

laid down in rule 17 of the Indian Arms Rules, 1924, should be followed. *Vide* Rule 39 (1) (a) proviso of the Indian Arms Rules, page 93.

*Note.*—No licence is required for the export of swords and sword-sticks to Indian States. (For. and Poll. Dept., letter No. F. 149G.—29, dated the 4th June 1929, and Home Dept. letter No. F. 21—XI—27 dated the 18th February 1927).

**9A. Export of arms from the Arsenal to an Indian State for the use of the State police force.**—No licence is necessary under section 1 (b) of the Indian Arms Act for the export of arms and ammunition to an Indian State issued from a British Arsenal under the orders of Government. Each consignment sent from the Arsenal should be covered by a certificate to the effect that it is exported by order of Government under section 1 (b) of the Arms Act. Such certificate will be encased on the relevant issue vouchers which vouchers will be signed by the Group Officer of the Arsenal concerned. (Govt. of Bengal, endt. No. 825 P., dated the 26th January 1934).

**9B. Export of arms and munitions to Afghanistan.**—*Vide* note (3) to rule 19 page 81.

**9C. Export of arms and munitions to Nepal.**—In respect of arms and munitions required for the Nepal Government, no licence is required for their importation into British India, and no export licence is required for their despatch to Nepal. Consignments received in Calcutta are checked by the Customs authorities against the list of arms received from the Government of India, and the packages are sealed in the presence of a Customs Examiner. On receipt of a requisition from the clearing agents, the Commissioner of Police, Calcutta, furnishes an escort between the Customs House and the railway station. Consignments are booked by the railway authorities on production of a certificate from the Collector of Customs that the arms, etc. have been imported for the Government of Nepal. A description of the marks on each package, sufficient to enable it to be readily identified, and a general statement of contents, will be noted by the Collector of Customs on the certificate. (Govt. of Bengal letter No. 2564 Pl., dated the 10th July 1929)

**10. Moyapur warehouse declared warehouse for deposit of ammunition.**—The warehouse at Moyapur is declared to be a warehouse for the deposit of ammunition under section 7 of Act XI of 1878. The premises of any licensed dealer in arms in Calcutta, licensed also as a private warehouse under section 16 of the Sea Customs Act, 1878, and approved of in writing by the Commissioner of Police, may be used as a place for the deposit of arms under this section. (Govt. of Bengal Notn. dated the 26th March 1879.)

**11. Arms and ammunition on vessels trading with the Persian Gulf.**—Under the provisions of section 9 of the Sea Customs Act VIII of 1878 the following rule is published for general information :—

The import and export manifests of all vessels engaged in the coasting trade or vessels trading with ports in the Persian Gulf

shall, in future, be required to contain a list of all arms and ammunition carried by such vessels as a part of their equipment or armament and likewise of all arms and ammunition being the personal property of the master, the officers and the crew on board such vessels. This information must be furnished in the manifest for each port to which the vessel is bound. (Govt. of Bengal Notn. dated, the 7th September 1889).

**12. Arms and ammunition on coasting vessels.**—It is hereby notified for general information that in exercise of the powers conferred by section 157 of the Sea Customs Act, VIII of 1878, the Lieutenant-Governor extends the provisions of sections 55 and 63 of that Act to coasting vessels owned and manned by natives of India and to vessels plying under general passes under section 164 of that Act, so far as regards the specification by the master, in the import and export manifests of all arms, ammunition carried on such vessels as part of their equipment or armament, and likewise of all arms and ammunition on board being the personal property of the master, the officers, and the crew working on board such vessels (Govt. of Bengal Notn. dated the 7th Sept. 1889.)

**13. Licence for the export of arms, etc., to Indian States.**—Vide note (1) to rule 19, page 81.

**13A. Export and import of arms and ammunition to and from Berar.**—The second paragraph of section 6 of the Indian Arms Act, 1878 (XI of 1878), operates to render a licence unnecessary in the case of arms and ammunition exported from British India into Berar by exempted or licensed persons resident in Berar in reasonable quantities for their own private use.

Other arms and ammunition, which would otherwise fall within the prohibitions of the first paragraph of section 6, are, when covered by a licence granted in Berar or British India, protected [*vide* entry 2 (v) of Schedule II of the Indian Arms Rules, 1924, and entry (v) of Schedule II of the Berar Arms Rules, 1924] both in British India and Berar from all the prohibitions imposed by the Act, and can therefore be imported or exported into or from Berar without formality or licence. (Home Dept. endt. No. F. 21—XV—26 dated the 13th May 1926).

**13B. Importation into Great Britain of firearms and ammunition by officers of the Indian Police on leave.**—Officers of the Indian Police Service, on leave, desirous of importing arms and ammunition into Great Britain, should produce to the Customs on arrival in that country either—

(a) a valid Firearm Certificate covering the weapons and/or ammunition they desire to import; or

(b) a Board of Trade import licence;

otherwise the Customs will detain the arms and ammunition until a Board of Trade import licence has been obtained. The prohibition of importation does not, however, extend to smooth bore shot guns and shot gun ammunition; which are allowed to be imported into Great Britain without import licence. They should apply to the Imports and Exports Licensing Section of the Commercial Relations

and Treaties Department, Board of Trade, for an import licence sufficiently early to enable the licence (which remains valid for three months from the date of issue) to reach him before he leaves India. His application should include the information asked for on the form of application specified below for an import licence, and should be accompanied by a certificate of the kind referred to in the regulation. In these cases as soon as possible after arrival in England officers should make application to the nearest police-station to their residences for a Firearm Certificate. Failure to do so renders them liable to prosecution under the Firearms Act, 1920.

If, however, an officer does not desire to have possession of his firearms and ammunition whilst he is in Great Britain, he may, as an alternative, instruct a recognized firm of forwarding agents to import the material on his behalf, store it during the period of his stay and place it on board an outgoing vessel when he returns to India. In such cases the import and export licences are not issued to the officer himself but to the forwarding agents (who should apply for the licences), and the arms must be surrendered to the Customs on arrival. The adoption of this alternative renders it unnecessary for an officer to obtain a Firearm Certificate from the police whilst he is in Great Britain.

The possession of Indian import licences relating to revolvers or automatic pistols of prohibited calibres forming part of their working equipment in India is not essential in the case of officers in the Indian Police Service. The Board of Trade will issue export licences in respect of such arms to officers who are able to produce satisfactory proof of their identity. Where the applicant cannot produce satisfactory proof, he will be referred to the High Commissioner for India with a view to confirmation of his official position.

*Regulation regarding the import into Great Britain of firearms and ammunition by officers in Government service abroad.*

An officer in Government service abroad who does not possess a valid Firearm Certificate authorising him to hold his firearms in Great Britain is not allowed to import any firearms or ammunition (other than smooth bore shot guns and ammunition therefor) save under a licence issued by the Board of Trade.

An import licence may be granted by the Board of Trade upon the production of a certificate signed by a magistrate, commissioner, resident, or other official exercising magisterial functions and so described in the certificate, certifying—

- (a) that the applicant for the import licence is in the service of a Colonial Government or of the Government of India or of a local Government in India;
- (b) that the arms in respect of which he applies are his own property; and
- (c) that the authority signing the certificate is not aware of any reason why the applicant should not be allowed to import firearms and ammunition into Great Britain.

A covering letter will be sent with any import licence granted in these circumstances warning the importer that unless a Firearm Certificate is obtained from the police without delay, the possessor in this country of firearms and ammunition subject to the provisions of the Firearms Act, 1920, will be liable to prosecution.

## CERTIFICATE.

I do hereby certify that Mr. .... \* who is an applicant for an import licence is in the service of the Government of.....† and that the arms and ammunition detailed below in respect of which he applies for a licence are his own property.

I am not aware of any reason why the applicant should not be allowed to import the arms and ammunition into Great Britain.

Dated at.....the.....day of . .... 193 .

(Signature and designation of the Commissioner, Magistrate, Civil or Political Officer exercising magisterial functions.)

\* Here enter name and designation of applicant.

† Here enter whether in the service of the Government of India or of a Local Government of India.

IMPORTS AND EXPORTS  
LICENSING SECTION  
(BOARD OF TRADE.)

Number and description of enclosures  
forwarded with this application.

APPLICATION FOR LICENCE TO IMPORT FIREARMS, LETHAL, AND OTHER LETHAL  
WEAPONS AND AMMUNITION.

This form should be filled in and forwarded to the Licensing Section, Board of Trade, Great George Street, London, S. W. 1—

Applicant's Reference No..... Date.....

Name of person or firm importing.....

Address.....

Name and address of person or company to whom the licence is to be sent .....

Nationality of importer .....

Profession or business.....

Description of goods (including quantity, calibre, value, etc.).....

Particulars of packages and marks thereon, where known.....

Country of origin of the goods .....

Port and country from which the goods are to be imported.....

Signature.....

*Import into and export from Great Britain or Northern Ireland of  
firearms and ammunition by holders of Firearms Certificates.*

1. A holder of a valid Firearm Certificate under section I (1) of the Firearms Act, 1920, may take with him out of Great Britain or Northern Ireland, or bring back with him into Great Britain or Northern Ireland, the firearms and ammunition which the Firearm Certificate entitles him to hold in Great Britain or Northern Ireland, provided that the Firearm Certificate is produced by him with the firearms and ammunition to the Customs authorities at the port of departure at the time of export and at the port of entry at the time of import. No licence will be required by the holder of the Firearm Certificate in such a case.



2. Import and export under this arrangement will only be permitted if the following conditions are complied with :—

(a) The firearms and ammunition must be covered by the Firearm Certificate. A licence will be necessary in respect of any firearm and ammunition not covered by the Firearm Certificate.

(b) The Firearm Certificate must be valid. An out-of-date Firearm Certificate will not be accepted; (Firearm Certificates are valid for three years only in Great Britain and for one year only in Northern Ireland.)

(c) The firearms and ammunition must be carried by the owner. If they are carried by any person other than the owner, e.g., by a relative of the owner or by a firm of forwarding agents, a licence and not a Firearm Certificate must be produced to the Customs authorities.

(d) The Firearm Certificate must be produced to the Customs authorities by the holder *at the time of arrival or departure together with the firearms and ammunition* in order that the firearms and ammunition can be checked against the Firearm Certificate by the Customs authorities.

3. *Smooth bore shot guns and ammunition therefor.*—No licence is required to import smooth bore shot guns and shot cartridges into Great Britain, but a licence is required to import this material into *Northern Ireland*. Similarly, although not necessary in Great Britain, a Firearm Certificate is required to authorise the possession of smooth bore shot guns and shot cartridges in *Northern Ireland*.

Smooth bore shot guns and ammunition therefor may only be exported to the following destinations under Board of Trade licences (except in the case of shot guns and shot cartridges which are included on Firearm Certificates issued by the authorities in *Northern Ireland*. These cases will come under the provision set out in paragraphs 1 and 2 above) :—

(a) The whole of the Continent of Africa, with the exception of Algeria, Liva and the Union of South Africa (within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island, and the Islands of Annobon and Socotra).

(b) Transcaucasia, Persia, Gwadar, the Arabian Peninsula, and such continental parts of Asia as were included in the Turkish Empire on August 4th, 1914.

(c) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

4. Holders of Firearm Certificates desirous of taking their firearms and ammunition abroad are warned that there are restrictions on the importation of certain goods into some countries and that they must comply with the regulations (if any) in force in the country of destination. The importation into India of rifles of

'303 or '450 bore and of pistols and revolvers of calibres between '441 and '455, inclusive, is prohibited and inquiries in regard to this prohibition should be addressed to the High Commissioner for India, India House, Aldwych, W. C. 2. The importation of arms into New Zealand is prohibited under the New Zealand Arms Act, 1920, and it is only in the most exceptional cases that a permit to import an automatic pistol or a revolver is granted.

5. *Application for Firearm Certificates and Import and Export Licences.*—(a) *Firearm Certificates.*—Applications should be addressed in the case of *Great Britain* to the police authorities nearest the applicant's residence, and in the case of *Northern Ireland* to the Inspector-General, Royal Ulster Constabulary, Atlantic Buildings, Waring Street, Belfast.

(b) *Licences.*—Applications for import and export licences should be addressed to the Director, Licensing Section, Board of Trade, Great George Street, London, S. W. 1, except in the case of imports into Northern Ireland, in which case applications should be addressed to the Inspector-General, Royal Ulster Constabulary, Atlantic Buildings, Waring Street, Belfast. (Home Dep. letter No F. 21/XXVI-31, dated the 28th April 1931.)

14. **Licence for the export of cannon.**—No licence should be granted under rule 17 (2) in Form VI (Licence for the export of arms, and ammunition to a State in political relations with the Local Government) authorising the export of cannon, without a previous reference to the Government of India; as it is not intended to alter the existing practice in this respect. (Govt. of Bengal Order No. 4523-27P. J., dated the 31st Decr. 1919.)

15. **Issue of transport licence for definite consignment.**—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 Indian Arms Rules, 1924, the licence should not, except for special reasons, be granted for a period longer than twice the time likely to be 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 (Govt. of Bengal Order No. 14813P., dated the 27th November 1917.)

16. **Import and transport.**—Under rule 22 (2) (b) (i) of the Indian Arms Rules, 1924, 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.

**17. Remission of fees for licences to re-import.**—In exercise of the power conferred by sub-rule (3) of rule 46 of the Indian Arms Rules, 1924, the Governor-General in Council has directed that the fee for licences to re-import shall be remitted in cases where arms and ammunition, which have been sent out of British India on approval to persons lawfully entitled to possess them, are re-imported into British India within a period of two months from the date of export. (Home Dept. Order No. 808, dated the 6th May 1920.)

**18. Remission of fees for export of ammunition to Indian States for railway or public work.**—In exercise of the power conferred by sub-rule (3) of rule 46 of the Indian Arms Rules, 1924, the Governor-General in Council has directed that no fee shall be charged in respect of the grant or renewal of a licence in Form VI set out in Schedule VIII to those Rules for the export to a State in India of ammunition required for the use of a public railway or other public work. (Home Dept. Notn. No. 810, dated the 6th May 1920.)

**19. Warning notice to officers and crew of vessels.**—With a view to prevent the leakage of firearms through officers and crew of vessels calling at the Port of Calcutta, the following warning notice has been prescribed. The notice should be printed in heavy type under the signature of the Commissioner of Police, Calcutta, and distributed by him to shipping firms for circulation to officers and crew on the arrival of vessels and for posting up in conspicuous places on the ship. Copies should also be sent to Port Officer, Calcutta.

"Officers and crews of vessels calling at the Port of Calcutta are hereby warned that the sale of arms, ammunition or military stores to any person in India is, unless effected in conformity with the provisions of the Indian Arms Act, punishable with imprisonment or with fine, or with both."

To avoid the risk of incurring these penalties, owners of such articles should in all cases before transferring them to any person in India apply for information to the Commissioner of Police in Calcutta or to Magistrates at other ports of call."

A similar notice with the requisite notification should be issued over the signature of the District Magistrate of Chittagong and distributed to the agents of shipping firms in Chittagong and to the Port Officer. (Govt of Bengal letter No. 136-37 P.—D., dated the 28th April 1916.)

#### **SECTION (II).—Application of Arms Act to classes of weapon and ammunition.**

**20. Application of Act to arms other than firearms.**—Uncertainty is sometimes felt as to the general extent to which arms other than firearms come within the operation of the Arms Act in Bengal. The position is as follows: Entry 1 in Schedule II of the Indian Arms Rules, 1924, exempts from the prohibitions and directions in the Act all arms with the exception of firearms and weapons of this class, subject to the proviso that the Local

Government may retain the prohibitions and directions in respect of any arms. In notifications reproduced in the following paragraphs the Government of Bengal have retained the prohibitions and directions of the Act in respect of certain weapons, and extended section 15 to Bengal with the result that the following prohibitions are now in force:—

(i) *Daggers*.—Going armed with daggers and manufacture, conversion and sale of daggers without licence.

(ii) *Swords*.—Manufacture, conversion and sale of swords and sword-sticks without licence.

(iii) *Bayonets*.—Going armed with bayonets and manufacture, conversion, sale, importation, exportation and possession of bayonets without licence.

(iv) *Air pistols*.—Going armed with air pistols and manufacture, conversion, sale, importation, exportation and possession of air pistols without licence.

(v) *Alarm pistols*.—Going armed with alarm pistols and manufacture, conversion and sale of alarm pistols without licence.

(vi) *Life preservers* such as 'Zipo', the 'Steel Baton', the 'Steel Hunter', the 'Policeman's Club' and similar types—Possessions of any type of life preservers without licence (Govt. of Bengal Notn. no. 4808 Pl. dated the 2nd Sept. 1933)

It is not unlawful under the Indian Arms Act as in force in Bengal to possess or go armed with a sword or sword-stick; but it is unlawful in Calcutta to go armed with a sword-stick on account of the order under section 62 A (2) (i) of the Calcutta Police Act issued annually by the Commissioner of Police. (Govt. of Bengal letter No. 1838-1866 Pl. dated the 15th May 1925)

**21. Prohibitions affecting bayonets.**—(i) In exercise of the power conferred by the proviso in column 3 of entry 1 of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in sections 5, 6 and 13 of the Indian Arms Act, 1878 (XI of 1878), in respect of bayonets in all districts in the Presidency of Bengal, and to declare that no person in this Presidency—

(a) shall manufacture, convert or sell or keep, offer or keep, offer or expose for sale,

(b) shall bring or take by sea or by land into or out of this Presidency, or

(c) shall go armed with bayonets, except under a licence and in the manner and to the extent permitted thereby (Bengal Notn. No. 1122 Pl. dated the 2nd April 1925.) \*

(ii) In exercise of the power conferred by the proviso in column 3 of entry 1 of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in section 15 of the Indian Arms Act, 1878 (XI of 1878), in respect of bayonets in all districts of the Presidency of Bengal, and to declare that no person in this

Presidency shall have in his possession bayonets except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. No. 1837 Pl., dated the 15th May 1925.)

**22. Prohibitions affecting air pistols.**—(i) In exercise of the power conferred by the proviso in column 3 of entry 2 (iii) of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in sections 5, 6 and 13 of the Indian Arms Act, 1878 (XI of 1878), in respect of air pistols of the kind specified in head (iii) of entry 2 of the table in the same Schedule in all districts in the Presidency of Bengal, and to declare that no person in this Presidency—

(a) shall manufacture, convert or sell or keep, offer or expose for sale,

(b) shall bring or take by sea or by land into or out of this Presidency, or

(c) shall go armed with air pistols, except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. no. 1123 Pl., dated the 2nd April 1925.)

(ii) In exercise of the power conferred by the proviso in column 3 of entry 2 (iii) of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in section 15 of the Indian Arms Act, 1878 (XI of 1878), in respect of air pistols of the kind specified in head (iii) of entry 2 of the table in the same Schedule in all districts in the Presidency of Bengal, and to declare that no person in this Presidency shall have in his possession the said air pistols except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. no. 1836 Pl., dated the 15th May 1925.)

