bahawal Khan <i>walad</i> Gholam Ali Khan, Jakhrani. (16) Malik Sardar Khan <i>walad</i> Malik Sobdar Khan, Numrio.</p>	<p>No limit as regards ammunition for shot guns and also old family weapons not otherwise exempted under the rules of which a list must be furnished to the District Magistrate who will supply a copy to the exemptee under his signature.</p>

(Bombay Notn. No. 1058 Poll. dated the 24th June 1925.)

(12) Under the provisions of clause (14) of the Indian Arms Rules, 1909, [now included in entry (2) (b) of Schedule I of the Indian Arms Rules, 1924.] the Government of Bombay have published the following list of persons exempted. (Notn. No. 2185 dated the 4th April 1917)

PALANPUR AGENCY

Palanpur State.

1. Sahibzadah Yaverhusainkhanji, second son of H. H. the Nawab of Palanpur.
2. Kunvar Jabardastkhanji, nephew of H. H. the Nawab of Palanpur.

Radhanpur State.

1. Azam Nadealikhanji, uncle of H. H. the Nawab of Radhanpur.
2. Azam Mardanalikhanji, cousin of H. H. the Nawab of Radhanpur.
3. Azam Jorawarkhanji, cousin of H. H. the Nawab of Radhanpur.

Tharad State.

1. Kumar Bhimsingji Dolatsingji, heir-apparent of Tharad.
2. Thakore Pradanji Gajsingji of Bharole.

Woa State.

1. Kumar Harisingji, heir-apparent of Wao.

Thana Circles.

1. Malek Muridkhanji, Rawaji, Bhagdar Thakore of Warahi
2. Jaswantsingji Govindaji, Thakore of Sanva.
3. Thakore Rawaji Lakhaji of Santalpur.

MAHIKANTHA AGENCY.

Idar.

1. Maharaj Kumar Himat Sing.
2. Bhanvar Mansing.
3. Maharaj Kumar Madansingji.

BHAYATS.

1. Maharaja of Suar.
2. Maharaja of Dawad.

SARDARS.

1. Mundeti.
2. Kukadia.
3. Medhasan.
4. Man.
5. Undani.
6. Ganthiol.
7. Chandarni.
8. Tintoi.
9. Vankaner.
10. Sabalvad.

BHUMIAS.

1. Ghorwada.
2. Poshina.
3. Kheroj.
4. Deroj.
5. Pal.
6. Pahala and Takatuka.
7. Budheli.
8. Verabar.
9. Devni-Mori.
10. Samera.
11. Karcha.
12. Dehgamda.
13. Jaha.
14. Vandiol.
15. Venpur.
16. Moti Mori.

INAMDAR.

Jamadar of Bhadresar.

Pol State.

1. Thakore Kesarsingji.
2. Khumansing Vughaji, Thakore of Nolaoo.
3. Saluji Takuji.

Danta State.

1. Rajasaheb Mohbutsingji.
2. Kumar Dalpatsingji.
3. Kumar Fatehsingji
4. Thakore Lalaji of Ganchera.
5. Thakore Daynasingji of Joita.
6. Kaluji Sabal-singji, Jiwakdar of Chhoti-Mandali.
7. Naharsingji Rajsingji.

Malpur Taluka.

1. Kishorsingji, uncle of Rawalji.
2. Thakore Himatsingji.

Mohanpur Taluka.

1. Thakbatsingji Kalusingji.
2. Nathusingji Rajsingji.

Ilol Taluk.

1. Bhayat Ram Sing.
2. Bhayat Hamir Sing.
3. Bhayat Takhat Sing.
4. Panaji Manaji.
5. Bhayat Agarsingji Motisingji.

Katosan Taluka.

1. Kumar Becharsingji.
2. Kumar Naharsingji.
3. Kumar Surajmalji.

Warsoda Taluka.

1. Kumar Javan Singji.
2. Bhayat Madhusingji.
3. Bhayat Hamirsingji.
4. Bhayat Bhavansingji.
5. Bhagat Takhat-singji.

Pethapur Taluka.

Bhayat Dolatsingji.

Punadra Taluka.

1. Kalumia Jitmia.

Amlara Taluka.

1. Bhayat Javansingji. 2. Bhayat Vajesingji. 3. Kumar Takhatsingji.

SURAT AGENCY.

Dharampur State.

1. The Dewan of Dharampur. 2. Bhai Shri Prabhatdevji Narandevji. 3. Kumar Shri Narsinghdevji Mohandevji, second son of the Raja of Dharampur.

Bansda State.

1. The Dewan of Bansda. 2. Kumar Shri Pravinsingji, brother of the Raja of Bansda.

Sachin State.

1. Nawabzada Ahmed Khan, brother of the Nawab of Sachin.

KAIRA AGENCY

Cambay.

1. Mirza Muhammed Kulikhan Saheb Nazamkhan Saheb.

REWA KANTHA AGENCY.

Lunawada.

1. Kumar Shri Ranjitsingji. 2. Kumar Rughunathsingji.

Devghad Baria.

1. Kumar Narsinhingji.

*Chhota Udepur.*1. Himatsingji Jitsingji. 2. Bhavansingji Jitsingji. 3. Raisingji Chandrasingji.
4. Kumar Ranjitsingji Chandrasingji Mahida of Mandwa.*Rajpipla.*

1. Kumar Ramsingji. 2. Kumar Kiratsingji. 3. Kumar Narsinhingji. 4. Kumar Digvijaysingji. 5. Kumar Shri Prakrarsingji.

Balimor.

1. Khan Shri Mohbatkhanji Badarkhanji, Bhayat.

Sankheda Mewas.

1. Thakore Wakhtasingji Khusalbava of Sanor.

Pandu Mewas.

1. Kumar Indrasingji Chhatrasingji of Chhaliar. 2. Kumar Ranjitsingji Amarsingji of Bhadarwa.

KATHIAWAR AGENCY.

Virpur State.

1. Kumar Shri Ramsingji, third son of the Chief of Virpur.

JANJIRA STATE.

1. Sidi Hassan Sidi Sayad. 2. Sidi Muhammad Sidi Abdul Aziz Shekhani.

(13) In partial modification of Notn. No. 2185 dated the 4th April 1917 the Governor in Council [Bombay] is pleased to direct that the exemption granted to Bhayats Sardars, Bhumias and Inamdars mentioned in the notification by the names of their Estates shall be held to be personal to the present holders thereof. (Notn. No. 966 dated the 17th Dec. 1926.)

(14) BENGAL—Under the provisions in the third column of entries (3) and (6) (c) respectively, in the table subjoined to Schedule I to the Indian Arms Rules, 1920, the Govt. of Bengal, has exempted from the operation of the prohibitions and directions contained in sections 13, 14 and 15 of the Indian Arms Act, 1878 (XI of 1878), the classes of persons specified in the third column of the following table in

respect of the arms described in the fourth column of that table, when carried or possessed for their personal use in the Presidency of Bengal.

Number of Items.	Paragraphs in Schedule I to the Indian Arms Rules, 1920.	Classes of persons exempted.	Arms allowed.
1	2	3	4
1	Paragraph 3	Every Maharaja, Raja or Nawab whose title has been conferred or recognized by Government, every Peer, Baronet, Knight Bachelor and Knight of any order established by the Crown.	One revolver, two rifles and two shot guns.
2	Paragraph 6(c)	All great zemindars of Bengal included in this category by an order of the Government under clause (a) in column 3 of entry (6) of Schedule I to the Indian Arms Rules, 1921.	The numbers and class of weapons for the personal use of the zemindar himself and the number of retainers will be decided in each case on its merits. One smooth-bore muzzle or breech-loading gun is allowed for each retainer.

*Notifications Nos. 1340 P. D., 1341 P. D. and 1342 P. D., dated the 29th May 1913 are hereby cancelled.—(Bengal. Notn. No. 1401 P. J., dated the 26th March 1920, and R. and O., para 32.)