**23. Prohibitions affecting daggers.**—In exercise of the power conferred by the proviso in column 3 of entry 1 of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in sections 5 and 13 of the Indian Arms Act, 1878 (XI of 1878), in respect of daggers other than obsolete daggers and those not capable of use for offensive and defensive purposes in all districts in the Presidency of Bengal, and to declare that no person in this Presidency—

(a) shall manufacture, convert or sell or keep, offer or expose for sale, or

(b) shall go armed with daggers, except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. No. 1124 Pl., dated the 2nd April 1925.)

**24. Prohibitions affecting swords.**—In exercise of the power conferred by the proviso in column 3 of entry 1 of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in section 5 of the Indian Arms Act, 1878 (XI of 1878), in respect of swords and sword-sticks in all districts in

the Presidency of Bengal, and to declare that no person in any district within this Presidency shall manufacture, convert or sell or keep, offer or expose for sale the said weapons except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. No. 1125 Pl., dated the 2nd April 1925.)

**24A. Prohibitions affecting alarm pistols.**—In exercise of the power conferred by the proviso in column 3 of entry I of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in sections 5 and 13 of the Indian Arms Act, 1878 (XI of 1878), in respect of alarm pistols in all districts in the Presidency of Bengal, and to declare that no person in this Presidency—

(a) shall manufacture, convert or sell or keep, offer or expose for sale, or

(b) shall go armed with alarm pistols, except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal Notn. No. 2980 Pl., dated the 18th July 1932.)

**24B. Prohibitions affecting life preservers.**—In exercise of the power conferred by the proviso in column 3 of entry 1 of the table in Schedule II referred to in rule 3 of the Indian Arms Rules, 1924, the Governor in Council is pleased to retain the prohibitions and directions contained in section 15 of the Indian Arms Act, 1878 (XI of 1878), in respect of all life preservers, such as the 'Zipo', the 'Steel Baton', the 'Steel Hunter', the 'Policeman's Club' and similar types, in all districts of the Presidency of Bengal, and to declare that no person in this Presidency who is not specified or described in Schedule I to the Indian Arms Rules, 1924, as exempted shall have in his possession any type of life preservers except under a licence and in the manner and to the extent permitted thereby. (Govt. of Bengal, Notn. No. 4808 Pl., dated the 2nd September 1933.)

**24C. Extension to Bengal of section 15 of the Arms Act.**—In exercise of the powers conferred by section 15 of the Indian Arms Act, 1878 (XI of 1878), and with the previous sanction of the Governor-General in Council, the Governor in Council is pleased to extend section 15 of the said Act to all districts in Bengal and to declare that, with effect from the 9th March 1923, no person of these districts shall have in his possession any arms of any description except under a licence and in the manner and to the extent permitted thereby. (Notns. Nos. 787 Pl., dated the 9th March 1923 and 1121 Pl., dated the 31st March 1925).

[N. B.—This notification under section 15 does not in itself supersede any exemptions under section 27 of the Act in force at the time. Exemptions in force remain in force; possession of arms becomes unlawful if the arms are among those notified under column 3 of Schedule II or among the exceptions noted in column 2 of Schedule II of the Indian Arms Rules, 1924.] (Govt. of Bengal letter No. 1838-1866 Pl., dated the 15th May 1935).

**25. Possession without licence of leaden bullets and bird shot.**—In exercise of the powers conferred by clause (ii) in column 2, opposite the fourth and sixth entries in column 1 of the table contained in Schedule II to the Indian Arms Rules, 1924, the



Governor in Council has fixed five seers as the limit up to which leaden bullets and bird shot are excluded from all prohibitions and directions of the Act in all districts in the Presidency of Bengal. (Govt. of Bengal Notn. No. 3518 Pl., dated the 13th July 1928.)

*Note.*—Lead pellets for air-guns and air-rifles should be treated as bird shot and leaden bullets and should not be possessed, sold, imported, transported or exported in quantities exceeding five seers without a licence. (Govt. of Bengal letter No. 1948 P. J., dated the 6th May 1920).

**26. Possession without licence of sulphur.**—In exercise of the powers conferred by clause (ii) in column 2, opposite the fifth entry in column 1 of the table contained in Schedule II to the Indian Arms Rules, 1924, the Governor in Council has fixed ten seers as the limit up to which sulphur is excluded from all prohibitions and directions of the Act in all districts in the Presidency of Bengal. [The same limit has been prescribed for districts on the external land frontier of British India by the clause in column 2 against the entry (6) (a) in column I of the same table.] (Bengal Notn. No. 3518 Pl., dated the 13th July 1928.)

*Note.*—(1) Sulphur may not therefore be possessed, sold, imported, transported or exported in quantities exceeding ten seers without a licence.

*Note.*—(2) The Bengal districts on the external land frontier of British India are Jalpaiguri and Darjeeling. (Govt of Bengal letter No. 14870 P., dated the 5th January 1917.)

**27. Hunting knife.**—With regard to the prohibition of going armed with daggers the question has been raised whether hunting knives should be treated as daggers. This is a question of fact to be decided in each case, but the double-edged type of hunting knife with cross guards should be treated as a dagger, and the owner should take out a licence to go armed with it. (*Vide* case of Bishan Singh—31 Cal. 573 under section 4 of the Act on page 29.)

### SECTION (III)—Fees.

**28. Payment of fees in cash.**—Under rule 48 (i) of the Indian Arms Rules, 1924, 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 subdivisional 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.

**29. Remission or reduction of fees.**—In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (VII of 1870), as



amended by Part I of the First Schedule to the Devolution Act, (XXXVIII of 1920, the Governor in Council is pleased—

- (1) to remit all fees payable under Schedule II of the said Act upon applications for the grant or renewal of licences or duplicates under the Indian Arms Rules, 1924, in respect of which a fee is payable under those Rules, and
- (2) to reduce to one anna all fees exceeding one anna payable under the said Schedule upon other applications relating to licences or duplicates granted or renewed under the said Rules in all districts in the Presidency of Bengal. (Govt. of Bengal Notn. No. 1711 Pl., dated the 17th June 1924.)

*Note.*—The effect of this notification is that the court-fee payable on appeals against the refusal of a licence under rule 43 of the Indian Arms Rules, 1924, is one anna.

*NOTE (2).*—No court fee is to be charged on applications for the grant or renewal of licences of persons, enumerated in Schedule VII of the Indian Arms Rules, 1924, who are entitled to receive licences in Form XVI in respect of certain arms without payment of fees.

**30. Fees for muzzle-loading pistols.**—The prescribed fee of Rs. 10 for a revolver or pistol is liable in the case of breech-loading pistols and revolvers only. Muzzle-loading pistols fall under the category of "other weapons" mentioned in clause I (c) (iii) of the heading of Form XVI of Schedule VIII. (Govt. of Bengal Orders Nos. 1308-13P.J., dated the 23rd March 1920.)

**31. Remission of fees for licences for possession of sulphur.**—In exercise of the power conferred by rule 46, sub-rule (4) (a) of the Indian Arms Rules, 1924, the Governor in Council 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. (Govt. of Bengal Notn. No. 3742 P., dated the 21st April 1913.)

#### SECTION (IV).—General provisions as regards exempted persons.

**32. Scale of arms for exempted persons.**—In exercise of the powers conferred by 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, 1924, the Governor in Council is pleased to exempt from the operation of 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, 1924.	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 zamindars 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, 1920.	The number and class of weapons for the personal use of the zamindar 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.

The following notifications are hereby cancelled :—

Notns. No. 1340 P. D., dated the 29th May 1913, No. 1341 P. D., dated the 29th May 1913 and No. 1342 P. D. dated the 29th May 1913. (Govt. of Bengal No. 1401 P. J., dated the 26th March 1920).

*Note.*—In regard to bayonets, as a general rule, exempted persons will be allowed to possess and use them, without a licence, up to the number of smooth bore weapons or retainers specified in the exemption order, whichever is less. This number, however, is to be considered the maximum, and exempted persons should not be allowed, without good reasons, to purchase them up to the maximum without a licence. In cases where the number of bayonets in respect of which exemption has been allowed is specified in the order of exemption, bayonets in excess of that number should not be possessed without a licence, except with the permission of Government. (Govt of Bengal letter Nos. 3229-3234 Pl., dated the 3rd September 1929.)

**33. Licences required for excess weapons.**—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 persons, but excessive purchases will be brought to the notice of District Magistrates in accordance with the instructions contained in paragraph 118.

**33A. Licences required for ammunition of prohibited bores.**—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 Indian

Arms Rules, 1924, which will be granted free of licence fee. (Home Dept. letter No. 905, dated the 20th February 1901.)

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

**35. Improper use of weapons by exempted persons.**—District Magistrates should report 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 precautions for their safe custody, or by his general behaviour proves himself unworthy of the privilege of exemption. (E. B. and Assam Govt. letter No 84-88 Pl., dated the 20th Dec. 1911)

**36. Registration of firearms by exempted persons.**—In exercise of the power conferred by the proviso (b) to rule 3, sub-rule (1) of the Indian Arms Rules, 1924, the Governor in Council is pleased to direct that 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 [Bengal Government Executive Form No. 125B (item No. I in Schedule of Provincial Arms Act Forms)] in duplicate 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) (a) 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.

(b) 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.

*Note (1).*—Persons included in entry (1) (b), entry (2) or entry (6) (e) of Schedule I of the Indian Arms Rules, 1924, are not required to register the firearms in respect of which they are exempt. (Home Dep. notn., No. F 2—LXXVI—24, dated the 16th March 1925.)

*Note (2).*—Exempted persons should be requested to note on page (4) of the enquiry form the number of bayonets, swords and daggers in their possession. (Govt. of Bengal letter Nos 4200-4205 P1, dated the 2nd Oct., 1929.)

*Note (3).*—Exempted persons should be requested to produce before a Magistrate once during the year all revolvers and pistols in their possession. (Govt. of Bengal, letter no. 303-29 P1 S., dated the 3rd Aug. 1933).

37. Should there be any difficulty or doubt as to the adequacy or accuracy of any description or should any exempted person be unable to fill in the enquiry form (referred to in the preceding rule) satisfactorily, an officer of suitable standing should be deputed, by previous arrangement with the person concerned, to fill in the form after inspection of the weapons

The form when received back from the exempted person should be grouped in guard files according to entries in Schedule I to the Arms Rules, 1924. It is not necessary to maintain any regular registers as these guard files should suffice, while it will be an easy matter for the District Officer or the Commissioner of Police to forward the form for any exempted individual to the officer in the district or town to which such person removes. To facilitate reference to the papers in the guard files an index should be prepared and kept up to date. (Govt. of Bengal Order No. 1561-67 P. J., dated the 1st April 1920.)

37A. **Possession, purchase and export of arms and ammunition by Ruling Princes and Chiefs and their subjects in the States and in British India.**—In order that a uniform policy may be followed in respect of grant of licences for the possession, purchase and export of arms and ammunition by Ruling Princes and Chiefs and their subjects in the States and in British India, Political Officers should consult Durbars and explain and secure their co-operation in all matters of policy. (For. and Poll. Dept. letter No. F.363-G-29, dated the 18th January 1930).

37B. **Exemption of servants of a Ruling Prince or Chief having a salute of guns.**—Under clause (d) of entry (1) in Schedule I to the Indian Arms Rules, 1924, servants of a Ruling Prince or Chief having a salute of guns when carrying arms for, but not

accompanying, their masters, are exempted from the operations of certain provisions of the Arms Act, subject to the condition that their names are specified in a general authorisation to be issued by the Political Officer concerned to the Prince or Chief. The form to be used by Political Officers in connection with the operation of clause (d) referred to above, is shown in item 2A in the Schedule of Provincial Arms Act Forms. (For. and Poll. Dept. letter No. F. 363-G-29, dated the 7th Oct. 1930).

**SECTION (V).—Retainers of exempted persons and licensees.**

**38. Retainers included in licences.**—The following instructions must be observed in cases relating to the inclusion of retainers under licence in Forms XVI and XX. 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 large zamindars and gentlemen included in the Durbar lists of their respective districts, and of private firms and rich merchants as provided in paragraphs 42 and 44.

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, 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.

Application from licensees to have a brother, or other relative, shown as a retainer should be refused. Except in the case of *bona fide* retainers, separate licences should be taken out by different persons desiring to use one weapon. (Govt. of Bengal letter No. 5300-05 PL, dated the 7th Nov. 1927.)

**39. Retainers of exempted persons.**—Retainers of exempted persons shall not be allowed more than one smooth-bore muzzle-loading or breech-loading gun each.

**40. Parwanas for retainers of great Zamindars.**—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 in Bengal Executive Form No. 134 (item No. 2 in Schedule of Provincial Arms Act Forms) 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.

**41. Parwanas for employees of firms.**—As it was represented that private firms, which had to make large remittances of money, experienced great difficulty in obtaining licences for their durwans, instructions were issued that licences in Form XVI of the Indian Arms Rules should be granted in the name of a member 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 Bengal Government Executive Form No. 134A (item No. 3 in Schedule of Provincial Arms Act Forms) 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 licences in Form XVI made valid under rule 33 (2) of the Indian Arms Rules, 1924, 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 or revolvers for use by their employees, the necessary alteration should be made in manuscripts in the parwana form, inserting pistol or revolver for "gun."

*NOTE (2).*—On application from a firm holding a licence in Form XVI for a change in the name of the representative or of the servant included as a retainer, necessary corrections should be made in the original licence without charging any fees. The corrections should be attested by the licensing authority. (Govt. of Bengal letter No. 3021 Pl., dated the 24th May 1934.)

**42. Employment of ex-sepoys.**—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 sepoy 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. (Govt. of Bengal letters No. 271 P.—D., dated the 14th July 1913, and No. 95 P.—D., dated the 25th April 1916.)

43. The following notice which is published in the *Calcutta Gazette* in January and July every year indicates the authorities to whom application for services of ex-sepoys should be made and the particulars that should be furnished in the application :—

The services of pensioned and discharged Indian officers and soldiers required for employment in civil capacities may be obtained on application to—

(i) The Recruiting Officers of the class required at the following stations :—

(a) *Mussalmans.*

Peshawar for Pathans; Rawalpindi, Lahore and Jullundur for Punjabi Mussalmans; Ajmer for Rajputana Mussalmans and Poona for Dekhani Mussalmans.

(b) *Hindus, etc.*

Lahore and Jullundur for Sikhs and Dogras; Delhi for Brahmans, Rajputs, Jats, Gujars and Ahirs; Ajmer for Rajputana Hindus (i.e., Rajputs, Jats, etc.); Poona for Mahrattas and Maymyo for Burma classes.

(ii) The Pension Paymaster, Madras, for Madrasis

(iii) The Assistant Military Secretary (Personal) to His Excellency the Commander-in-Chief (Army Headquarters), for pensioned Indian officers of all classes, required for employment as passenger superintendents on Indian railways.

All applications from employers should include the particulars shown below and should be addressed to the officers referred to at the places abovementioned :—

- (1) Name of person or firm offering employment.
- (2) Nature of employment and place at which it is offered.
- (3) Proposed pay and period for which employment is offered.
- (4) Whether railway fare to place of employment will be paid or not.
- (5) Whether return railway fare will be paid in case of a pensioner being discharged for no fault of his own, or after a definite period of service.
- (6) Class of men required, e.g., Sikh, Pathan, Dogra, etc.

Reference should be made to this notice from time to time as changes in the details are not always reproduced in correction slips to the Manual.

44. Persons desiring to employ ex-sepoys as armed retainers and guards for the protection of the property may be advised by the District Magistrate to submit their applications through him. When such applications are received the District Magistrate should forward them to the military Officer concerned after he has satisfied himself that they are in order and that the complete information required in the notice has been furnished. It is not of course intended that Government should assume any responsibility for the pay of the ex-sepoys; but if District Magistrates think it advisable, they may, before forwarding the application to the Military Authorities, require the applicant to deposit a sum sufficient to cover the travelling expenses and the pay for a reasonable period of the men whom it is desired to employ. When such deposit has been made, the Military Authorities should be informed. (Govt. of Bengal letters No. 8926 P., dated the 9th August 1915, and No. 6378—6404 P. dated the 28th April 1916).

#### SECTION (VI).—Exemptions and free licences of Government servants.

45. **Exemption of public servant.**—Section 1 (b) of the Indian Arms Act, 1878, exempts from the prohibitions and directions contained in the Act a public servant bearing or possessing arms or ammunition in the course of his duty as such public servant, A



public servant is entitled to the benefits of this section only in respect of such arms as he is required to bear in the course of his public duty. These include only arms supplied by Government and arms which, though the private property of an officer, form part of his sanctioned equipment.

**45 A. Exemption of Vice-Consuls.**—Clause (4), Schedule I of the Indian Arms Rules, 1924, exempts every Consul and Consular Agent from the operation of the prohibitions and directions contained in section 13 to 15 of the Arms Act. The term "Consular Agent" has been held to include Vice-Consul. Honorary Consuls do not enjoy diplomatic privileges as of right and the exemption does not apply to them (Home Dept. letter No F. 21-LXIII 29-P., dated the 11th August 1930).

*Note.*—Honorary Consuls who were in enjoyment of the privilege of exemption from the Arms Act prior to 11th August 1930 may be allowed to retain it so long as they hold the office of Honorary Consul. This concession applies to them in their individual capacity, their successors in office will not be allowed this privilege. (Home Dept. letter No. F. 21-11-33 dated the 6th November 1933.)

**45 B. Exemption of members of the Indian Legislature.**—Entry (1) (a), Schedule I, of the Indian Arms Rules, 1924, exempts all members of the Indian Legislature during their tenure of office and for six months thereafter from the operation of the prohibitions and directions contained in sections 13 to 15 of the Arms Act, but does not place a limit as to the number of firearms which such an exempted person should carry or possess. It is not possible therefore to restrict the number of arms or the quantity of ammunition which may be possessed by the exemptee, nor is it practicable to define possession for personal use or to fix a limit to the number of arms that members of the Indian Legislature may possess by virtue of the exemption. The exemption applies only to arms kept for personal use. The member should be asked to declare which of the firearms are for his personal use, and the declaration which he makes should be accepted. (Govt. of Bengal letter No. 6286Pl., dated the 1st Dec. 1933.)

**46. Remission of fees for licences to Government servants required to possess arms for the adequate discharge of their duty.**—The following Government servants, who are in the opinion of the local Government, required to possess arms for the adequate discharge of their duty, should be allowed a licence for one smooth-bore gun, free of licence fees, provided there is no individual objection to the grant of an arms licence in the terms of item (7) of Schedule VII of the Indian Arms Rules, 1924, viz.,—

(1) All subordinates from foresters upwards who are posted in the Dooars and Terai, viz., the lower parts of the Kurseong and Kalimpong Forest Divisions and in the whole of the Jalpaiguri, Buxa and three Chittagong Divisions.

(2) all subordinate officers, from forest guards upwards, who are posted in the Sunderbans :

Provided that the Divisional Forest Officer certifies that the applicant falls within these categories, and requires firearms for the purpose of self-protection in the course of his duties. (Govt. of Bengal Notn. No. 1658Pl., dated the 5th June 1924.)