(15) **Exempted persons possessing or intending to purchase firearms in excess of the scale prescribed in the above paragraph must take out licences for such weapons.** No scale of ammunition has been fixed for the firearms of exempted person, but excessive purchases will be brought to the notice of District Magistrate in accordance with instructions contained in paragraph 118 of the Bengal Local Rules R. and O., para. 33. **Exempted persons who are already in possession of rifles of '303 or of '450 bore and pistols and revolvers of '441, '455 or any intermediate bore and require to obtain ammunition for their use should take out licences under proviso to rule 28 (3) of the I. A. R. 1924, which will be granted free of licence fee.** (India No. 903 dated the 20th Feb 1901, and Bengal R. and O., para 33A.)

(16) **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 rights 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 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 by the District Magistrate and by the Commissioner of Police, Calcutta. (India No. 27-963-975 dated the 12th July 1881 and Bengal R. and O., para 34.)

(17) **All Persons resident in Bengal, who are exempted from the operation of all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and referred to in Schedule I to the aforesaid Arms Rules, should register the firearms in respect of which they are exempt in the manner prescribed by the following rules:—**

1. In Calcutta, the Commissioner of Police and elsewhere the District Magistrate shall send an enquiry form *printed below to every person exempted under the

Indian Arms Act, 1878. Such person is hereinafter referred to as the exempted person. 2. Every exempted person shall fill up the form in duplicate according to the instructions at the top of each page. He shall return one copy to the Commissioner of Police or the District Magistrate as the case may be and shall retain the other copy for future reference. 3. Every exempted person shall report any permanent change of residence to the Commissioner of Police in Calcutta and to the District Magistrate outside Calcutta. 4. In January of each year the Commissioner of Police or the District Magistrate shall make an enquiry from all exempted persons whether they have any changes to report and shall request them to furnish full particulars of any new weapons possessed by them and to make the necessary changes in the copy of the enquiry form retained by them. 5. (1) In case of permanent change of residence of exempted persons the District Magistrate or Commissioner of Police, as the case may be, shall obtain from the proper authority in the district or town they have left the form relating to such person. (2) In the case of exempted persons arriving from another province, the Commissioner of Police or the District Magistrate, as the case may be, shall forward a form in duplicate to such persons to fill up.

** Form of enquiry for firearms possessed by exempted persons.*

NAME AND ADDRESS.

Rifles. The following particulars should be given for each weapon :—

- (a) Description and bore with maker's name and number on barrel, or stock, or both. (b) Whether muzzle or breech-loading. (c) Whether single or double barrel. (d) Whether single shot or magazine. (e) If repeating, the capacity of the magazine. (f) The name of the dealer or person from whom obtained, with approximate date.

Smooth Bores. The following particulars should be given for each weapon :—

- (a) Description and bore with maker, name and number on barrel, stock or both. (b) Whether muzzle or breech-loading. (c) Whether single or double barrel. (d) Whether single shot or magazine. (e) The name of the dealer or person from whom obtained, with approximate date.

Revolvers. The following particulars should be given for each weapon :—

- (a) Description and bore with maker's name and number, and all other marks stating the part of the weapon on which they are stamped. (b) Whether muzzle or breech-loading. (c) Number of chambers for cartridges (d) The name of the dealer or person from whom obtained, with approximate date.

Pistols The following particulars should be given for each weapon :—

- (a) Description and bore with maker's name and number stating the part of the weapon on which they are stamped. (b) Whether muzzle or breech-loading. (c) Whether single or double barrel. (d) Whether single shot or repeating. (e) If repeating, the capacity of the magazine. (f) The dealer or person from whom obtained, with approximate date. (Bengal Notn. No. 1560 P. J. dated the 1st April 1920 and R. and O., para 36)

(18) UNITED PROVINCES.—Exempted persons are required to register all firearms and ammunition in their possession, in the following form* with the District Magistrate of the district in which they reside or, in the case of persons resident in the sub-division of Lalitpur, Roorkee, Deoria-Kasia, Karwi and Mahoba, with their Sub-Divisional Officers. [U. P. No. 3049-VIII-412, dated the 28th June 1924.] District Magistrate shall check annually the registers of exempted as well as licensed firearms and keep a note of the number and description of firearms in each category in the possession of the public. (U. P. No 251 dated the 23rd March 1926.)

(i) A register shall be maintained by the District Magistrate of all registered firearms and ammunition in the same form.* (ii) Exempted persons shall report to the District Magistrate any change in the number and description of firearms which they may possess. (iii) Ammunition will be registered once and for all at the initial registration; but the District Magistrate may at any time if he thinks fit call for a return of the quantity of ammunition in the possession of an exempted person. (iv) After the initial registration the District Magistrate shall enquire from all exempted persons in January of each year whether they have any change to report in the weapons previously registered by them and shall request them to furnish full parti-

culars of such changes. This does not however relieve exempted persons of the obligation under rule (ii) above to report such changes as they occur (v) An exempted person shall notify to the District Magistrate concerned any permanent change of residence and shall also forward particulars of the firearms and ammunition possessed by him to the District Magistrate of the district in which his new place of residence is situated [U. P. No. 3056-VIII-412 dated the 28th June 1924 and para 4 of Local Rules]

*Form (H) of registration of firearms and ammunition held by persons exempted under Schedule I, India Arms Rules, 1924

Name of exempted person	Entry of Schedule I under which exempted	Description of firearms (including bore, muzzle or breech loading and single shot or repeating.	Maker's name and number.	Ammunition.

(19) Arms carried or possessed by Officers of Government as part of their equipment and arms supplied by Government to subordinates of Government departments to be carried or possessed by them for their protection in the execution of their duty, are not required to be licensed Under cl. (b) of section I of the Act nothing in the Act or Rules applies to the bearing or possession of such arms by such persons [India No. 1246 dated the 16th Oct 1919, No 1171 dated the 17th May 1921 and para 5 of Local Rules]

NOTE—(i) Managers of Salvation Army Settlements and schools who are supplied with revolvers for their protection in the execution of their duty should be considered to come within the scope of clause (b) of section I of the Arms Act and in respect of such weapons. [U. P. 3808/VI 844-1916 dated the 19th July 1930] (ii) As firearms do not form part of the prescribed equipment of forest rangers these officers are required to take out licences for such weapons. [Cf paragraph 60 of United Provinces Forest Manual]

(20) For the purposes of exemption under clause (6) (g) of Schedule I it has been decided—

(a) That "Talukdar of Oudh" shall mean every person whose name is included in the list of taluqdars maintained by the British India Association, Oudh, and (b) Zamindars who possess the following qualifications are declared to be included in entry 6 (g) of Schedule I, namely, landholders who—

(i) pay a land revenue of not less than Rs. 10,000 or would so pay if they were not wholly or in part revenue-free, and (ii) are borne on the divisional Dārbar lists and whose fathers or immediate predecessors in interest were also so borne

[(a) U. P. No. 3049/VI—844 1916 dated the 9th June 1920 and (b) No. 1362/VIII—182 dated the 7th April 1924 and para 6 of Local Rules.] NOTE.—Landholders claiming exemption under clause 6 (b) must fulfil both qualifications (i) and (ii).

(21) Clause (10) of Schedule I covers the case of persons holding swords or arms presented by Royalty and by Commissioners or other Government officers under the general or special orders of the Local Government. [India No. 1301 dated the 9th July, 1920 and para. 7 of Local Rules]

(22) A list of landholders and members of Municipal Boards or Committees in the United Provinces who were exempted for life in clause 11 (g) of Schedule I to the Arms Rules, 1920, is appended as Appendix A to the [U. P.] Local Rules and Orders. In future such persons shall receive licences for life free of charge in Form XVI in respect of the arms and ammunition which are entered against each of their names. District Magistrates should report to Government through Commissioners any change in the list as they occur. [U. P. No. 1873-VII—406 dated the 27th June, 1922, No. 3045-VIII—418, dated the 28th June, 1924, respectively, and para. 8 of Local Rules.]

(23) For the purposes of exemption under clause 3, 6 (g) and 10 of Schedule I Government has been pleased with reference to column 3 of the Schedule, in the case of firearms and ammunition for firearms to restrict the exemption conferred by the aforesaid schedule on the classes of persons specified in the third column of the table annexed to the number and description of firearms and the amount of ammunition described in the fourth column when carried or possessed for their personal use in the United Provinces.

TABLE.