**46A. Exemption of Police officers and other officers under section 1 (b) of the Indian Arms Act, 1878.**—Police officers of and above the rank of sub-inspector, including sergeants, are authorised to possess one revolver as part of their equipment. They are, therefore, exempted under section 1 (b) of the Arms Act from the obligation to take out a licence in respect of a weapon so possessed.

The Government of India have held that section 1 (b) covers cases where firearms are issued by Government to subordinate officers, including forest subordinates, for protection in the execution of their duty but do not form part of the officer's equipment. Such officers, therefore, do not require a licence in respect of any firearms so issued.

*Note (1)*—Paragraph 46 covers the cases of certain forest subordinates who should possess arms for the adequate discharge of their duty but are not supplied with guns by Government. A forest subordinate who is exempted under section 1 (b) in respect of a gun issued by Government or who receives under paragraph 46 a free licence for a gun not supplied by Government must take out and pay for a licence for any other weapon in his possession. (Govt. of Bengal letter 3863 P.—J., dated the 21st Sep. 1920 and Home Dept. letter No. F. 21/XXXIII 24 dated the 14th April 1925).

*Note (2)*.—All superior police officers and Deputy Superintendents of Police are entitled to keep one extra revolver or one pistol as part of their equipment. They are also exempted under section 1 (b) of the Arms Act from taking out a licence in respect of the weapon so possessed. (Govt. of Bengal letters Nos. 4953-872 PL. dated, respectively, the 6th Sept. 1933 and 7th February 1934).

**46B. Exemption from fees of members of the Auxiliary and Territorial Forces.**—Officers holding commissions in the Auxiliary and Territorial Forces are not exempt from payment of licence fees in respect of private arms. All Warrant Officers, non-commissioned officers and men in these forces are however exempted under item (1) (a) of Schedule VII to the Indian Arms Rules, 1924, from payment of licence fees in respect of all arms which they possess under a licence in Form XVI. Their exemption from payment of licence fees does not however entitle them to the grant of licences except in accordance with the orders in force from time to time regarding issue and renewal of licences. The restrictions on the grant of revolvers in paragraph 58 therefore apply in these cases also. (Govt. of Bengal letters Nos. 976-1003 PL.—D., dated the 29th Sept. 1924, and 3094-3115 PL., dated the 29th November 1924.)

**46C. Exemption from fees of Indian officers and soldiers for private arms.**—Difficulty is felt by licensing authorities to refuse licences for private arms to Indian officers and soldiers when circumstances render such refusal necessary, as under paragraphs 3, 7 and 12 of Appendix III to the Regulations for the Army in India such licences are claimed as a matter of right and as under rule 46 (8) of the Indian Arms Rules, 1924, and Schedule VII thereof officers and men of this class are entitled to have licences for their private arms without payment of fees. District Officers can only discharge their responsibilities if they have discretion to grant or refuse arms licences. It was not intended that the rules referred to above should be construed as interfering with the discretion of District Magistrates and it has been decided to amend the paragraph of the regulations quoted above. It is, however, desirable that the existing privileges enjoyed by the Indian officers and soldiers

should be safeguarded and that licences should not be refused to Indian officers on the active list or to serving soldiers recommended by their commanding officers except for strong reasons as the commanding officers use the greatest care in issuing recommendations in favour of serving soldiers. (Govt. of Bengal letter No. 1066 1093 Pl., dated the 9th March 1933).

**46D. Exemption of swords forming part of the equipment of retired officers of the Indian Army from the Arms Act.**—Under paragraph 197, Dress Regulations (India), 1931, retired officers of the Indian Army are permitted to wear swords forming part of the uniform when attending military ceremonials and also on other occasions when the wearing of uniform appears appropriate. Swords are exempt from the operation of the prohibitions and directions contained in the Arms Act, and licences should not be asked for them. (Home Dept. letter No. 21-LIX 32 dated the 17th Nov. 1932).

**46E. Exemption from fees of officers of the Indian Army Reserve on release from Army Service.**—An officer of the former Indian Army Reserve should, on becoming a member of the present Army in India Reserve, continue to enjoy the privilege of a free licence in respect of the arms which formed part of his equipment. The concession applies only to arms actually held when in the Army and does not extend to arms subsequently purchased, whether in replacement of, or in addition to, those originally held as part of equipment. (Home Dept. letter No. F. 21/LVIII/33 dated the 7th December 1933).

**47. Exemption of commissioned officer, warrant officer, non-commissioned officer or soldier of His Majesty's Forces.**—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878, the Governor-General in Council is pleased to exclude from the operation of the prohibitions contained in sections 14 and 15 of the said Act any arm belonging to a commissioned officer warrant officer, non-commissioned officer or soldier of His Majesty's Forces for the time being serving beyond the limits of British India. (Home Dept. Notn. No. 1582, dated the 20th August 1920).

**48. Arms comprising the equipment of an officer of the Army or Royal Air Force for the purposes of section 1 (b) of the Indian Arms Act, 1878.**—Included as note (10) to section 1 of the Act, page 24.

**48A. Classes of officers holding commissions from His Majesty the King and His Excellency the Viceroy.**—Paragraph 48 describes the equipment of officers holding commissions in the army for purposes of the Arms Act. Commissions are of two kinds accordingly as they are granted by His Majesty the King or by His Excellency the Viceroy.

The classes of officers who hold commissions from His Majesty the King are as follows :—

(1) Officers of His Majesty's Regular Military Forces, the Army in India Reserve of Officers and the Auxiliary Force, India, holding the rank of 2nd Lieutenant or any higher rank.—(2) Commissioned officers of the Royal Navy, Royal Air Force, and Royal Indian

**Marine.**—(3) Senior grade officers of the Indian Territorial Force, i.e., officers holding commissions carrying British designations of rank, i.e., 2nd Lieutenant, Lieutenant, Captain, etc.—(4) Dual commissioned officers of the Indian Army and Indian Territorial Force, i.e. those holding commissions carrying Indian designations of rank and *honorary* King's commissions carrying British designations of rank, viz, Jemadar and Honorary 2nd Lieutenant, Subadar and Honorary Lieutenant, etc.

The classes of officers who hold commissions from His Excellency the Viceroy are as follows :—

(1) Indian officers holding rank as Jemadar, Subadar, Subadar-Major, Ressaidar, Risaldar, a Risaldar-Major.—(2) British Infantry Battalions.—(ii) Indian cavalry, artillery, sappers and miners, pioneers, infantry and signal units.—(iii) The Indian Army Service Corps, Indian Army Ordnance Corps, Indian Army Veterinary Corps, Indian Medical Department, Indian Hospital Corps and Army Remount Department.

(2) Indian Officers granted honorary commissions in the rank of Jemadar or higher rank on retirement.—(3) Junior grade officers of the Indian Territorial Force, i.e., those holding commissions carrying Indian designations of rank, viz, Jemadar, Subadar, Subadar-Major.

The above classification should be strictly observed for the purposes of the Arms Act. (Govt. of Bengal letter No. 4691-4696 Pl., dated the 28th October 1930.)

*Note.*—Difficulty is felt in districts in keeping a record of the weapons held by officers mentioned in paragraph 48A above. This should be met by introducing the practice, which obtains in Calcutta, of regarding these officers as exempted persons and calling on them to register their exempted weapons in the same manner as other exempted classes. This can best be done through the Adjutant of the unit to which they belong. As regards police and forest officers, the exempted weapons in the same manner as other exempted classes. This can best be done through the Adjutant of the unit to which they belong. As regards police and forest officers, the exempted weapons should be registered through the Superintendent of Police and Divisional Forest Officer, respectively.

A list of weapons held by persons exempted under section 1 (b) of the Arms Act should also be maintained and kept up to date (Govt of Bengal letters No. 3984 Pl., dated the 17th Sept., 1930 and 1636Pl. dated the 3rd April 1933.)

49. With reference to the letter quoted in paragraph 48 the Government of India have decided that officers of the Army or Royal Air Force holding commissions both from His Majesty the King and His Excellency the Viceroy are entitled to be in possession, as part of their equipment for the purposes of section 1 (b) of the Arms Act, of two swords, one Full Dress Pattern and the other Field Service Pattern, when so required by the "Dress Regulations for the Army". (Home Dept. letter No. F. 21 XXX-23 dated the 15th October 1924).

50. Arms comprising the equipment of an officer of the Royal Navy and of the Royal Indian Marine 1878.—*Vide* note (12) to section 1 of the Act, page 24.)

**50-A. Arms comprising the equipment of officers of the Army in India Reserve of Officers, Auxiliary Force and Indian Territorial Force.**—*Officers of the Army in India Reserve of Officers or Officers Designate.*—As this type of officer has no status as an Army Officer except when mobilised or when actually undergoing training, they will not retain a service revolver in their possession. Regulations for the Army in India (Appendix B, paragraph 2), provides for the issue of revolvers on loan to officers of the Army in India Reserve of Officers, when called to Army Service.

*Officers of the Auxiliary Force (India).*—An officer of the Auxiliary Force (India) is entitled to hold one service revolver. The safe custody of this revolver is governed by regulations for the Auxiliary Force (India), paragraph 172.

*Officers of the Indian Territorial Force.*—There are two classes of officers in the Indian Territorial Force, i.e., senior and junior grade. Both classes are entitled to hold one service revolver. In view of the fact that Indian Territorial Force units will not normally be called out suddenly in aid of the Civil Power, the revolver will be held in unit charge and not in the possession of the individual. (Home Dept. endt. No. F. 21/LXIV/32 dated the 23rd Nov. 1932)

**50B. Care and custody of arms by military personnel.**—The Indian Army Order No. 520 of 1931 invites attention of all ranks to the necessity for special care in the custody of arms and ammunition, whether the arms and ammunition are of Government pattern or not. This care is particularly necessary on the part of officers and other ranks who keep arms and ammunition—more specially revolvers—in their private quarters.

All arms of every description are to be registered in the office of the unit or department in which each individual owner is serving and the maker's name and number correctly recorded.

The loss of any weapon or of ammunition, whether due to accident or theft, will be reported to the police authorities without delay. (Home Dept. endt. No. F. 21/XLIII/33, dated the 28th Feby. 1934.)

**50C. Control of firearms in the possession of military officers and men.**—It is laid down in the India Army Order No. 47 of 1934 that officers commanding stations will ensure that the arms of all military personnel in the station who are not on the strength for the unit in the station are properly registered. They will arrange for copies of such registers and of all registers maintained by units in the station to be sent in annually for checking. They will send these copies, together with a certificate that licences for all arms shown on the registers are up-to-date to the District Magistrate annually on a date to be arranged mutually. (Home Dept. endt. No. F. 21/XLIII/ 33, dated the 28th February 1934.)

#### **SECTION (VII).—Executive instructions to District Magistrates as regards grant of licence.**

**51. Personal duties of District Magistrate.**—In matters affecting the administration of the Indian Arms Act, 1878, the following functions should be performed by District Magistrates personally—

(1) the grant of licences for pistols and revolvers,—(2) the grant and cancellation of licence for all firearms,—(3) the disposal of all cases in which a licensee fails to produce the weapons when he is called upon to do so after purchase or at other times.—(4) the making of recommendations in all applications for exemption,—(5) the issue of licences to go armed on a journey,—(6) the issue of licences to deal in firearms,—(7) the institution of all prosecutions under the Indian Arms Act, 1878,—(8) the fixing of the quantity of ammunition to be allowed to a licensee in the case of weapons for which Government have prescribed a maximum limit,—(9) the disposal of confiscated arms,—(10) the inspection of unserviceable weapons,—(11) the grant of rewards in cases under the Arms Act, and (12) disposal of applications for the inclusion of retainers under licences in Forms XVI and XX.

A District Magistrate may, however, by a written order, delegate his duties numbered (5), (9), (10) and (11) to the Additional Magistrate where there is such an officer, and may similarly delegate to him, with the approval of the Commissioner, the duty of granting licences for shot guns in cases where the grant is recommended by both the Subdivisional Officer and the Superintendent of Police. He may also, by a written order, delegate to him the duty of deciding whether the name of any particular person may be entered in column 5 of a licence in Form XVI or column 4 of a licence in Form XX in any case where the District Magistrate has authorised the inclusion of retainers as in item (12) of his duties specified above. The District Magistrate may entrust to a Joint, Assistant or Deputy Magistrate the verification of the deposit of firearms when a licence is cancelled or an exemption is withdrawn. (Govt. of Bengal letters Nos. 5811-5815 Pl, dated the 28th Nov. 1927, and 2097-2101 Pl, dated the 16th April 1928.)

**52. Qualifications for the grant of licence without enquiry.**—The following qualifications may be taken as rendering an applicant suitable for the grant of a licence and previous enquiry should not, as a rule be, necessary when these qualifications are forthcoming:—

(i) Membership of any order established by the Crown, or the possession of a title conferred or recognised by the Government of India or of the Kaiser-i-Hind Medal or a certificate of honour.—(ii) Membership, past or present, of the Indian or Provincial Legislatures or inclusion in the list of Provincial Darbaris.—(iii) Payment of not less than Rs. 500 land revenue or Rs. 100 in roads and public works cesses.—(iv) Any payment of income-tax.—(v) Being a Government officer in receipt of a salary not less than Rs. 100 per month.—(vi) Being a commissioned or gazetted officer of His Majesty's Naval, Military or Air Forces, Indian Marine Service or a commissioned Indian officer of the Imperial Service Troops in active service.—(vii) Being a pensioned officer who before retirement was by virtue of his official position included in any of the classes described in (v) or (vi) above.

Where the qualifications in respect of payment of land revenue, cess or income-tax are possessed by a Joint family they should be



taken to qualify the head of the family to the same extent as if he possessed them personally.

While the qualifications stated should ordinarily be taken as rendering an applicant suitable for the grant of a licence for a rifle or smooth-bore gun not of prohibited bore and previous enquiry should not as a rule be necessary when these qualifications are forthcoming, it lies within the discretion of the licensing authority to direct such enquiry when he considers that he cannot properly exercise his responsibility under the Act without further information as to the applicant. (Govt. of Bengal letter No. 553-560 Pl. dated the 13th February 1924).

NOTE.—Paragraph 52 above indicates certain qualifications which are ordinarily taken as sufficient to justify the grant of a licence to possess arms without further enquiry. One of these qualification is "any payment of incometax." The lower limit of incomes liable to income-tax assessment is now Rs. 1,000 per annum. For the purposes of the Arms Rules, 1924, the limit of income liable to assessment at the time when these rules came into force namely, Rs. 2,000 per annum, should continue to be the qualification, in so far as payment of income-tax is concerned. (Govt. of Bengal letter Nos. 798-824 Pl.—D., dated the 18th June 1932.)

**53. Issue of gun licences in Bakarganj on certain conditions.—**The only "disarmed" district in Bengal is Bakarganj, all licences in this district having been cancelled under section 18 of the Act in Bengal Government Notification No. 4772J., dated the 22nd August 1896. These orders were modified in 1904 when the District Magistrate of Bakarganj was authorised to issue gun licences under the following conditions to respectable and trustworthy persons :

- (1) All licences to be in form XVI (new).
- (2) No person to be licensed for more than one gun without the countersignature of the Commissioner, who will only countersign if good reason is shown.
- (3) No licence to be granted to any person who is not a permanent resident in the district.
- (4) Every gun to have a brass plate showing the number of its licence, the date of the original grant of the licence, and of each subsequent renewal. Such plate to be firmly affixed to the stock of the gun, under the Magistrate's orders, at the owner's expense.
- Guns which can be identified by the maker's name and number, need not have the brass plates affixed or numbers stamped thereon.
- (5) Any licensee whose gun may be lost or stolen to communicate the fact within twenty-four hours to the nearest police-station.
- (6) Licences only to be granted to gentlemen of position and good character who can be depended on not only not to misuse the guns themselves, but also to prevent others from misusing them. (Govt. of Bengal letters Nos. 2837 J.—D., dated the 29th Sept. 1904, and 1360 J., dated the 16th Feb. 1905).

**54. Enquiry before grant of licence.—**In the case of applicants for licences not falling within the classes specified in paragraph 52, the Magistrate or the Commissioner of Police shall cause such enquiries as he considers necessary to be made as to the character and status of the applicant and his fitness to receive



a licence, and should satisfy himself that the arms are reasonably required for the purposes stated in the application. Where considered desirable enquiries may be made through other agencies in addition to, or in substitution for, the police.

**55. Grant of permits for the purchase of arms forbidden.**—The grant of permits for the purchase of arms and ammunition before the issue of the prescribed licence is forbidden except when prescribed licence forms are exhausted and, it is necessary, to issue a provisional licence or permit. All that is necessary is to issue the licence with an endorsement that the weapon, when purchased, is to be produced within a certain time. Particulars of the weapon supplied should be entered by the dealer in the column provided for the purpose in Form XVI. (Govt. of Bengal Order No. 4043-48 Pl., dated the 21st November 1921.)

**56. Form of enquiry.**—All applications for licences will be entered on receipt in the Magistrate's office in a "Register of applications under the Arms Act" in Bengal Exe. Form No. 185 (New) 225B (Old) (item No. 4 in Schedule of Provincial Arms Act Forms.) The entries in the register will be arranged by thanas, all applications being entered in one volume, which should last for several years. When a preliminary enquiry is necessary the application, with a copy of the enquiry form (item No. 5 in Schedule of Provincial Arms Act Forms), will be despatched direct to the officer entrusted with the enquiry. The Magistrate ordering the enquiry will invariably fix a returnable date, which in the case of applications forwarded to officers in charge of police-stations, and in the absence of special urgency, will ordinarily be one month ahead, so as to allow time for submission through the prescribed officers. The District Magistrate will pay particular attention to the punctual return of such applications. Blank spaces have been left against heading XII, as it is not intended that the form should be regarded as precluding enquiry on other points, and the space allowed will enable additional information to be called for to meet local peculiarities. An enquiry, for instance, as to the number of guns already possessed in the village will not only be advantageous in itself but will bring the matter at regular intervals to the notice of the officer in charge of the police-station in which the village is situated. In the case of applications which are rejected the entry in column 7 of the register will be made in red ink for facility of reference, and before an enquiry report is submitted to the District Magistrate the register should be examined to see whether an application has been rejected within the last three years. Successful and unsuccessful applications should be kept in two separate guard files in chronological order. These are C class papers. In the event of a licence being granted on appeal to the Commissioner under rule 43 of the Indian Arms Rules the fact should be noted in column 8.

**57. General considerations as regards grant of licences.**—Among the proper reasons for refusing a licence are—

(1) Prevalence in the neighbourhood of riots and especially of riots in which firearms have been used, and of serious land disputes

likely to result in disorder.—(2) Such misconduct of the applicant or his near relatives or dependants as causes reasonable apprehension that a gun may be misused.—(3) Culpable negligence resulting in the loss of weapon.

There are no orders in force at present prescribing a maximum number of licences for any district. The practice of making it a condition of the grant or renewal of a licence that the applicant shall subscribe to a work of public utility is expressly forbidden. An applicant who has genuine need for a licence should not be refused a licence on the ground of his politics unless the District Magistrate has reason to apprehend that the gun may be misused.

The policy adopted by Government is a liberal issue of licences for smooth-bore guns—(i) for protection and for sport in Form XVI,—(ii) for going armed for the destruction of wild animals which do injury to human beings or cattle under Form XVIII, and—(iii) for going armed for the destruction of wild animals doing injury to crops or cattle under Form XIX, subject to reasonable precautions against guns coming into the hands of persons who are likely to misuse them.

**58. Licences for pistols and revolvers.**—The issue of licences for pistols and revolvers must be kept in the hands of the 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 without adequate reason. For the purpose of legitimate defence 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. Magazine and repeating pistols must be classed as revolvers. (Govt of Bengal No. 659—60 P., dated the 20th May 1909, extended to Eastern Bengal under Circular No. 826—30 P., dated the 28th February 1913 and Home Dept Resolution No. 2125 C., dated the 21st March 1919.)

**58A. Licensing of weapons of prohibited bore.**—Proviso (i) to rule 33 (1) of the Indian Arms Rules, 1924, prohibits the grant of a licence for weapons of certain bores unless they have been lawfully imported into British India. The import of these weapons and ammunition is prohibited in rule 7 of the same rules. They can therefore only be lawfully imported into British India with the sanction of the Government of India. No licensing officer is competent therefore either to grant a licence for the possession of such a weapon before its import or to licence possession after its import, unless he is satisfied that the import of the weapon for which the licence is issued has been sanctioned by the Government of India. This applies to weapons required for personal use as much as to any other class of firearm; and the restriction is to be closely observed. In the event of such a weapon arriving at an Indian port it will be detained under section 6 of the Act

pending orders of the Government of India. (Home Dept letter No. F.21—XVII—25 dated the 9th September 1925).

**59. Renewal of a licence in a district other than that in which it was granted.**—Under sub-rule 3 of rule 42 of the Indian Arms Rules, 1924, when an application for the renewal of a licence at its expiration is made in a district, other than that in which the licence was granted, the Magistrate (Commissioner of Police in Calcutta) of the district in which the application for renewal is made should communicate the fact of the grant or refusal of the application, as the case may be, to the Magistrate (Commissioner of Police in Calcutta) of the district in which the licence was granted. In the case of refusal the licence should be returned for cancellation to the Magistrate (Commissioner of Police in Calcutta) of the district where it was granted.

In cases where a 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 officer who granted the licence should, if there be no objection and, if necessary, after making a reference to the other district, enforce the licence under rule 33 (2) (a) of the Arms Rules, 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. (Home Dept. Notn. No. 1633, dated the 6th July 1921, and G. O. No. 3605—10 Pl., dated the 27th October 1921).

**60.** 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. (Govt. of Bengal Order No. 1213Pl., dated the 16th March 1922).

**61.** Applications for licences under the Indian Arms Act, XI of 1878, may, outside the town of Calcutta, be received by any stipendiary Magistrate for transmission to the District Magistrate. (Rule 14 of Bengal Rules of 24th March 1879).

**62. All-India licences.**—Licences in Form XVI for possession and going armed may be freely made valid throughout British India under rule 33 (2) of the Indian Arms Rules, 1924, 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) of the Indian Arms Rules. The Government of Bengal have decided not to impose for the present any restrictions on all-India licences granted by other provinces.

**63. Single licence to be issued for all weapons issued in the name of one person.**—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 *kacheries*.

**63A. Duration of licence in Form XVI, the realisation of a separate fee and the refund of compounded fee in certain cases.**—

Licences in Form XVI are valid up to the end of a calendar year irrespective of the date on which they are issued. A licensee is not entitled to claim full twelve months' possession for the fee paid as the form itself states that the fee is for licences granted for periods of one year or less. Licences are granted for specified arms, not for any arm, and to particular individuals in respect of the specific arms mentioned therein. For arms other than those mentioned in the licence a fresh licence, for which a separate fee is to be realised, is necessary. When a licence-holder who has paid a compounded fee, changes the weapon covered by the licence for another arm, but there is still one or two full years for the original licence to run, a refund for the unelapsed period should be granted. (Govt. of Bengal letter No. 916Pl., dated the 11th April 1921).

**64. Licences for cultivators and shikaris.**—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 licences 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.

*Note.*—Form XVIII specifically requires the production of the weapon before a Magistrate and this Form and Form XIX restrict the use of arms to a particular place or area. Neither form has a space for renewal and, on expiry, a fresh licence is to be granted. All Subdivisional Officers are empowered to issue fresh licences in Forms XVIII and XIX to holders of licences in these forms, the validity of which has expired. Applications from persons who have not previously held such licences or whose licences have been cancelled should be disposed of by District Magistrates. (Govt. of Bengal letter No. 4420 Pl., dated the 16th Aug. 1927, and order No. 692 Pl. dated the 20th Feb. 1928.)

**64A. Licences for retainers of persons exempted under entry (1) (a), Schedule I, of the Arms Rules.**—All Subdivisional Officers are empowered to issue fresh licences in Form XVI-A to holders of licences in this form, the validity of which has expired. Applications from persons who have not previously held such licences or whose licences have been cancelled should be disposed of by District Magistrates. (Govt of Bengal order No. 6621Pl., dated the 23rd Decr. 1932).

**65. Ball and shot gun.**—It is important that the licence should leave no room for doubt about the kind of weapon licensed and the quantity of ammunition which may be possessed at one time and during one year. 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 weapons 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. (Govt. of Bengal No. 10675-77 P., dated the 10th September 1915).

**66. Sale of repeating and automatic guns.**—When a licence is granted to enable a licensee to purchase a gun or a rifle, it should be stated in the licence whether the weapon which it is intended to cover is—

(1) non-repeating, or (2) repeating but not automatic, or (3) automatic.

On a licence for a pistol it should be stated whether the weapon is or is not automatic. Licensed dealers should be instructed not to sell automatic repeating guns or repeating rifles such as the Winchester, unless the terms of the licence expressly cover such weapons. (Govt. of Bengal letters Nos 2126 P., dated the 13th July 1910 and 3601-3633 Pl., dated the 16th July 1928).

**66A. Sale of revolvers manufactured out of India or magazine pistols.**—The authorities empowered to grant licences in Forms IX and X should not include revolvers manufactured out of India or magazine pistols in such licences unless the licensees have secured the special authorisation of the Local Government required by condition 11 of the forms. (Home Dept. letter No. F.-21-VII-29, dated the 12th March 1929).

**67. Licences for automatic magazine guns.**—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 repeating guns should be dealt with in the same way. (Govt. of Bengal No. 1732P., dated the 24th March 1910).

**67A. Licences for Ithaca Auto and Burglar guns and H. and R. Handy guns.**—The weapons of American manufacture, known as the "Ithaca Auto and Burglar gun" and "H. and R. Handy gun" should be classed as pistols, and all restrictions in force with regard to revolvers and pistols should apply to these weapons, which may therefore be lawfully possessed only by persons holding pistol or revolver licences. Licensed dealers should be instructed not to sell these weapons unless the terms of the licence expressly cover them. (Home Dept., letters Nos. F.-21-58-27 and F.-21-XXXIV-29 dated, respectively, the 20th October 1927 and 9th July 1929 and Govt. of Bengal letter Nos. 3521-3548 Pl., dated the 3rd Sept. 1929).

**67B. Licences for Gas Hand Grenades and Riot pistols.**—The Government of India have decided that all appliances (hand grenades, pistols, pistols-pens, pistol pencils, cartridges), for discharging gas are arms within the meaning of the Indian Arms Act and their importation should not be allowed. All applications for licences under the Arms Act for the importation of weapons of

this character should accordingly be refused. (Home Dept. letter No. F. 21—LV—28 dated the 28th Feb. 1929 and Govt. of Bengal Endt. No. 3219 Com. dated the 29th May 1933).

**67C. Licences for "Life preservers."**—The weapon described as a "Life preserver" being an effective weapon both of offence and defence, and being neither intended nor adapted for use otherwise than as a weapon, it has been held to be an arm within the meaning of section 4 of the Indian Arms Act and subject therefore to all prohibitions and directions in the Act and the Rules. (Home Dept. letter No. F. 21—XXXI—30 dated the 8th May 1930.)

**67D. Chinese crackers.**—Chinese crackers are not ammunition within the meaning of section 4 of the Indian Arms Act. The transport of these crackers by licensed dealers cannot, therefore, be restricted under the rules framed under the Arms Act. They, however, come under "explosives," and their import, possession, transport and sale will be regulated by means of licences under the Explosives Rules. (Govt. of Bengal letter No 1832 Pl., dated the 6th April 1932.)

**67E. Licences for appliance known as "Stop."**—The Government of India have held the alarm contrivance known as "Stop" to be an arm within the meaning of section 4 of the Indian Arms Act and subject, therefore, to all the prohibitions and directions contained in the Act and the rules framed thereunder. (Home Dept letter No. F. 21—LXXIII—30 dated the 27th Nov. 1930.)

**67F. Licence to possess cannon to be renewed in the case of each succeeding title-holder.**—A licence granted to a title-holder to possess cannon under the Indian Arms Act should be renewed on his death in the case of each succeeding title-holder, as such a licence is granted in favour, personally, of the title-holder who holds the title at the time the licence is issued. (Home Dept. letter No. 1486, dated the 2nd July 1898.)

**67G. Licences for Stylograph (pistol) pencil.**—Licensing authorities should refuse permission to import pistol manufactured as a stylograph pencil, and its ammunition. The pistol can be used for firing shot cartridge, and can also take standard '320 revolver ball cartridge. The cartridges supplied with pistol are loaded with 4·7 grains of smokeless powder and a glutinous bag containing a virulent liquid tear gas. (Home Dept. letter No. F. 21/XXI/31, dated the 10th September 1931.)

**67H. Automatic alarm pistols.**—The automatic alarm pistols which are being advertised for sale as toys have been used by dacoits with success. These pistols fire alarm corks which are explosives of the "Fulminate" class, the importation of which is prohibited without a licence. The importation of these weapons is restricted, as they are considered to be of such a construction and character as to render them capable of being used otherwise than as toys.

**67-I. Licences for walking-stick guns.**—Licensing authorities should refuse permission to import walking-stick guns. Arms dealers possessing such stick-guns in stock may, however, sell them to persons who hold licences for the same. (Home Dept.



letter No. F. 21-XXXIII/32, dated the 15th Aug. 1932. and endt. No. F. 21/XXXIII/32 dated the 20th Jan. 1933.)

**68. Action on failure to produce arms.**—The authorities empowered to grant or renew licences should take regular action, under rule 45 of the Indian Arms Rules, 1924, and under the relevant conditions in Forms XIV to XVI, XVIII and XIX, to verify arms in the possession of licensees. Should a licensee be unable to produce arms held under a licence, when called upon to do so under rule 45 of the Indian Arms Rules, 1924, 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 licences 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, XI of 1878, and that no information of such sale 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 at the nearest police-station of loss or theft of the arms. (Home Dept, letter No. F. 21/XI/25, dated the 5th July 1929.)

**69. Licences for air pistols, air-guns and air rifles.**—A licence is required for going armed with—(a) an air pistol and—(b) an air-gun or air rifle which does not satisfy the test laid down in entry 2(iii) of Schedule II to the Indian Arms Rules, 1924. Such licence should be granted in Form XVI, Schedule VIII, and a fee of annas eight in disarmed districts, and of annas four elsewhere, should be charged for a licence. The words "no limit prescribed" may be entered in the column for ammunition in the licence. (Govt. of Bengal letter Nos. 3431 P., and 3062 Pl., dated, respectively, the 31st March 1914 and 10th August 1929).

**70. Reference in case of air-guns to the Inspector of Guns and Rifles, Ichapur.**—(1) Cases in which difficulty is experienced in determining whether an air-gun is a deadly weapon or a toy may be referred to the Inspector of Guns and Rifles, Ichapur.—(2) When reference is necessary to the Inspector of Guns and Rifles, Ichapur, regarding the classification of an air-gun, the weapon or weapons under reference should be sent together with 25 slugs or darts per weapon.—(3) The package containing the weapon (or weapons) should be sealed, seals countersunk and protected, and each package must be indelibly marked, in paint or otherwise, with the gross weight of the case, office of issue and address of the consignee. Every package should contain a packing note giving a full list of the contents. The package should be consigned to Superintendent, Rifle Factory, Ichapur (Railway station, Ichapur).

The postal address of the Inspector of Guns and Rifles, Ichapur, is Nawabganj. His telegraph address is "Inspector, Guns" Ichapur, Nawabganj. (Home Dept. letter No. 812-821, dated the 9th June 1914).



**70A. Licences for arms repairers.**—Repairs who hold parts of arms as their stock-in-trade but do not manufacture or convert arms or keep arms and ammunition for sale should be required to take out licences in Form X or XII. Issuing officers should enter in the body of column 4 of licences in these forms granted to repairers "Spare parts for the repair of arms" so as to preclude such licensees from stocking whole arms for sale. Conditions 2 and 7 attached to the licences need not be enforced in any case in which the District Magistrate thinks that they may be safely dispensed with.

*Note.*—Those repairers are merely local smiths or iron workers, and if conditions 2 and 7 of the licences in Forms X and XII are enforced requiring them to report every month in Bengal Executive Form No. 130 (item 17 in Schedule of Provincial Arms Act Forms) the number of arms in their possession for repairs, the repairers will be unduly burdened and will not probably be able to comply with the requirement. But if shops of arms repairers are inspected by police, and the owners of these shops are required to report once every quarter to the nearest police station the cases in which arms have not been delivered to owners within three months of the date on which they were ready for delivery, such cases of undelivered arms will be detected without any undue delay. The local police will then be in a position to institute enquiries about the owners and to take orders of the District Magistrate for the disposal of these arms. Subsequent action should provide for the payment of the cost to the repairer. If the weapon is finally seized or confiscated and sold, the repairer should get his cost of repair out of the proceeds of the sale. If it is destroyed, he may be left to recover his dues as best he may from the owner. (Govt. of Bengal letter No. 1190 Pl., dated the 27th Feby. 1934).

**70B. Testing of firearms by dealers and repairers of arms**—Authorised dealers and repairers are to take out permits for testing firearms at a recognised range. The permit should show the name of the dealer or repairer, the name of the approved range and the name of the person allowed to carry out the test. In case of non-compliance with the conditions in the permit, the licence of the dealer or repairer can be cancelled or suspended under section 18 of the Arms Act. (Home Dept. letter No. F. 21—V—30 dated the 18th Oct. 1930.)

**71. Stock of licence forms.**—It is undesirable to keep a large surplus stock of licence forms. District Officers should prepare their indents carefully and restrict them to a very small margin over known requirements.

Care must be taken to see that the licence forms do not fall into improper hands and all licence forms in stock in district offices should be kept under lock and key in charge of a responsible officer.

**72. Licence register.**—A register is to be kept in Bengal Executive Form No. 126 (item No. 6 in Schedule of Provincial Arms Act Forms) in the offices of all District Magistrates. It should be written up police station by police station, with separate volumes for each. The register should show, among other things, the amount of fee realised for each licence. This will enable an inspecting officer to satisfy himself that the proper fees have been realised for licences and duly credited to Government, to compare licence fees realised with the applications and to supervise the defacement of stamps and their destruction after a certain interval. The Arms Act clerk should write on the stamp the year and number of the licence

to which it refers and the licensing authority should himself see the stamp defaced at the time he signs the fresh or renewed licence.

*Note.*—Licences for sulphur, whether granted with or without fee under the Arms Act, should be entered in this register. (Govt. of Bengal, letters Nos. 372-99 Pl., 1319 Pl. and 63Pl.—D., dated, respectively, the 29th Jany. 18th March and 14th April 1930.)

**73. Marking of firearms.**—All weapons that do not bear a maker's or importer's name and number must be stamped on the metal with the district letter and the district number. The stamping will be done as follows :—

- (1) Rifles, on the barrel and breech.
- (2) Guns other than rifles, on the barrel.
- (3) Revolvers, on the barrel and cylinder.
- (4) Pistols, including automatic pistols, on the barrel.

The district letters are as follows :—

Bakurganj	..	...	...	..	B.
Bankura	...	...	...	...	B. A
Birbhum	..	...	...	...	B. I.
Bogra	...	...	..	...	B. O.
Burdwan	..	...	..	...	b B. U.
Calcutta	...	...	..	...	b C.
Chittagong	..	..	...	...	C. H.
Chittagong Hill Tracts	..	...	..	...	H. T.
Dacca	..	..	..	...	D.
Darjeeling	...	..	..	...	D. G.
Dinajpur	...	...	...	...	D. N.
Faridpur	...	...	...	..	F.
Hooghly	...	...	...	..	H. G.
Howrah	...	..	...	...	H. H.
Jalpaiguri	...	...	...	...	J.
Jessore	...	..	...	...	J.
Khulna	...	..	...	...	K.
Malda	..	..	...	...	M.
Midnapur	...	...	...	...	M. I.
Murshidabad	...	...	..	...	M. D.
Mymensingh	...	...	..	...	M. Y.
Nadia	...	...	...	...	N.
Noakhali	..	...	...	...	N.
Pabna	...	...	...	...	P.
Rajshahi	..	...	...	...	R.
Rangpur	..	...	...	...	R. G.
Tippera	...	...	...	..	T.
24-Parganas	..	...	...	...	A.

Unnumbered and insufficiently marked firearms which may be found in the possession of exempted persons should be numbered in accordance with the instructions given above

E. B. and A. No. 83-87, dated the 28th Oct. 1908 Govt. of Bengal No. 2262 P. dated the 21st March 1911, E. B. and A. No. 3753-57 Pl. dated the 8th Nov. 1911 and No. 608-12 Pl., dated the 26th Feb. 1912.

**73A.** The following procedure is to be followed in the case of firearms imported by dealers into Calcutta ;—

(1) (a) When a firearm does not bear the maker's name but does have a number on the barrel the importer's distinguishing mark as prescribed in clause (4) of this rule shall be engraved on the barrel adjacent to the number existing thereon.

(b) When the maker's number appears only on the trigger guard or other replaceable part, that number with the importer's distinguishing mark shall be engraved on the barrel.

(c) If a barrel bears more than one number, the firm's distinguishing mark will be affixed to that appearing on the original invoice

- (2) Any marking required under clause (1) shall be done on the dealer's premises and compliance reported in writing to the Commissioner of Police, Calcutta, within a week after the firearm has been cleared.
- (3) No firearm shall be sold before it has been properly marked. The mark and number engraved under clause (1) shall be shown in the stock register and sale transcripts.
- (4) Distinguishing marks have been allotted to dealers as follows :—

Manton & Co.	M M.
Rodda & Co	R R
Lyon & Lyon Ltd	L L
Walter Lock & Co	W L
Eric Hill & Co	E H
Army & Navy Store,	A N
A T Daw & Co	A D
D N Biswas & Co	D B
A C Goondoo & Co	A C
K C Biswas & Co	K B
S D Datta & Co	S D
N C Daw & Co	N C
N C Dutt & Co	N D
M Biswas & Co	M B
F C Biswas & Co	F B

74. **Scale of ammunition allowed to licensees**—Particulars of the ammunition allowed should be endorsed by the licensing authority in the appropriate column of the licence against each weapon. The maximum amount of ammunition which may be possessed by the holders of licences in Forms XVI, XVIII and XIX of the Indian Arms Rules, 1924, is as follows :—

Description of arms for which ammunition is to be possessed	Maximum quantity of ammunition to be possessed at one time by holders of licences in forms XVI, XVIII and XIX	Maximum quantity of ammunition to be possessed during the year by holders of licences in Forms XVI, XVIII and XIX.
1	2	3
Smooth bore muzzle-loading gun.	No limit	No limit
Smooth-bore breech-loading gun.	No limit	No limit
Rifle 22 bore	No limit	No limit
Rifle of other bores	50 rounds	200 rounds.
Revolvers and pistols	50 rounds	100 rounds

This removal of the limit does not apply to licences in forms XVII and XX which are only for a specific quantity of ammunition of any kind as indicated in condition 2 of those licences.