Serial No.	Entries in Schedule I to the Indian Arms Rules, 1924,	Classes of persons exempted	Quantity of arms or ammunition to which exemption is restricted.
1	2	3	4
1	3	Every Maharaja, Raja or Nawab whose title has been conferred or recognised by Government, every Peer, Baronet, Knight Bachelor and Knight of any Order established by the Crown	(i) Existing exemptees.—No restrictions. (ii) Future exemptees :— (a) If hereditary title-holders, the number and description of arms and the amount of ammunition laid down in each case by special order. (b) Others—One revolver or pistol with 50 cartridges, three rifles with 100 cartridges each and three shot guns with 1,000 cartridges and 250 caps with 2 seers of black powder, if the guns include muzzle-loading weapon.
2	6 (g)	The Taluqdars of Oudh, Rao, Udaibir Singh of Gopalpura, Jalaun, Raja Bahadur Bijai Bahadur Singh of Katehra and such other zamindars of the United Provinces as the local Government may designate in this behalf.	(i) Existing exemptees whose exemption has not been registered by special order.—No restriction as regards arms and ammunition for personal use or the number of retainers. (ii) Others (including future exemptees) —The number and description of arms, the amount of ammunition and the number of retainers laid down in each case by special order. <i>For each retainer.</i> —One smooth-bore muzzle-loading gun, 50 caps, $\frac{1}{2}$ seer of black powder.
3	10	Persons holding swords or other arms received by them as gifts from the Governor-General in Council or by the local Government after the 1st January 1920, or the Commander-in-Chief.	The ammunition ordinarily allowed to a licensee.

(U. P. Notn. 3040.VIII—418, dated the 28th June, 1924 as amended by No. 5324 dated the 30th Sep. 1924, and G. O. No. 444 dated the 28th Novr. 1924.)

(24) Exempted persons possessing or intending to purchase firearms in excess of the scale prescribed in rule 9 (Note 23, page 136) must take out licences for such weapons [U. P. Notn. No. 2276-VIII-418, dated the 20th Sep 1921 and para 10 of Local Rules.]

(25) Retainers' arms are subject to annual registration under clause (b) of third column opposite to clause 6 of Schedule I, the number and description of weapons only being specified. [U. P. No 2272 VIII-418, dated the 20th September 1921 and para 11 of Local Rules.]

(26) (i) Clause 2 (c) of Schedule I to the Arms Rules should be construed as applying to the retainers of Princes and Chiefs having a salute of guns in addition to those who have no such salute. (ii) The Agents to His Excellency the Governor for Benares Rampur and Tehri are authorised under this clause to fix the number of armed retainers who may accompany, respectively, their Highnesses the Maharaja of Benares, the Nawab of Rampur and the Raja of Tehri, when visiting British India. (iii) The lists of other persons and their retainers, who have been designated under clause 2 (b) and (c), are given in appendix B to the [U. P.] Local Rules. (iv) Seventy-five sepoy of the Bharatpur State, who have been employed for the protection of immovable property owned by the State in the United Provinces, should also be considered as exempted under this clause. They are allowed 15 guns between them. [India No. 812 dated the 16th June, 1913 and para 2 of Local Rules] (v) The U. P. Govt. has also designated the Wahawatdars (in virtue of their office) of the Gwalior Darbar Swanthans at Brindaban, Benares, and Allahabad for exemption under clause 2 (b) in respect of the following firearms :—

- | | |
|---------------------------------------|-------------------------|
| (1) Brindaban Temple, district Muttra | Six muzzle loading guns |
| (2) Benares Trishah Annapurna Chattr | Six „ „ „ |
| (3) Allahabad Swanshan | Three „ „ „ |

[Added by U. P. G O No. 3170-VIII-182 dated the 20th June 1925.]

(27) Armed guards from Indian States travelling through British India in charge of treasure are exempted from the Arms Act under clause 2 (d) of Schedule I, to the Arms Rules. Government has however power to impose conditions to this exemption. [U. P. No. 1983-VI-708 D, dated the 14th July, 1904 and para. 13 of Local Rules]

(28) (i) In order to prevent needless annoyance to exempted persons every district officer should maintain a correct list of all such persons in his district, and supply a copy of this list to the police. A copy of this list should be hung up in every police station in the district, and it should be the duty of all police officers to make themselves acquainted with its contents. (ii) In the case of stations bordering on another district, lists should be furnished of the exempted persons residing within the limits of the adjoining police stations of that district, and the police should, where possible, make themselves acquainted with these exempted persons in the adjoining district. [U. P. No 448, dated the 16th April, 1881, No. 982-VI-660-D-2 dated the 8th April, 1907 and para. 14 of Local Rules.]

(29) (i) In order to obviate the difficulty which certain persons, who are exempt from the operation of the Arms Act, find in obtaining arms and ammunition from dealers who do not know whether they are exempt or not, certificate of exemption should be issued by licensing authorities to any exempted person who applies for such a certificate [U. P. No. 149-VIII-243, dated the 20th Jan. 1923 and para 15 of the Local Rules]. (ii) In order to avoid the possibility of annoyance or delay if the possession of arms is challenged, a similar certificate may be given to exempted persons who wish to proceed with arms outside the area in which they are known.

(30) District Magistrate should report, through the Commissioner, for the orders of Government, any case in which an exempted person either makes or permits improper use of his weapons, or persists in ignoring ordinary precaution for their safe custody, or by his general behaviour proves himself unworthy of the privilege of exemption. [Para 16 of U. P. Local Rules.]

(31) Para. 17 the [U. P.] Local Rules—*Vide* notes relating to air-guns, in Schedule II.

(32) Firearms captured from enemies and kept as trophies by a regiment or military mess should be rendered unfit to fire. [India No. 878, dated the 28th May, 1920 and para. 18 of U. P. Local Rules].

(33) CENTRAL PROVINCES.—Under the provisions in the third column of entries (3) and (10) respectively in the Table appended to Schedule I to the Indian Arms Rules, 1924, the Govt. of the C. P. has declared that the arms and ammunition specified or described in those entries which exemptees may carry or possess for their personal use within the limits of the Central Provinces shall not exceed the scales specified in the table below :—

Number of items.	Paragraphs in Schedule I to the Indian Arms Rules, 1924.	Classes of persons exempted.	Arms allowed.	Ammunition allowed to be in exemptee's possession at one time.
1	Paragraph (3)	Every Maharaja, Raja or Nawab, whose title has been conferred or recognized by Government, every Peer, Baronet, Knight Bachelor and Knight of any Order established by the Crown	3 rifles D. B or S B. 2 shot guns. 2 revolvers or pistols.	Per rifle, 200 rounds. Per revolver, 100 rounds.
2	Paragraph (10)	Persons holding swords or other arms received by them as gifts from the Governor General in Council or a Local Government or the Commander-in-Chief		100 rounds per rifle.

No limit of ammunition is fixed in the case of shot guns or '22 bore target rifles. If any person proves that he needs ammunition in excess of the scale prescribed, he may be allowed a larger quantity. Notn. No. 18-90-VI. d. 7th January 1922, is hereby cancelled. (C. P. Notn. No. 429-465-VI. dated the 21st August 1924.)

NOTE—Similar Rule has been made for Berar. (Notn. No. 430-465-VI dated the 21st August 1924)

(34) Under the provisions in column 3 against entry (6) (f) of the table appended to Schedule I of the Indian Arms Rules, 1924, the Govt. of the C. P. has declared that the exemption of the undermentioned zamindars of the scheduled districts from the operation of all prohibitions and directions contained in sections 13, 14 and 15 of the Indian Arms Act, 1878, shall be restricted to the arms and ammunition specified in columns 3 and 4 of the table appended hereto and the number of retainers and the arms to be possessed by each retainer as specified in columns 5 and 6. Judl. Dept. Notns. Nos. 5069, dated the 30th June 1903, 5636 and 5637, dated 19th May 1904; and 445, dated the 22nd August 1906, are hereby cancelled, (Notn. No. 455-481-VI. dated the 28th August 1924.)