The District Magistrate may at his discretion allow any reasonable quantity in excess of the limit prescribed to a person who can prove that he needs more ammunition.

**SECTION (VIII).—Executive Instructions to District Magistrates as regards  
Renewal of Licences.**

**75. Renewal of licences.**—In November of every year the officers in charge of police-stations should be called upon to report to the Superintendent of Police (i) whether any licensee is dead, and (ii) whether there is any objection to the renewal of any licence. They should not comment on the suitability of each licensee on the list, but state, when definite objection is taken to the renewal of a licence, the grounds of this objection. The Superintendent of Police will forward the reports of the thana officers, together with his remarks, to the District Magistrate who will transmit them to the Subdivisional Officer who is now empowered to renew licences in Form XVI under rule 42 (3), proviso (b), of the Indian Arms Rules. In the case of an adverse report on a licence the District Magistrate should pass orders and the final decision will rest with him, but in all other cases the Subdivisional Officer is empowered to renew licences, without the orders of the District Magistrate, on the list. The renewal of licences will be reported to the District Magistrate or other authority issuing the licence for the purpose of making the necessary entry on the counterfoil, when this is not in the subdivisional office. The licensees whose licences are not to be renewed should be served with a notice calling upon them under section 16 of the Act to deposit their arms and the licences at the nearest police-station or with a licensed dealer within 14 days from the receipt of the notice. Those whose licences are to be renewed should be called upon by a notice circulated through thana officers, or by postcards addressed to the licensees, as most convenient, to submit their applications for renewal before the 1st of January.

**76. Production of arms before renewal of licence.**—The production of weapons before renewal of licence is based on rule 45 of the Indian Arms Rules, 1924, empowering the authority by whom a licence was granted to require the licensee to produce the licence. The policy of requiring the production of all weapons as a matter of course before renewal of licence has, however, been relaxed and the following principles should ordinarily be observed. All pistols and revolvers should be produced at the time of renewal of licences, and licences for such weapons should not be renewed for more than one year save in very exceptional circumstances in which the possession of the weapon should be verified at least once a year under rule 45 of the Indian Arms Rules, 1924. (Govt. of Bengal, letter Nos. 303-29 Pl. S., dated the 3rd August 1933.) In the case of shot-guns and rifles not of prohibited bore in the hands of literate persons in urban areas the production of the weapon should not ordinarily be necessary, but the licensee should be required to file with his application for renewal a declaration that the weapon in question is in his possession and in good condition

and that the number of the weapon has been inspected and found to tally with that of his licence. Intimation to licensees to apply for the renewal of their licences, whether in the form of postcard or a notice served through the thana should state in all cases whether the weapon is to be produced.

**77. Production of weapons before renewal of licence in rural areas.**—In the case of illiterate persons and the majority of licensees in rural areas production of the weapon before the renewal of the licence will still be necessary in order to verify that the arms are in good condition and the number correct. A date should be fixed by the District Officer on which the weapons from each area are to be produced for inspection. This work will be done in the Sadar subdivision by a Joint, Assistant or Deputy Magistrate and in other subdivisions by the Subdivisional Officer. So far as possible it should be done on tour, officers fixing convenient centres such as police-stations for the production of weapons and renewal of licences, instead of summoning licensees to the district or subdivisional headquarters. The Officer deputed to carry out this work will be supplied, before the date fixed, with the orders of the District Magistrate or Subdivisional Officer regarding the licence to be renewed and will, if the weapons pass the inspection, return them with the least possible delay to the licensees together with the licences renewed under the signature of the renewing officer.

**78. Renewal of licence through post.**—In cases in which the production of the firearms is not considered necessary the licence may be renewed on an application received through the post enclosing the licence with the necessary certificate that the weapon is in good condition and that the number tallies with that in the licence. In such cases fees may be remitted in the form of non-judicial stamps or by money-orders or be deposited in the nearest treasury, the treasury *chalan* being enclosed with the application in token of payment of fees. Postage stamps should not be accepted in payment of fees for renewal of licence.

**79. Personal production of arms.**—Licensees who are required to produce their weapons before renewal of their licence should ordinarily do so personally but they may be allowed to do so by duly authorized agent at the discretion of the officer granting the licence.

Bengal Government letter No. 3671P., dated the 17th April 1913.

**80. Particulars on licence.**—Before a licence is renewed special attention should be directed to the endorsements thereon (if any) of purchases of new weapons or of ammunition made during the year. Should any of the entries appear to be suspicious, or any of the purchases of ammunition exceed the limit endorsed on the licence in cases in which a limit is prescribed, the officer renewing the licence should cause such enquiries to be made as may appear to be necessary. (Govt. of Bengal No. 602 P., dated the 29th January 1913).

**81. Promptitude in inspection.**—If due forethought is exercised and punctuality observed in making the arrangements it should be

possible to carry out the inspection of arms and to return the renewed licences on the day on which production is ordered for each *thana*; the desirability of accomplishing this and so avoiding all unnecessary delay should be steadily kept in view. When a weapon does not pass the inspection and the renewal of the licence is refused, the owner should be instructed to deposit it forthwith at the nearest police-station or with a licensed dealer under section 16 of the Indian Arms Act.

**82. Delay in renewal.**—It is now open to all licensees to claim renewal of licences for their weapons at the reduced rates of fees within one month of the date on which the licence expires. In order to ensure that licences are annually renewed, it should be made the duty of some clerk in the Magistrate's office to report, immediately after the 1st of February of each year, what licences have not been presented for renewal. Applications received within thirty days after the expiry of the licence should ordinarily be renewed at the renewal fees prescribed. In the case of licences not renewed within this period it will be open to the District Magistrate in lieu of prosecution to levy the full initial fee payable on the licence. In serious cases steps should be taken to institute prosecutions against those who have failed to renew their licences. It is desirable to prosecute for neglect to apply for a renewal, not with rigour, but firmly, in order that it may be clearly understood that the provisions of the law will be enforced. (Govt. of Bengal letter No. 5383 Pl., dated the 21st December 1931.)

*Note.*—In accordance with the proviso to paragraph II (u) under the head "Fee" in Form XVI, half licence fees are payable in certain cases in which application for renewal of licence is made within one month of the date on which the licence expires. This does not, however, absolve the holder of a licence in that form who fails to renew the same prior to its expiration from the provisions of section 19 (f) of the Arms Act, if after expiration of the licence he remains in possession of the arms in respect of which the licence was granted. The effect of the proviso is to fix the fee payable in respect of renewal of a licence and the fact that the licensing authority cannot charge the enhanced fee unless the application for renewal is made more than one month after the date of expiration, in no way effects his competence to order the prosecution of a licence who, while retaining possession of the arms covered by the licence, does not apply for renewal of a licence till after, though less than one month after, its expiration. (Home Dept endorsement No. F. 21/XIX/24 dated the 16th May 1924.)

#### SECTION (IX).—Search, penalties and rewards.

**83. Power of Magistrates and Police Officers to search for and detain arms.**—(1) In exercise of the power conferred by the second clause of section 6 of the Indian Arms Act, 1878 (XI of 1878), the Governor in Council is pleased to empower all Magistrates and all Police Officers not below the grade of sub-inspectors to detain arms and ammunition under that clause.

(2) In exercise of the power conferred by section 25 of the same Act, the Governor in Council is pleased to declare that searches referred to in that section may be conducted by, or in the presence of, any Police Officer not below the grade of sub-inspector or the Deputy Conservators of Forests, Jalpaiguri, and Buxa Duars in the Jalpaiguri district.



(3) In exercise of the power conferred by section 30 of the same Act the Governor in Council is pleased to declare that searches referred to in that section shall be made in the presence of a Magistrate or a Police Officer not below the grade of sub-inspector.

84. The power vested in sub-inspectors of police (in Bengal Government Notification No. 10673 P. of the 12th November 1914) to search for and detain arms and ammunition is an important one. Its exercise should be limited to approved and trustworthy sub-inspectors, and to senior sub-inspectors in charge of police-stations.

(Government of Bengal letter No. 10674-80P., dated the 23rd November 1914.)

85. **Offences punishable with whipping.**—In pursuance of section 5, clause (b) of the Whipping Act, 1909 (IV of 1909), the Governor-General in Council is pleased to specify offences under the laws mentioned in the Schedule hereto annexed, being offences punishable under the said laws with imprisonment, as offences for the abetment or commission of or attempt to commit which juvenile offenders may be punished with whipping in accordance with the provisions of the said section.

#### THE SCHEDULE.

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11. The Indian Arms Act, 1878 (XI of 1878), sections 19, 20, 22 and 23. (Extract from Home Dept. Notification No. 350, dated the 8th March 1910).

86. **Rewards.**—If a person is convicted of an offence punishable under the Indian Arms Act, 1878, rewards 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 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. Proposals 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 Magistrate 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, servicable or unservicable, 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 District Magistrates in their contingent bills and charged against "Criminal Courts—rewards under the Arms Act—contingencies under the major head "24—Administration of Justice." In Calcutta, rewards granted by Presidency Magistrates, or competent police authorities, should be met from the budget head "26 Police—Presidency police" from the provision (a) under the primary unit "Allowances, honoraria, etc.," if the reward is granted to a police officer or (b) under the primary unit "Supply and Services" in the case of rewards to a private person. Provision for rewards under these heads should be made by District Magistrates and the Commissioner of Police, Calcutta. (Govt. of Bengal letter No. 5246 Pl., dated the 13th November 1928).

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 prosecutions with regard to informers whose names it is not desirable to divulge. (Govt. of Bengal No. 655P.—D., dated the 27th May 1914 and letter No. 1524P.—D., dated the 25th July 1914.)

87. 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 weapons possessed without lawful authority. (Govt. of Bengal letter No. 8976-77 P., dated the 8th October 1914).

87-A. **Presentation of arms as rewards.**—Firearms are sometimes given to officers and private persons as rewards by District Magistrates or Superintendents of Police, and the formal presentation of such arms is made at the police parade presided over by His Excellency the Governor of Bengal. When arms are presented by His Excellency the Governor, they should be treated as gifts from the local Government, and the recipient should be treated as exempted under entry (9) in Schedule I of the Indian Arms Rules, 1924, from all prohibitions and directions contained in the Arms Act in respect of those arms. The heirs or successors of the recipients will also be entitled under entry (6) in Schedule VII of the Arms Rules, to retain the arms under licence without payment of any fees in respect thereof. Owing to some difficulties in the administration of the Arms Act in respect of arms presented as rewards, the practice of giving such rewards of firearms by the local officers without the formal sanction of Government should be reported to Government for orders. (Govt. of Bengal, letter No. 374Pl., dated the 23rd Jany. 1934.)

**88. Duty of public carrier to give information.**—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 rules. (Rule 8 of the Bengal Rules of the 24th March 1879).

**SECTION (X).—Termination of Licence and Deposits, Loss and Confiscation of Arms.**

**89. Rules under section 16 of the Arms Act for deposit with dealer on expiry of licence.**—In exercise of the power conferred by section 16 of the Indian Arms Act, 1878 (XI of 1878), as amended by the Indian Arms (Amendment) Act, 1919 (XX of 1919), the Governor in Council is pleased to make the following rules for carrying into effect the provisions of the aforesaid section :—

Owners who deposit their firearms and ammunition for safe-keeping with a dealer holding a licence in Form XIII are not obliged to renew their possession licence, if it expires while the firearm and ammunition so deposited are with the dealer. They may have their licences renewed through the dealer, or any other person authorised by them on their behalf, if the licensing authority is prepared to renew their licences in their absence. If the licence is not renewed, the dealer continues to possess the deposited firearms and ammunition on the authority of his licence in Form XIII; but the owner will have to renew his licence or obtain a fresh one, as the case may be, before he can take delivery of the deposited firearm or ammunition from the dealer.

A register should be maintained in Bengal Executive Form No. 184 (New), (item No. 13 in Schedule of Provincial Arms Act Forms) by licensees under condition 3 of licence Form XIII, Schedule VIII, to the Indian Arms Rules, 1924. (Govt. of Bengal letter No. 39 Pl., dated the 7th January 1921.)

(1) Any person depositing arms, ammunition or military stores with a licenced dealer in compliance with the provisions of sub-section (1) of section 16 of the Indian Arms Act, 1878, shall immediately inform the Commissioner of Police, Calcutta, and also, if he be not a resident of Calcutta, the Magistrate of the district in which he resides.

(2) When a dealer disposes of arms, ammunition or military stores so deposited, he shall report the fact to the Commissioner of Police and, if the depositor is not a resident of Calcutta, to the Magistrate of the district in which he resides. The report shall state the name and address of the depositor, the number, date and issuing authority of the licence (if any) under which the arms, ammunition or military stores were held, and a description of the arms, ammunition or military stores sold.

(3) A dealer failing to dispose of an article so deposited within one year from the 1st January of the year following that in which it was deposited shall deposit the same at the nearest police-station, and shall at the same time furnish the information mentioned in rule 2; provided that in exceptional cases the period of one year may be extended by the local Government.

(4) All articles deposited under sub-section (1) of section 16 of the Act, and not returned or disposed of under sub-section (2) of the same section within one year from the 1st January of the year following that in which they were deposited, or within such further period as may be allowed under rule 3, shall be forfeited to His Majesty. (Govt. of Bengal notification No. 4774 Pl., dated the 14th Nov. 1929)

**90. Arms deposited with dealer for safe custody.**—Arms deposited with dealers fall under two classes, viz., (1) arms deposited for safe custody and (2) arms deposited under section 16 of the Arms Act. Arms deposited with the dealers for safe-keeping should be entered in the register in Bengal Executive Form 184, New (item No. 13 in Schedule of Provincial Arms Act Forms) prescribed in paragraph 89. Arms entered in this register do not become automatically liable to forfeiture after a certain period. Dealers should see that arms are covered by a licence or exemption before being received by them for safe custody. Otherwise the arms are held to be deposited under section 16 and are liable to forfeiture if not disposed of within the prescribed period. (Govt. of Bengal Order No. 2782 Pl., dated the 12th Sept. 1923.)

**91. Action to be taken when arms are stolen.**—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. (Govt. of E. B and A. letter No. 2705-09 G., dated the 29th April 1910.)

**92. Cancellation of licences and deposit of weapons in mal-khanas.** Directly a licence to possess arms is cancelled, whether under section 18 of the Act or by its renewal being refused, an entry to that effect shall be made in the register of cancelled licences and shall be initialled by the Magistrate in charge of arms licences. The register shall be in Bengal Executive Form No. 189 (item No. 7 in Schedule of Provincial Arms Act Forms). Entries in the register of cancelled licences should be made thana by thana, in chronological order, with an alphabetical index. These entries should be carefully examined at the time of granting licences under the Indian Arms Act, 1878, so as to prevent a person whose licence has been cancelled from obtaining a fresh licence through suppressing the fact of the cancellation of his former licence.

**93.** After an entry in the register of cancelled licences has been made an order shall issue by registered post to the licensee directing him to deposit the arms, ammunition or military stores covered by the licence at the nearest police-station or with a licence-dealer, as provided by section 16 of the Arms Act within 14 days of the receipt of the order and warning him that if he fails to do so, he will be

liable to prosecution under the Act. He should further be informed that if he deposits them with a licence-dealer he is required by the rules made under section 16 of the Act to report the fact to the Commissioner of Police, Calcutta, and also, if he is not a resident of Calcutta, to the Magistrate of the district in which he resides. A copy of the order will be issued to the officer in charge of the police-station for his guidance. The order should contain full particulars of the arms, ammunition or military stores to be deposited.

**94. Deposit of arms at police-station by owner.**—The following procedure should be observed in the case of arms, ammunition or military stores deposited by the owner at a police-station :—

(i) All such arms, ammunition or military stores shall at once be entered in a register to be kept for the purpose in P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms). If the licence is also deposited the fact shall be noted in this register. Licences will not be deposited in all cases as they may be cancelled in the Magistrate's office when the petition for renewal is rejected. If this is the case they will be filed in that office and will not be sent to the police-station. If however, a licence which has been cancelled or has ceased to be valid is still in the possession of the licensee he will be specially ordered to surrender it with the arms, ammunition or military stores, if he deposits these at the police-station, or to send it to the Magistrate's office for cancellation if he deposits them with a licensed dealer.

(ii) Within 14 days from the date of deposit at the police-station the officer in charge will forward the arms, ammunition or military stores, together with the licence if it has been deposited, to the Court, after filling up the duplicate and triplicate copies of P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms).

(iii) On receipt of the weapon in the Court, the Court sub-inspector will endorse the duplicate copy of P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms) and return it to the police-station to be filed. He will then make the necessary entries in the Arms Register of the Malkhana in Bengal Executive Form No. 190 (item No. 10 in Schedule of Provincial Arms Act Forms). He will then make over the triplicate copy of P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms) to the clerk in charge of licences (with the licence, if received) after endorsing on it the date of deposit in the Malkhana and the number in the Malkhana Register in Bengal Executive Form No. 190 (item No. 10 in Schedule of Provincial Arms Act Forms).

(iv) The clerk will enter the date of deposit and the number in Malkhana Register in the register of cancelled licences and will file the triplicate copy of P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms).

**95. Deposit of arms at police-station by dealer.**—In the case of arms, ammunition or military stores deposited at the police-station by a licensed dealer under rule 3 of the rules reproduced

in paragraph 89 the sub-inspector shall enter them in the Register in P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms). In filling up column 4 he should enter the name of the licensee, and the designation of the issuing authority, as well as the number of the licence. He will then follow the procedure described in paragraph 94. The Court sub-inspector and the clerk in charge of licences will also follow the procedure described in that paragraph. If the arms, ammunition or military stores belonged to a person resident in another district, intimation of their deposit shall be sent to the Magistrate of that district.

**96. Procedure on renewal of cancelled licence.**—If a licence, which has been cancelled, is subsequently renewed, the Magistrate will, when the arms, ammunition or military stores are in deposit in the Malkhana, issue to the Court sub-inspector an order over his own signature to make over the weapon covered by it and will also send him the necessary licence and the triplicate copy of P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms) received from the police-station. He will also inform the licensee that the licence has been renewed. The Court sub-inspector will then despatch the weapon with the licence and the triplicate copy to the officer in charge of the police-station in which the licensee lives and make the necessary entry in the Malkhana Register. The sub-inspector will acknowledge receipt of the weapon, the licence and triplicate copy of P. R. B. Form No. 123 (item No. 11 in Schedule of Provincial Arms Act Forms) and will enter the particulars of the weapon in the prescribed Register and will send for the licensee to take delivery of the licence and the weapon. The licensee on taking delivery will sign the Register and the sub-inspector will return the triplicate copy to the Magistrate with an endorsement signed and dated to the effect that the weapon has been duly delivered. If the arms, ammunition or military stores have been deposited with a licensed dealer, the licensee will be informed that his licence has been renewed and should then take delivery of it from the Magistrate's office. The dealer will be at liberty to return the arms, ammunition or military stores on production of the licence.

**97. Disposal of confiscated or forfeited weapons.**—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 the possession of which has become unlawful, are to be deposited, under section 16 of the Arms Act and the rules made thereunder, either at a police-station or with a dealer. The arms deposited at a police-station shall be kept in the malkhana for one calendar year from the 1st January of the year following that in which they were deposited at a police-station. Those



deposited with a dealer shall be kept in the malkhana till January of the year following that in which they were received in the malkhana. Weapons on which an order of confiscation has been passed shall be kept in the malkhana till January of the year following that in which they were confiscated. 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, may, if they can be utilised by the police or by any department under the Government, however, be retained and brought into use at any time 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 of rifles and ammunition 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 sales. The sale 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 & Co. The unsold arms should be broken up locally and the materials sold, unless they are rifled firearms or rifle barrels, in which case they should be sent to the arsenal to be broken up. The unsold ammunition and stores should be destroyed. Alternatively, all unsold arms, ammunition and stores may be sent to the arsenal for disposal. The breaking up or destruction of unsold arms, ammunition or military stores should be done locally in the presence of District Magistrate or of a gazetted officer whom the District Magistrate (or the Commissioner of Police in the case of Calcutta) may depute for the purpose. All rifles and ammunition of prohibited bores, and all revolvers and pistols not retained by Government shall be sent to the Ordnance Officer, Fort William, Calcutta, between 1st February and 15th March every year for disposal. 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 Officer for disposal. An acknowledgment should be obtained from the Officer-in-charge of the arsenal concerned of the receipt of arms and ammunition sent to him, and in due course, a certificate that the said arms and ammunition have been either destroyed or taken into ordnance stock. (Home Dept. letters Nos. F.21/L/31 and F.21/LII/34, date, respectively, the 1st July 1933 and 14th Nov. 1934).

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 (1).—*When despatching consignments to the arsenal, District Officer 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 Govt. letters Nos. 1585-1591 and 4775 Pl., dated, respectively, the 17th May 1923 and 26th November 1929).

*Note (2).*—District Officers are authorised to sanction the issue of forfeited and confiscated firearms from the malkhana for the use of police on requisition from the Superintendent of Police. (Govt. of Bengal letter No. 4961Pl., dated the 20th October 1932).

*NOTE (3).*—The above rules do not contemplate the sale of confiscated and unclaimed revolvers and pistols to police officers for their personal use. (Home Dept., letter No. F. 21/XII/34, dated the 20th April 1934.)

**98. Sale of arms by Collector of Customs.**—Arms and ammunition confiscated, uncleared or otherwise unclaimed under the Sea Customs Act should be sold by the Collector of Customs by auction to licensed vendors or to persons who by licence or exemption are entitled to possess such weapons, the police being informed of the names and addresses of the purchasers in order to enable them to verify the sales. This does not include arms of prohibited bores like '303 and '450 which will be disposed of by the Ordnance Department as in paragraph 97 above.

*Note (1).*—Arms of prohibited bores can be sold to officers entitled to possess them as part of their military equipment. (Govt. order Nos. 2696-2697 S. R., dated the 29th October 1921, memorandum No. 3734 Pl., dated the 11th November 1921, and Central Board of Revenue letter No. D. Dis. 452 Cus. II/30, dated the 6th December 1930).

*Note (2).*—Customs officials are debarred from selling pistols and revolvers of whatever bore, and all pistols and revolvers should be sent by the Collector of Customs to the nearest arsenal for disposal. (Commerce Dept. endorsement No. 290 Com., dated the 18th January 1933.)

**99. Sale of arms by Civil Courts.**—Whenever guns or other arms in respect of which licences have to be taken by purchasers under the Indian Arms Act, XI of 1878, are sold by public auction in execution of decrees, the Court directing the sale shall give due notice to the Magistrate of the district of the names and addresses of the purchasers and of the time and place of the intended delivery to the purchasers of such arms, so that proper steps may be taken by the police to enforce the requirements of the Indian Arms Act. [Rule 107, Chapter I of High Court's General Rules and Circular Orders (Civil).]

**100. Disposal of unclaimed arms and ammunition found in railway trains or premises.**—All unclaimed arms and ammunition found in railway trains or in the premises of a railway should be forwarded by the officers of the railways concerned within a week, if possible, to the officers noted below :—

Railways.	Officers.
East Indian Railway	} District Magistrate, Howrah.
Bengal-Nagpur Railway	
Eastern Bengal Railway	} Commissioner of Police, Calcutta.
Assam-Bengal Railway	
Bengal Duars Railway	} The nearest Magistrate.
Howrah-Amta Railway	
Howrah-Sheakhala Railway	} District Magistrate, Howrah.
Darjeeling-Himalayan Ry.	
Barasat-Basirhat Railway	} Deputy Commissioner, Darjeeling.
Tarkeswar-Mogra Railway	
Kalighat-Falta Railway	} District Magistrate, Hooghly.
Jessore-Jhenida Railway	
Bankura-Damodar Railway	} Commissioner of Police, Calcutta.
Burdwan-Katwa Railway	
	} District Magistrate, Jessore.
	} District Magistrate, Bankura.
	} District Magistrate, Burdwan.

The District Magistrates and Subdivisional Officers specified above should send the articles to the Commissioner of Police, Calcutta. The Commissioner of Police should arrange for their sale under proper safeguards to duly authorized persons only, and should remit the proceeds to the Railway authorities concerned.

(Govt. of Bengal Resn. No. 2451 P.—D., dated the 21st Sep. 1911, and No. 6797 P., dated the 13th Dec. 1911. Govt. of India letter No. 2106 R. T., dated the 3rd Dec. 1908, Home Dept. Memorandum No. 1995, dated the 6th July 1911 and Govt. of Bengal letter No. 4040 Pl., dated the 29th Aug. 1932).

#### **SECTION (XI).—Police and Arms Registers.**

**101. Supply of list of licences to police-station.**—Additions and alterations in lists of licences made during the year should be reported promptly by District Magistrates to officers in charge of police-stations, and a list of unrenewed licences should be furnished to thana officers at the end of the year as soon as renewal of licences is over. To guard against the possibility of omission on the part of the District Officers to send notices of additions and alterations made in the list to the thana officers and of the information thus received not being entered in the lists at the police-stations, the District Magistrates should send their up to date copy of the lists annually to each police-station which should return the same to the District Magistrates making necessary corrections in the register kept there. (Govt. of Bengal letter No. 4040 Pl., dated the 29th August 1932).

**102. Check on arms in police custody.**—Every sub-inspector on assuming charge of a police-station shall personally compare the arms on deposit at the police-station with their descriptions in the Register in P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms) and enter a certificate to this effect in the register in his own hand, signed and dated.

**103.** Every sub-inspector on assuming charge of a court office shall personally compare the arms in stock in the Malkhana with their descriptions in the Arms Register of the Malkhana in Bengal Executive Form No. 190 (item No. 10 in Schedule of Provincial Arms Act Forms) and enter a certificate to this effect in the Register in his own hand, signed and dated

**104.** The Magistrate in charge of licences shall examine the register of cancelled licences once a month, and in any case in which delay has occurred he shall call on the thana officer for a report, and if on receipt of the report it appears to him that the fault lies with the licensee, he should submit the case to the District Magistrate for orders as to whether a prosecution should be instituted or not.

**105.** The Magistrate in charge of licences shall inspect the Court Malkhana twice a year and should compare the arms in stock with the Malkhana Register and with the register of cancelled licences.

**SECTION (XII).—Responsibilities of vendors, inspection of premises, and verification of sales.**

**106. Licences under Explosives Act for licensed vendors.**—Vendors of ammunition should be required to take out licences under the Explosives Act in addition to the licences they may be required to take under the Arms Act as vendors of firearms.

It will be the duty of the District Officer or Commissioner of Police to satisfy himself that the receptacle or building provided for the storage of gunpowder is secured against all reasonable probability of theft and he should at the same time insist by executive order that proper precautions are taken for the safe custody of any firearms kept for sale. In the event of any person failing to comply with the District Officer's demands, he should be warned that the penalty for this neglect will be the refusal of a renewal of the licence, and this penalty should be rigorously enforced. In extreme cases where immediate action is called to preserve the public peace, it is open to the Magistrate to cancel the licence under section 18 (a) of the Indian Arms Act, XI of 1878.

Licences for the sale of firearms and ammunition should ordinarily only be issued for shops situated at district and subdivisional headquarters. (E. B. and A. Govt. letter No. 3903-07 G., dated the 14th June 1910).

**107. Licences not required for saltpetre in districts not on the external land frontier.**—Shop-keepers are not required to take out licences in respect of saltpetre or to keep accounts of saltpetre possessed and sold by them, except in the districts on the external land frontier of British India, viz., Jalpaiguri and Darjeeling. Except for such districts, the figures for the sale of saltpetre need not be shown in column 22 of the statement under paragraph 2 "sale and verification" of the annual report on the working of the Arms Act. In the districts on the external land frontier, saltpetre is not exempt from the provisions of the Act, except within the limits laid down in item 7 of Schedule II to the Indian Arms Rules, 1924.

**108. Responsibility of vendors.**—Licensed vendors should protect themselves by making references to the District Officers in all cases in which there is any room for doubt as to the right of a would-be purchaser to possess the arms he is purchasing. By delivering arms, ammunition and military stores to any person, without previously ascertaining that he is legally authorised to possess the same, they render themselves liable to imprisonment which may extend to six months or to fine or to both.

District Magistrates should reply without delay to any reference made by licensed vendors with regard to the right of any intending purchaser to possess the arms he is purchasing. District Magistrates should not treat such reference as matter of mere routine, but satisfy themselves carefully that the person in question are actually entitled to purchase the arms and ammunition in contemplation (Govt. of Bengal letter No. 4803 P. dated the 10th August 1911).

109. If in any licence issued in Forms XVI, XVIII or XIX the quantity of ammunition covered by the licence has not been noted an arms-vendor should refuse to supply any ammunition to the licensee and should return the licence to be properly filled in.

110. **Deposit of licences with dealers for endorsing sales.**—Purchases of ammunition excepting that for shot guns and rifles of '22 bore by persons holding licences in Forms XVI, XVIII and XIX have to be entered on the licence by the seller. Orders therefore cannot be complied with till the licence has been received by the latter which involves delay and causes inconvenience to licensed dealers and their customers. This can be obviated if the person holding the licence deposits it with the dealer who can then enter purchases on the licence, and comply at once with urgent orders. The dealer must furnish the licence-holder with a receipt for the same which can be produced at once if the licence is called for by any person authorized to do so under Rule 44 of the Indian Arms Rules, 1924, and the licence itself can be called for and obtained from the dealer when necessary.

111. **Registers prescribed.**—Registers in Bengal Executive Forms Nos. 186A., 187 and 188 (items Nos. 14, 15 and 16 in Schedule of Provincial Arms Act Forms) have been prescribed for recording the sale of arms and the sale of ammunition. It is the duty of inspecting officers to see that the registers are actually maintained in the prescribed form. (Govt. of Bengal letter No. 12161 P. dated the 21st Dec. 1914.)

112. Selected dealers authorised under Rule 28 (3) of the Indian Arms Rules, 1924, to keep and sell ammunition for rifles of '303 or of '450 bore and for pistols and revolvers of '441, '455 or any intermediate bore are required to maintain registers in the forms shown in items Nos. 18 and 19 in Schedule of Provincial Arms Act Forms.

113. **Officers empowered to inspect premises of licensed dealers and examine their stocks and accounts.**—Under sub-rule (4) of rule 28 of the Indian Arms Rules, 1924, every Magistrate and every Police Officer of and above the rank of sub-inspector in the Presidency of Bengal, outside the town of Calcutta may, within the limits of his local authority, enter and inspect the premises of any licensed dealer in arms and ammunition and examine his stocks and accounts. In the town of Calcutta Magistrates and Police Officers not below the rank of inspector are so authorised. (Govt. of Bengal Notn. No. 2801 P., dated the 16th March 1924.)

114. **Inspection of shops.**—No. rule is laid down prescribing a scale for the inspection of shops. It is left to the Inspector-General of Police and the Commissioner of Police to issue instructions on the subject and to satisfy themselves that inspections are being made regularly. (Para. 16 of Bengal Govt. letter No. 12161 P., dated the 21st Dec. 1914.)

115. **Verification of sales and imports of arms and ammunition.**—All sales of arms should be verified. The verification of sales of ammunition is left to the discretion of the Commissioner of Police

and the Superintendent of Police. The following sales, however, should always be verified: all sales of rifles, pistol and revolver cartridges empty and loaded; sales of smooth bore cartridges exceeding 150 loaded and 500 empty; sales of gun powder exceeding one seer: sales of percussion caps exceeding 500: sales of sulphur, leaden bullets and bird shot, exceeding the limit prescribed by Government, viz., bird shot and leaden bullets 5 seers and sulphur 10 seers.

116. All dealers in arms and ammunition are required to send to the Commissioner of Police, Calcutta, and to the Superintendent of Police elsewhere a monthly return of the stock and sales of arms and ammunition in Bengal Exe. Form No. 130 (item No. 17 in Schedule of Provincial Arms Act Forms) Such returns should be preserved in the Police office for a period of ten years. (Govt. of Bengal letter No. 12162 P. dated the 21st Decr. 1914.)

117. Dealers in arms and ammunition in Calcutta are required to submit weekly a transcript from their sale-registers to the Commissioner of Police who will verify such of the sales as relate to Calcutta. Copies of entries relating to Bengal outside Calcutta will be sent in Bengal Exe Form No. 131 (item No. 12 in Schedule of Provincial Arms Act Forms) by the Commissioner of Police to the Superintendents of Police concerned, who will cause the sales to be verified in accordance with the instruction contained in paragraph 115. They will return the verification slips, after noting the result of their enquiries, to the Commissioner of Police who will then fill up the last column of the transcript from the dealers' sale-book. Copies of entries in the transcript relating to other provinces will be sent by the Commissioner of Police to the province concerned.

*Note*—To facilitate the preparation of the annual return of arms and ammunition in the possession of the public, the Commissioner of Police Calcutta, will also send weekly to the Superintendent of Police in districts, lists containing particulars of loaded smooth bore gun cartridges sold in quantities of less than 150.

118. Verification may be made in whatever manner the Commissioner of Police or the Superintendent of Police consider most suitable, but the work should invariably be entrusted to officers possessed of tact, discretion and courtesy. Superintendents of Police will bring all cases of illicit transactions and all excessive purchases of ammunition by exempted persons to the notice of the District Magistrate.

119. The same procedure will apply *mutatis mutandis* in the case of sales in districts. Superintendents of Police will verify sales relating to their own districts and will send verification slips in Bengal Exe. Form No. 131 (item No. 12 in Schedule of Provincial Arms Act Forms) to the Commissioner of Police in the case of sales to residents of Calcutta and to the Superintendents of Police in the case of sales to residents in Bengal outside Calcutta.

120. **Reports of sales to provinces outside Bengal.**—The Commissioner of Police for Calcutta and Superintendents of Police



outside Calcutta will report to the Chief Secretary to the Government of Madras and to the Inspectors General of Police of other provinces (except the North-West Frontier Province) purchases of arms and ammunition in Bengal by residents of their respective provinces. Purchases of arms and ammunition by residents of the Indian States in the Madras Presidency will be reported direct to the Agent to the Governor-General, Madras States, Trivandrum.

Purchase of arms and ammunition by residents of the States in the Eastern States Agency shown under groups A and B below, should be reported to the Secretary to the Agent to the Governor General, Eastern States, Ranchi, and to the Secretary to the Agent to the Governor General and Political Agent, Sambalpur, respectively. These reports should be separate for each State.

**GROUP A.—Names of the States under the Agent to the Governor-General, Eastern States, Ranchi.**

- |               |                 |
|---------------|-----------------|
| 1. Bamra.     | 11. Khairagarh. |
| 2. Bastar.    | 12. Mayurbhanj. |
| 3. Baud.      | 13. Nandgaon.   |
| 4. Dhonkanal. | 14. Nayagarh.   |
| 5. Gangpur.   | 15. Patna.      |
| 6. Jashpur.   | 16. Raigarh.    |
| 7. Kalahandi. | 17. Saragarh.   |
| 8. Kanker.    | 18. Serakela.   |
| 9. Korea.     | 19. Sonpur.     |
| 10. Keonjhar. | 20. Surguja.    |

**GROUP B.—Names of the States under the Secretary to the Agent to the Governor-General, Eastern States, and Political Agent, Sambalpur.**

- |                  |                  |
|------------------|------------------|
| 1. Atgarh.       | 11. Kharsawan.   |
| 2. Athmallik.    | 12. Narsinghpur. |
| 3. Bramba.       | 13. Nilgiri.     |
| 4. Bonai.        | 14. Pal-Lahara.  |
| 5. Changbhaker.  | 15. Rairakhol.   |
| 6. Chhuikhandan. | 16. Ranpur.      |
| 7. Daspalla.     | 17. Sakti.       |
| 8. Hindol.       | 18. Talcher.     |
| 9. Kawardha.     | 19. Tigiria.     |
| 10. Khandpara.   | 20. Udaipur.     |

(Govt. of Bengal letter No. 3879 Pl, dated the 30th July 1934.)

Reports of the purchase of firearms by residents of the Civil and Military station, Bangalore, will be sent to the District Magistrate of that station.

The Commissioner of Police, Calcutta, and Superintendents of Police outside Calcutta should report to the officers mentioned below the purchase of all arms and ammunition by persons residing in or who are permanent residents of the North-West Frontier Province from dealers or manufacturers in Bengal :—

(i) In the case of residents of British districts, viz., Hazara, Peshawar, Kohat, Bannu and Dera Ismail Khan—To the Superintendent of Police concerned.

(ii) In the case of residents of the Indian States of Amb and Phulera—To the Deputy Commissioner, Hazara district, Abbottabad.

(iii) In the case of residents of the Indian States of Chitral and Dir—To the Political Agent, Dir, Swat and Chitral Agencies, Malakand.

121. When residents of Bengal purchase arms and ammunition of any description in the United Provinces, the Central Provinces, Bihar

and Orissa, the Madras Presidency and the Civil and Military Station, Bangalore, it has been arranged that the District Magistrates of those Provinces and the station of Bangalore shall address the Commissioner of Police, Calcutta, when the purchaser is a resident in Calcutta and in the case of the purchaser living in Bengal, outside Calcutta, the Superintendent of Police of the district in which he resides.