District	Names of zamindari or jagirdari to which the zamindar or jagirdar belongs.	Quantity of arms, ammunition and the number of retainers to which exemption is restricted					Number of guns to be possessed by each retainers.		
1	2	3					4	5	6
		ARMS							
		R L Rifles	B L Guns	M L Guns	Revolvers	Pistols	Ammunition	Retainers.	
Raipur	Kharwar	7	4			1		100	
	Bindranawagarh	4	4			1		75	
	Phulhar	4	1			1		30	
	Pingheshwar	4	4			1		80	
Bilaspur	Pandaur	4	4			1	Per rifle 200 rounds Per revolver 100 rounds No limit of ammunition for shot guns or 22 bore or t. uget r. files	20	
	Pendia	4	4			1		20	
	Korba	4	4			1		20	
	Champa	4	4			1		10	
	Chihuri	4	4			1		10	
	Lapla	4	4			1		10	
	Khenda	4	4			1		10	
	Matin	4	1			1		10	
Drug	Uptora	4	4			1		10	1 gun each
	Sahaspur Johara	4	4			1		40	
	Gandai	4	4			1		35	
	Gondardhi	4	4			1		30	
	Dhondi Lohara	4	4			1		30	
	Thakurtola	4	4			1		25	
	Baraspur	4	4			1		20	
	Silhoti	4	4			1		20	
	Ambagarh Chouki	4	4	25	4	1		44	
	Koracha	2	2	15	1	1		16	
	Panabaras	2	6	25	1	1		41	
	Aundhi	2	2	10	1	1		6	
Chanda	Ahiri	4	1			1		8	
	Dhanora	2	2	15	1	1		20	
	Dudhmala	2	2	10	1	1		17	
	Gewar dha	2	2	20	1	1		30	
	Jharapapra	2	2	15	2	1		16	
	Khutgaon	2	2	15	1	1		7	
	Kotkal	2	2	15	1	1		17	
	Muramgaon	2	2	10	1	1		10	
	Palasgurih	4	4	20	1	1		25	
	Rangi	2	2	15	1	1		17	
	Sirsundi	2	2	10	1	1		8	
	Sonsari	2	2	10	6	1		10	
	Chandala	2	2	10	1	1		7	
	Gikgaon	2	2	10	1	1		12	
	Muranda	2	2	15	1	1		15	
Poteagaon	2	2	10	1	1	15			
Hoshangabad	Barani Pagara		5					10	
	Chhatar		2					13	
Ohhindwara	Partabgarh Harrai		15					61*	
	Dhanara Sonpur		10					24	
	Gorpani		5					10	
	Bardhagarh		5					18	
	Almod		5					9	
	Pachmarhi		5					11	
	Gorakhghat		5					9	
	Batkagarh		10					14	

NOTE.—Lists showing the names of retainers (including the jagirdars and members of the family) and the number and nature of the weapons covered by the exemption will be kept up in the District Office.

* The number 61 is to be reduced to 41 on the death of the Jagirdar—Thakur Mardanshah.

(35) Under Rule 3 (1) (b) of the Indian Arms Rules, 1924, it is declared that all persons and classes of persons exempted under Schedule I of the said rules shall, for the purpose of registering the firearms in respect of which they are exempted from the operation of prohibitions and directions contained in sections 13, 14 and 15 of the Indian Arms Act, 1878 (XI of 1878), furnish the District Magistrate of the districts in which they reside, with the necessary particulars of each weapon in the following form :—

Register of weapons.—[NOTE.—A separate form should be filled in for each weapon.]

(1) Name of the person exempted and address ...	
(2) Class under which exempted	
(3) Description of weapon exempted—	
(a) Whether a rifle, breech-loading pistol, revolver or gun	
(b) Description and bore with maker's name and number and other marks, stating the part of the weapon on which they are stamped .	
(c) Whether single or double barrel	
(d) Whether single shot or magazine and capacity of the magazine. If a revolver, number of chambers for cartridges	
(e) The name of the dealer or person from whom obtained with approximate date ..	
(4) (a) Signature of person exempted	
(b) Date	

Judl. Dept. Notn. No 152-2-O-1-V., dated the 23rd April 1920, is hereby cancelled (C. P. Notn. No. 457-484-VI., dated the 28th Aug. 1924.)