122. The Commissioner of Police, Calcutta, will maintain a register in the Bengal Exc. Form No. 393 (item No. 8 in Schedule of Provincial Arms Act Forms) showing the importation of arms by dealers. Licensed dealers when importing arms should be required to submit their bills of entry in triplicate and the triplicates should be sent by the Collector of Customs in weekly bundles to the Commissioner of Police for such use as may be required for police purposes.

A register in the Bengal Exc. Form No. 150 (item No. 9 in Schedule of Provincial Arms Act Forms) showing the importation of arms by private individuals should be maintained province by province in the office of the Collector of Customs, Calcutta. The Collector of Customs should forward transcripts of this register weekly to the province concerned and those relating to Bengal to the Commissioner of Police, Calcutta, who will verify the entries in the same manner as sales of arms. Transcripts of the register showing the import of arms by residents of Indian States should also be forwarded to the Commissioner of Police for record and verification through the local authorities.

#### SECTION (XIII).—Game-Shooting.

123. **Close seasons for certain birds and animals.**—In exercise of the power conferred by section 3 of the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), and in supersession of the late Eastern Bengal and Assam Government's Notification No. 1361P.L., dated the 28th April 1911, issued under the provisions of the Indian Arms Rules, 1909, the Governor in Council is pleased to declare the periods indicated in lists A and B annexed hereto to be close seasons for the birds and animals, respectively, mentioned in those lists throughout the whole of the Presidency of Bengal. (Govt. of Bengal Notn. No. 8338 For., dated the 25th Aug. 1914, published at page 1659, Part I of the *Calcutta Gazette* of the 2nd Sept. 1914, is hereby cancelled.)

#### LIST A.—(The whole year.)

##### Birds.

Laughing thrushes (Timaliidae)  
Babblers (Timaliidae).  
Whistling thrushes (Turdidae).  
Nuthatches (Sittidae).  
Drongos (Dicuridae).  
Creepers (Certhiidae).  
Wrens (Troglodytidae).  
Warblers (Sylviidae).  
Shrikes (Laniidae).  
Minivets (Campephagidae).  
Orioles (Oriolidae).  
Grackles (Graculidae).  
Starlings (Sturnidae).  
Mynas (Sturnidae).  
Fly-catchers (Muscicapidae).  
Chats (Turdidae).

Robins and red starts, thrushes (Turdidae).  
Blackbirds and ouzels (Turdidae).  
Martins and swallows (Hirundinidae).  
Wagtails (Motacillidae).  
Pipits (Motacillidae).  
Larks (except Ortolans) (Alaudidae).  
Sunbirds (Nectariniidae).  
Pittas (Pittidae).  
Woodpeckers (Picidae).  
Bee-eaters (Meropidae).  
Hoopoes (Upupidae).  
Swifts (Myiropidae).  
Suckoos (Cuculidae).  
Owls (Tytonidae) (Asionidae).  
Adjutant birds (Ciconiidae).  
Floricans-cock and hen (Otididae).

*Animals.*

Female buffaloes throughout the Presidency and male buffaloes in reserved or protected forest areas.

*Rhinoceroses.*

Female bisons; male bisons in the Jalpaiguri and Darjeeling districts and also in the area outside the reserved forests of Chittagong and the Chittagong Hill Tracts districts.

Female deer of all kinds.

Female antelopes.

Swamp deer—male and female.

Male deer when hornless or in velvet.

Gazelles.

Ringed or water lizards (*Varanus Salvator*) (vernacular Ramgoddi) (length 4 feet inclusive of tail and girth 11 inches, and below).

Black lizards (*Varanus Nebulosus*) (vernacular Kalagoddi) (girth measurement 8 inches and below).

Yellow land lizards (*Varanus Flavascens*) (vernacular Sonagoddi) girth measurement 8 inches and below).

Grey land lizards (*Varanus Bengalensis*) (girth measurement 8 inches and below).

**LIST B.—(Part of the year.)***Birds.*

All wild ducks—1st May to 30th September.

Jungle fowl—15th March to 30th September.

Partridges—15th March to 30th September.

Pheasants—15th March to 30th September.

All pigeons except rock pigeons—1st March to 31st August.

Ortolans—1st April to 31st August.

Pea-fowl—1st March to 30th September.

Little egrets and cattle egrets—1st July to 31st August.

Kingfishers—1st January to 31st May.

*Animals.*

Male bisons other than in places mentioned below —

Darjeeling and Jalpaiguri districts and the area outside the reserved forests of Chittagong and the Chittagong Hill Tracts districts—1st May to 31st August.

Barking deer stags with horns, not in velvet—1st April to 30th September.

Hog deer stags with horns, not in velvet—

For Rajshahi Division—1st October to 28th February.

For other Divisions—1st May to 30th September.

Cheetal stags with horns not in velvet—1st October to 28th February.

Sambhur with horns not in velvet—1st April to 30th September.

Male antelopes—1st May to 30th September.

Hares—1st April to 30th September.

Serow and Gooral—male and female—1st April to 30th September.

Ringed or water lizards (*Varanus Salvator*) (vernacular Ramgoddi) of more than 4 feet in length (inclusive of tail) and 11 inches in girth—15th February to 15th August.

Black lizards (*Varanus Nebulosus*) (vernacular Kalagoddi) of more than 8 inches in girth—15th February to 15th August.

Yellow Land Lizards (*Varanus Flavascens*) (vernacular Sonagoddi) of more than 8 inches in girth—15th February to 15th August.

Grey Land Lizards (*Varanus Bengalensis*) of more than 8 inches in girth—15th February to 15th August.

(Bengal Rev. Dept. Notns. No. 442T.—R., the 19th May 1930, and A. I. Dept. no. 14 For dated the 3rd January 1935).

**124. Warning to sportsmen.**—The following warnings have been issued by the Government of India to all sportsmen whether Europeans or others.

(1) Not to trespass on standing crops without the consent of the owners.

(2) Not to shoot peafowl or other birds and animals, regarded as sacred, in the vicinity of villages or habitations.

(3) Not to shoot domestic animals, such as dogs and pigs.

(4) Not to shoot in the immediate vicinity of villages, temples and mosques.

(Home Dept. No. 16 Public—1458—83, dated the 27th Sep. 1895).

#### SECTION (XIV).—Annual Report.

**125. Annual Report.**—There should be a single annual report on the working of the Arms Act in the form shown below :—

It should be prepared in the first instance by the District Magistrate in such manner as he directs and submitted to Government through Commissioners of Divisions. In respect of Calcutta, the Commissioner of Police shall submit the annual report to Government in the Political Department direct.

The report should be in respect of the calendar year and should be submitted by District Magistrates to their Divisional Commissioners on or before the 1st March. Commissioners in turn should submit to Government a consolidated report for their division on or before 30th April. The report of the Commissioner of Police should also reach the Secretariat by the 30th April. The Secretariat will give the Inspector-General of Police an opportunity of seeing the divisional reports for any remarks which he may have to make.

The report should also contain a statement regarding Government guns distributed to panchayats and others. It is only in the disarmed district of Bakarganj that there has been any distribution of guns on a large scale. Accordingly such figures are required for that district only, and the Magistrate of Bakarganj should submit a statement on this subject, to be attached to the consolidated report submitted to Government (Govt. of Bengal orders Nos. 1122P., dated the 26th Jany. 1915, and 11680 P., dated the 6th Sept. 1917).

The report should also contain (a) a brief note on the working of the rules under section 16 of the Arms Act as published with Government notification No. 1372P., dated the 24th March 1920, and (b) a statement showing the total amount of fees realized during the year in respect of licences under the Act.

The report should also contain an annual review of the position in regard to the illicit possession of arms and ammunition. The District Magistrates and the Commissioner of Police, Calcutta, should deal with the matter and report whether, in their opinion, the number of arms and amount of ammunition held illicitly is such that it either forms a menace to the peace of the district or should be taken into consideration from the point of view of the military

internal security arrangements. (Govt. of Bengal Orders Nos. 3750-55 Pl., dated the 12th Novr. 1921, and 1518-1546 Pl. dated the 1st April 1933).

In the report a note should also be recorded to the effect that, as prescribed in the note to paragraph 48A, a list of weapons held by persons exempted under section 1 (b) of the Arms Act has been maintained and kept up to date. (Govt. of Bengal letter No 1636Pl., dated the 3rd April 1933).

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IN THE DISTRICT OF \_\_\_\_\_  
DIVISION \_\_\_\_\_  
TOWN OF CALCUTTA.

PARAGRAPH 1.—MANUFACTURE.—

(1) State whether the arms and ammunition are locally manufactured. If so, give any information you can collect about the character and approximate numbers of the arms manufactured (guns, daggers, etc.), and the kind of ammunition and its quality and quantity.

(2) What is the state of the factory or other places in which manufacture is carried on ?

PARAGRAPH 2.—SALE AND VERIFICATION.

(1) *Sale*—Fill up the statement, shown on page 191 of the Bengal Arms Manual, showing the sale of arms and ammunition during the year 19—.

(2) *Verification*.—Were all sales of arms and all sales of ammunition of the kinds and quantities given in paragraph 115 verified? Did the Commissioner of Police, Calcutta, Superintendent of Police in exercise of his discretion verify the sale of any ammunition sold in smaller quantities than those specified in the paragraph. Give the general results of verification, quoting any case of note especially those in which facts of importance were brought to light during verification.

PARAGRAPH 3.—STOCK AND SALE OF ARMS AND AMMUNITION

Fill up the statement prescribed on page 192, Bengal Arms Manual.

PARAGRAPH 4.—EXEMPTED PERSONS AND LICENCES.

(a) Fill up the list\* prescribed on page 193, Bengal Arms Manual.

*\*List of persons exempted from the operation of certain provisions of the Indian Arms Act under Schedule I, clause 6 (c) of the Indian Arms Rules, 1924, up to the 31st Dec. 19 .*

(b) Fill up the list shown on page 193, Bengal Arms Manual.

*List of persons holding life licences granted under para 3. of Bengal Govt. letter no. 70-97 Pl., dated the 7th Jan., 1924.*

(c) Fill up the list of persons possessing cannon. (Form prescribed by letter nos. 2810-2815 Pl. dated the 23rd July 1929, on page 194 of Bengal Manual).

(d) General remarks on the working of the system of registering firearms in the possession of exempted persons.

(e) General remarks as to exempted persons and the way in which they utilized the privilege of exemption with reference to any specific cases of improper utilization.

*Licences.*

A. Fill up the statement\* prescribed on page 195 of the Bengal Arms Manual.

*\*Statement showing the number of licences issued under the Indian Arms Act during the year 19*

## PARAGRAPH 5.—PROSECUTION AND CONFISCATIONS.

(1) *Prosecutions*—(a) Fill up the statement prescribed on page 196 of the Bengal Arms Manual, showing the results of prosecutions and confiscations under the various sections of the Arms Act during the year 19 .

(b) Refer briefly to important cases of prosecutions with their results.

(2) *Confiscations*—(a) Give a description of the confiscated weapons.

(b) State briefly the circumstances which necessitated the confiscation.

(c) How were the confiscated arms disposed of?

PARAGRAPH 6.—REWARDS (1) State on Form prescribed on page 197 of Bengal Manual the aggregate number of cases with the total amount of rewards granted—(a) by the Magistrate, and (b) by the Superintendent of Police in connection with the Arms Act. Details are not required.

(2) State briefly important cases and give names of officers who have done good service during the year. Details of every case are not required and only the names of the officers need be given whose services have been especially meritorious.

PARAGRAPH 7.—THEFTS. Give a short account of the number of cases of thefts of firearms and ammunition with the general results and details of important cases during 19 .

PARAGRAPH 8.—MISCELLANEOUS Give a general summary of any features of the year's work which call for special comment, and refer to any other important matter not mentioned in the above paragraphs

## SECTION (XV).—Questions for the Inspection of the Arms Act Department.

1. Has the District Magistrate by a written order delegated any of his duties to a subordinate magistrate (Paragraph 51) ?

2. Who is the Magistrate in charge of the Department ? From what date has he been in charge ?

3. When was the last **inspection** made—

(a) by the Magistrate in charge,—(b) by the District Magistrate ?

Has action been taken on the points noted by them ?

4. Does the District Magistrate personally perform the functions which he is required by paragraph 51 to perform ?

What have been the total numbers of—

(a) licensed arms ;—(b) licensed revolvers ;

in the district in each of the last three years ? If there is any striking variation, what is the cause of it ?

6. How many licences are there in—

Form XVI,—Form XVIII,—Form XIX ?

Is proper use made of Forms XVIII and XIX ? (Paragraph 64)

7. Is a list kept of exempted persons as an index to the guard files prescribed in paragraph 37 ?



8. Are guard files of enquiry forms relating to them maintained in groups according to the entries in Schedule I? Are they complete? (Paragraph 37).

9. Are enquiries made from exempted persons in January every every year to ascertain changes of address and particulars of new weapons possessed by them? Are steps taken to see that replies are promptly received and necessary changes made in the enquiry forms (Paragraph 36)?

10. In cases of exempted persons arriving from another District does the District Magistrate obtain their forms from the Magistrate of the District from which they have come (Paragraph 36)?

11. Are retainers in the case of licensed weapons allowed only on the principles laid down in paragraph 38?

12. Are parwanas issued to their retainers by exempted persons and by private firms as prescribed by paragraphs 40 and 41?

13. Is the spare stock of parwana forms kept under lock and key in charge of a responsible officer (Paragraph 40)?

14. Are licences granted on application and without previous enquiry to the class of persons described in Paragraph 52?

15. Are all applications for licences duly entered in the "Register of Applications under the Arms Act" prescribed by paragraph 56? Are dates always fixed for the submission of reports and entered in column 5? Are applications for licences disposed of promptly? Are reports in cases in which preliminary enquiries are made received within the dates fixed and is action taken in cases where there has been delay in submitting reports (Paragraph 56)?

16. When a licence is refused, is the entry in column 7 made in red ink, and are new applications checked with the registers of the past 3 years to see whether a previous application has been rejected (Paragraph 56), and with the Register of cancelled licences (Paragraph 92)? Are reasons for rejecting applications for licences adequate? "Have all 'C' class papers due for destruction been destroyed?"

17. Are licences for pistols and revolvers granted by the District Magistrate himself and are reasons for granting them recorded? Are all pistols and revolvers produced for renewal, and licences for such weapons not renewed for more than one year save in very exceptional circumstances. When production of weapons is not demanded before renewal, does the licensee file with his application a declaration that the weapon in question is in his possession and in good condition and that the number of the weapon has been inspected and found to tally with that of his licence (Paragraphs 58 and 76)?

18. Has action been taken in all the cases during the preceding year in which the licensee failed to produce arms (Paragraph 68)?

19. Are all licence forms kept under lock and key in charge of a responsible officer (Paragraph 71)?

20. Is the register of licences written up thana by thana in a

separate volume for each? Is the fee realized for each licence recorded properly in the register? Are additions and alterations made in the register during the year reported promptly to thana officers? Is the list of unrenewed licences furnished to thana officers as soon as renewal of licences is over? Is an up-to-date extract of the register of licences sent to the thana officer for check and return? Have proper fees been realized? Do the stamps bear the number and date of the licences to which they relate? Have they been duly defaced and those due for destruction destroyed? (Paragraphs 72 and 101.)

20A. Is the list of licences sent periodically to the police-station?

21. Are thana officers called upon in November to report through the Superintendent of Police on the renewal of licences? Is the procedure prescribed in paragraph 75 observed?

22. Do the reports of thana officers deal only with cases in which the licensee is dead or has left the thana, or in which there is a specific objection to the renewal of the licence (Paragraph 75)?

23. Is care taken to avoid all possible delay and inconvenience to licensees in inspecting arms and returning the renewed licences to their owners (Paragraph 81)?

24. Does the Arms Act clerk submit a list immediately after 1st of February each year showing what licences have not been presented for renewal? Have proper measures been taken in all cases of failure to renew licences in the preceding year (Paragraph 82)?

25. Is an entry made in the Register of cancelled licences and initialled by the Magistrate as soon as a licence is cancelled (Paragraph 92)?

26. Is the Register of cancelled licences kept thana by thana with an alphabetical index (Paragraph 92)?

27. Do thana officers send in arms which have been forfeited or the licences which have been cancelled with P. R. B. Form No. 193 (item No. 11 in Schedule of Provincial Arms Act Forms) in triplicate (Paragraph 94)?

28. The object of the Register of cancelled licences and the Arms Register of the Malkhana are to ensure (1) that every weapon the licence for which is cancelled is deposited, and (2) that the licence for every deposited weapon is cancelled. Does the Magistrate initial column 8 of every entry in the Register of cancelled licences in token of having satisfied himself that the weapon has been deposited and entered in the Arms Register of the Malkhana?

29. Does the Magistrate examine the Register of cancelled licences once a month and take action on delay in depositing weapons (Paragraph 104)?

30. Does the Magistrate inspect the Court Malkhana twice a year and compare arms in stock with the Malkhana register and with the register of cancelled licences? Are reasonable measures taken to keep the arms in good condition (Paragraph 105)?

31. Does the Arms Act clerk initial column 11 of the Arms Register of the Malkhana in token of having been informed of the number assigned to the weapon on its deposit?

32. Is action taken under paragraph 97 for the disposal of confiscated or forfeited weapons which are due for disposal before 15th March every year?

33. When arms are destroyed locally does the Magistrate appointed to supervise their destruction actually see them destroyed (Paragraph 97)?

34. Are reasonable facilities given to the owners of arms, which have not been forfeited but the licences for which have been cancelled, to dispose of them to licensed persons within the period prescribed by rule under section 16 (2) (b) of the Arms Act. Is it understood that during that period such arms are still the property of the depositor and that he is entitled to receive sale proceeds?

35. Are orders for rewards passed by the District Magistrate in person and do subordinate magistrates convicting an offender submit the record to the District Magistrate with recommendations for rewards? Are rewards paid promptly (Paragraph 86)?

36. Are the copies of the Arms Act Manual used by the District Magistrate, the Magistrate in subordinate charge, and the Arms Act clerk corrected up to date?

37. Have the defects in the administration of the Arms Act Department, if any, noticed in the previous inspection been remedied.

#### SCHEDULE OF FORMS APPENDED TO THE BENGAL LOCAL RULES AND ORDERS.

ITEM NO. 1, BENGAL EXC FORM 125B, RULE 36, page 150 *ante*.

*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's 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) 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. (Govt. of Bengal notn, no. 1560 P. J, dated the 1st April 1920).

**Other arms in respect of which exemption is enjoyed.**—The number of arms of the following kinds in the possession of the exempted persons should be shown against each :

(a) Swords and sword-sticks,—(b) Bayonets.—(c) Daggers (Govt. of Bengal letter no. 4299 Pl. dated the 22nd October 1929 and para 36, Bengal Rules.)

ITEM NO. 2 B. E. FORM 125, Rule 40, page 182.

**\*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 you 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. Y. Z.—(Name,  
title, if any, and address.)

(This system was first introduced in E. B. and Assam by that Govt. letter no. 167 G. dated the 16th April 1910, and extended to Western Bengal in the Govt. of Bengal no. 2802-4 P.-D. dated the 23rd August 1913).

Item No. 2A.—See Rule 37B, page 181 *ante*.

**Authorisation for the carrying of arms in British India by servants of a Ruling Prince or Chief having a salute of guns, not accompanying such Prince or Chief.**

Names of the servants.	Names of fathers of the servants.	Arms and ammunition carried by the servants		Date up to which authorisation is valid. To be filled in by the Ruling Prince or Chief.)
		Brief description of each weapon with details, e.g., distinguishing marks, etc.	Quantity and description of each kind or ammunition.	
1	2	3	4	5
		Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	
		Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	
		Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	Seal of Ruling Prince or Chief. Signature of Ruling Prince or Chief. Date—	

Seal of Political Officer.  
Signature of Political Officer.  
Designation

Date—

**Note.**—The form may be signed by a responsible Minister on behalf of the Ruling Prince or Chief concerned.

(Govt. of India, For. and Pol. Dept, letter No. F. 363-G—29, dated the 16th Dec. 1930; and letter No. F. 363-G.—29, dated the 18th June 1931.)

ITEM NO. 3. B. E. F. NO. 134A. (BENGAL RULE 41, page 153).

**\*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 purpose or except as you may be ordered, and you must carry this Parwana with you whenever you carry the gun.

Signature Name Address Position in firm Name and  
address of firm . (Thumb impression of retainer to whom this parwana is issued).

ITEM 4. B. E. FORM 185 (New)—225 B. (Old.)

**Register of applications, (Rule 56 page 192 ante).**

Serial no.	Date of petition.	Name and residence of applicant.	Purport of petition.	Preliminary order and date by which the report (if any) called for must be submitted.	Date of submission of report	Final order and date	REMARKS.
1	2	3	4	5	6	7	8

ITEM No. 5.

(BENGAL RULE 56, page 192 ante).

**Form of Enquiry on an Application for a Licence under the Arms Act.**

ITEM No. 6. B. E. F. 126. (BENGAL RULE 72, page 199 ante.) B. E. F. 126

**Register of licences issued to persons residing in the police-station.**

(Govt. of Bengal letter no. 372-99 Pl. dated the 29th January, 1930 and letter no. 63 Pl. D., dated the 14th April 1930)

ITEM NO. 7. B. E. F. 189. (BENGAL RULE 92, page 208 ante).

**Register of cancelled licences under the Indian Arms Act, 1878.**

ITEM NO. 8. B. E. F. 393. (BENGAL RULE 122, page 218 ante).

**Register of import of fire-arms.**

ITEM NO. 9. B. E. F. 150. (BENGAL RULE 122, page 218 ante).

**Register of the import of arms by private individuals.**

ITEM NO. 10. B. E. F. 190. (BENGAL RULES 94 and 103, pages 209 and 213 ante).

**Form of the Arms Register of the Malkhana.**

ITEM NO. 11. P. R. B. F. 193. (BENGAL RULES 94, 95, 96 & 102, page 178-179 & 209-213 ante).

ORIGINAL.

NOTE.—The above form is required in triplicate.

ITEM No. 12,—B. E. F. NO. 131. (BENGAL RULES 117 and 119, page 216 ante).

**Sale Verification Slip**

No.....

Date.....

THE SUB-INSPECTOR... TOWN.

From the Commissioner of Police, Calcutta

To

The Superintendent of Police,—District.

The Supdt of Police .. District.

Please verify the following sale —

From dealer . . . . .

Signature and rank of verifying Officer

ITEM No. 13,—B E F NO 184 (NEW) (BENGAL RULES 89 and 90, pages 207 and 208 ante).

**Register of firearms and ammunition deposited for safe custody prescribed under condition 3 of Licence Form XIII.**

ITEM No. 14. (BENGAL RULE 111, page 184 ante). B. E. F. 186A

**Sale Book—section 17 (c) of Act XI of 1878, (For Calcutta only).****FIRE-ARMS AND AMMUNITION—**

- A.—Muzzle-loading
- B.—Breech-loading (rifled)
- C.—Breech-loading (not rifled)
- D.—Double-barrelled
- S.—Single barrelled.

ITEM 15,—B. E. F. 187 (BENGAL RULE 111, page 215 ante)

**Sale Book of Arms—section 17 (c) of Act XI of 1878. (For places outside Calcutta).**

ITEM 16,—B E F. 188 (BENGAL RULE 111, page 215 ante)

**Sale Book of Ammunition—section 17 (c) of Act XI of 1878, (For places outside Calcutta)**

ITEM No. 17—B F F 130 (BENGAL RULE 116, page 216 ante).

**Return of the Stock and Sales of Arms and Ammunition for the month of 19**

A.—Muzzle-loading B.—Breech-loading(rifled) C.—Breech-loading (not rifled.)	Number and quantity in stock on the 1st	Number and quantity imported by sea direct	NUMBER AND QUANTITY PURCHASED IN INDIA		Number and quantity manufactured locally	Total of columns 2, 3, 4, 5 and 6	NUMBER AND QUANTITY SOLD.		Number and quantity remaining in stock.
			From private individuals	From dealers			To private individuals.	To dealers.	
1	2	3	4	5	6	7	8	9	10

ITEM No 18—B E F No 400 (BENGAL RULE 112, page 215 ante).

**Stock of ammunition which can be fired from rifles of '303 or of '450 bore and from pistols and revolvers of '441, '455 or any intermediate bore.**

ITEM No. 19—B. E F No 401 (BENGAL RULE 112, page 215 ante)

**Sale of ammunition which can be fired from rifles of '303 or of '450 bore and from pistols and revolvers of '441, '445 or of any intermediate bore.**



## Local Rules and Orders—Bihar and Orissa.

BIHAR AND ORISSA GOVERNMENT NOTN. NO. 636 P. R., DATED THE 17TH MAY, 1920  
AND NO. 870 P. R., DATED THE 31ST MAY 1920.

## Rules under Section 16 of the Arms Act.

I. 1. Every licensed dealer with whom any arms, ammunition or military stores have been deposited shall give to the depositor a receipt and shall maintain a register in the appended form.\* He shall forward on the last day of each quarter to the District Magistrate a copy of the register certified as a true copy under his own signature.

2. Arms, ammunition or military stores deposited at police station shall, if not returned or disposed of within one month from the date of their deposit, be lodged at the head-quarters Court Police Office.

3. Subject to the provisions of rule 7 any arms, ammunition or military stores which are not returned or disposed of under section 16 (2) of the Act shall, after the expiration of three years from the date of their deposit, be forfeited to His Majesty.

4. The District Magistrate may prescribe fees on payment of which arms, ammunition or military stores shall be periodically oiled, cleaned, etc., at the police station or head quarters Court Police Office where they are deposited or lodged.

5. Licensed dealers shall not return arms, ammunition or military stores deposited with them to depositors or persons on whose behalf the deposits have been made except in the manner and to the extent permitted them for the sale of such arms, ammunition or military stores to such depositors or such persons aforesaid as the case may be.

6. Licensed dealers shall submit on the 31st December of each year to the District Magistrate, a statement showing the arms, ammunition and military stores that have become liable to forfeiture under rule 3.

7. Arms, ammunition or military stores deposited by a guardian on behalf of a minor may be left in deposit until the expiration of one year from the date on which such minor attains his majority, when, if the person entitled to receive them back or dispose of them as prescribed by section 16 (2) of the Act has not taken the requisite action they shall be forfeited to His Majesty.

FORM.\*—[ Rule 1 ]

Date of deposit.	Description, no. (etc.) of arms, ammunition or military stores.	Name and address of the depositor.	Date when due for forfeiture.	Date and method of disposal.	REMARKS.
1	2	3	4	5	6

II. Letter No. 428—32-P., dated the 15th July 1920— \* \* The Local Government have considered the following questions:—

(1) The reasonable quantities to be prescribed as the limits on the possession of arms by persons of approved character and status as defined in paragraph 4, sub-clauses (4) and (6) of the Resolution of the Home Department no. 2125-C., dated the 21st March 1919, (page 1). Whether different limits should be prescribed for different classes included within that description.

(2) It has decided that one rifle and one shot gun is a reasonable quantity for all applicants. The maximum quantity of ammunition to be possessed by the licensee at one time will be 1,000 for shot gun and 100 cartridges for ball. The Government do not consider that different limits should be prescribed for different classes included in the category of persons of approved character and status, but the grant of licences in excess of this limit should be left to the discretion

of the District Magistrate. The District Officers may be informed that they are expected to use their discretion in each case so that the number of arms or quantity of ammunition for which a licence is given to any applicant may not be clearly in excess of what is reasonable in view of his circumstances and position in life. The Local Government think that before licences for more than two rifles or four shot guns are granted by the District Officer the matter should be specially reported to the Commissioner so that he may be in a position to check any indiscreet use of his powers by a District Officer.

(3) As regards **revolvers and pistols** the attention of all District Officers should be specially invited to paragraph 4 (7) the Home Department Resolution mentioned in para 1. It should be clearly understood that licences for revolvers and pistols are not to be issued to all applicants who are of approved character and status but only to those who can show circumstances of **real necessity**. **District Officers should not hesitate to refuse applications for such licences** when they consider that the necessity for the possession of such weapons has not been established.

III. *Notn. No. 100-P dated the 20th July 1921.*—Under the proviso in column 3 of item 1 of Schedule II, the prohibitions and directions contained in section 5 of the Indian Arms Act, 1878, are imposed in respect of **swords, sword sticks and daggers** in all districts in the province and it is declared that no person in any district within the province shall manufacture, convert or sell or keep, offer or expose for sale the said weapons, except under a licence and in the manner and to the extent permitted thereby. Provided that this notification shall not prevent any person from selling any sword, sword-stick or dagger which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same.

IV. *Cn. No. 4236-10 P., dated the 27th July 1921.*—The Local Government have decided that persons exempted under Schedule I of the Indian Arms Rules should be required to **register annually all rifles, revolvers and pistols** in respect of which they are exempted. A copy of an order giving effect to this decision is enclosed and should be sent by the District Magistrate to each exempted person in his district. At the same time he should explain to them the reasons why Government consider registration to be essential. These reasons are that in the event of a revival of anarchical conspiracies it would be necessary to know where arms are which would be useful to disaffected persons and would be in danger of being seized by them. Further it will be easier to trace the history of a stolen arm which may be found with revolutionaries, and in the case of a serious outbreak the authorities will be in a position to know what resources they have in the way of effective firearms in possession of persons of undoubted loyalty.

*Order dated the 27th July 1921*—Under proviso (b) of sub-section (1) of rule 3 of the Indian Arms Rules, **every person exempted under the provisions of Schedules I of the said rules shall register in the manner described below all rifles, revolvers and pistols in**

respect of which he is exempted from the operation of any provision of the Indian Arms Act. Every such persons shall, between the 1st of November and the 31st of December in each year, submit to the District Magistrate of the district in which he is ordinarily resident a return in the following Form containing particulars of all such rifles, revolvers and pistols.

Name, address and profession of owner. Titles if any	Description of weapon	Bore of weapon.	Maker's name	Number of weapon.	Year of model or make if available.
	A Rifle-repeater, Magazine. Single or double barrel. B Revolver, No. of chambers. C. Pistol, Automatic, or single shot.				

V. **Power of District Magistrate of Dhanbad Sub-division.**—*Vide* note to Rule 2, page 71, *ante*.

VI. *Cir. No. 2283-88-P., dated the 29th March 1924, para 7.*—Attention is invited to the addition made to condition 11, in licence Form XVI, in accordance with proviso (c) to rule 42 (3) of the new rules, under which a **licensee may in case of any change of his residence get the licence renewed** by the nearest licensing authority, if renewal becomes necessary. In case of such renewals the renewing authority is required, under the rule, to report to the authority who granted the licence the fact of renewal and the period of its validity. No provision has however, been made in the rules for keeping the renewing authority informed of any subsequent changes of address, in the event of the licence-holder removing to another place, after renewal. The local Government desires that there should be such an additional check, so that the register of arms possessed within the jurisdiction of a licensing authority may be maintained as accurately as possible, and that the granting authority should also be instructed to report any information secured as to change of residence to all subsequent renewing authorities, of whose existence the former will necessarily be aware.

VII. *Cir. No 2518-23-P., dated the 9th April 1924.*—With reference to Mr. Shearer's letter No. 4236-40-F. dated the 27th July 1921, (on page 230), regarding the **registration of rifles, revolvers and pistols** in the possession of exempted persons, the local Government has now decided that such registration should in future be extended to all firearms in the possession of persons exempted under Schedule I to the Indian Arms Rules, 1924, and that it would suffice if every exemptee were required to furnish the District Magistrate with information as to all the firearms in his possession.

(2) In order to make the system effective it will be necessary for the District Magistrate to send the Form prescribed in the letter under reference by the 1st of November each year to each exempted person in their districts requiring him to return it duly filled up before the 31st December. It will probably save trouble, if the first return were submitted by exemptees in duplicate and one copy were sent out by District Magistrates to them merely for correction in subsequent years,

VIII. *Cir. No. 2512-12-P., dated the 9th April 1924.*—In continuation of paragraph 6 of Circular No. 2283-88-F., dated the 29th March 1924, regarding the administration of the Indian Arms Act, 1878, and in supersession of the orders contained in Mr. Shearer's letter No. 1454-58-P.R. dated the 13th September 1921, so far as they relate to the limitation of the **quantity of ammunition to be possessed by licensees**, it has now been decided that **no limit of ammunition** should be fixed in the case of **shot guns, '22 bore or target rifles**, but that in the case of **revolvers a limit of 100 rounds** and in the case of **rifles a limit of 200 rounds** per weapon should be ordinarily fixed. It is left to the discretion of licensing officers to exceed these maxima in exceptional cases when the applicant can prove to the satisfaction of the licensing officer that he actually needs a larger number. I am to request that the orders may be communicated to all licensing authorities.

IX. *Letter No. 90-91-P. T., dated the 20th April, 1925.*—With reference to the letter No. 2518-23-P., dated the 9th April 1924, the local Government have decided that persons who hold **life certificates of exemption** should be required to furnish the District Magistrate with information regarding the firearms in their possession in the same way as other exemptees.

X. *Letter no. 3022-12 P. dated the 20th April 1925.*—It has been brought to the notice of the local Government that licenses granted in Forms XIII, XVI, XVIII and XIX covering **rifles and pistols** frequently do not contain a **sufficient description** of the weapon for which the licence is granted. In particular it is essential that when a Magistrate grants a licence for a single barrel rifle or pistol, he should make it plain on the licence whether the weapon is a repeating or automatic rifle or an automatic pistol. The omission of such details involves unnecessary correspondence. I am accordingly to request that you will have the description of the weapon clearly specified in the appropriate column of all licences issued by you in future.

XI. *Letter no 3231-P. R. dated the 25th September 1925.*—In modification of the orders contained in letter No. 2283-88-P., dated the 29th March 1924, it has been decided that when the **holder of a licence in Form XVI** of the Indian Arms Rules, 1924, **changes his address permanently** he should, after the expiry of the existing licence, be granted a fresh licence in the new district where he resides and should not continue to be borne in the register of licensees of the district he has left. The Magistrate of the district in which the fresh licence is granted will then be in the position of the granting authority for the purpose of checking renewals. The licensee will, however, pay the renewal fee only on his fresh licence. A counterfoil register should be maintained in the following Form\* by each licensing authority and when such a licence is granted intimation should be given to the office of the original issue for cancellation of the counterfoil maintained in that office. If any doubt arises as to the permanent change of residence the criterion shall be that when a licensee presents his licence for renewal for a second time in a district other than that in which it was granted he shall be held to have taken up permanent residence in that district.

Counterfoil. Form No. XVI. (Rule 33),  
 Serial No. . Licence for the possession of arms and ammunition and for going  
 armed for the purpose of <sup>sport</sup> protection ,  
 display .  
 Serial number of licence—  
 Name, description and residence of licensee and agent, (if any)—  
 Arms or ammunition that licensee is entitled to possess. { Description—  
 Quantity—  
 Retainers (if any) covered by the licence. { Name of retainer—  
 Name of retainer's father—  
 Address of retainer—  
 Arms or ammunition that { Description—  
 retainer is entitled to { Quantity—  
 possess  
 District or place within which the licence is valid  
 Date on which the licence expires  
 The " " " " 19 . } (Signature)  
 Magistrate of the ——— District.

*Form for the renewal of the licence.*

Date and year of renewal.	Date on which the renewed licence expires	Signature of the Magte of the District	Date and year of renewal	Date on which the renewed licence expires	Signature of Magte. of the District
------------------------------------	--	---	--------------------------------	--	--

XII. Letter no. 3162-67 P. R. dated 11th October 1927,—(1) Instructions with reference to conditions 2 and 7 in licence Forms IX and XII of the Indian Arms Rules, 1924 :—

(i) Each licensee shall maintain a register of sale of all arms ammunition and military stores in Form A.

(ii) Each licensee shall submit in Form B, a monthly return of all sales, to the District Magistrate, through the Superintendent of Police,

(iii) Each licensee shall report to the District Magistrate, through the Superintendent of Police in Form C, on the day of sales, all sales of rifles, pistols and revolvers, and of rifle cartridges in excess of 25, of pistol and revolver cartridges in excess of 50, and of smooth-bore cartridges or cases in excess of 500

(iv) If sales of any arms or ammunition are made to persons not resident in the district in which the licensed dealer resides, he shall report within three days the sale in the form in Annexure C' to the District Magistrate of the district in which the purchaser resides. The dealer shall also keep a duplicate copy of the report and shall submit it to the District Magistrate of his district, through the Superintendent of Police, with the monthly return of all sales prescribed under condition (ii).

*Note.*—The report must be made of all arms and ammunition irrespective of the quantity sold. If the arms of the nature specified in condition (iii) or if the ammunition is of the quality prescribed in that condition an immediate report must be made as prescribed in this condition

(2) The Superintendent of Police will verify all sales reported under item (iii) above, and will note the verification done on each sale report before forwarding it to the District Magistrate. It is





## Schedule III.—Executive Form No. 176—B.

Return of the stock and sales of arms, ammunition and military stores  
Month—Year—

DESCRIPTION OF ARMS, AMMUNITION AND MILITARY STORES S. B.=Single-Bar- relled D B=Double-Bar- relled. M.L=Breech-Load- ing. B L=Muzzle-Load- ing	Number and quantity in stock at the end of previous month	Number and quantity on import by sea direct during the month.	NUMBER AND QUANTITY PURCHASED IN INDIA DURING THE MONTH		Number and quantity manufactured locally, during the month	Total (columns 2, 3, 4, 5 and 6)	NUMBER AND QUANTITY SOLD—		Total	Number and quantity in hand at the close of the year (Col 7—Col. 10)
			From pri- vate indi- viduals	From dealers			To pri- vate indi- viduals	To dealers.		
1	2	3	4	5	6	7	8	9	10	11
(a) Fire-arms — Rifles — (i) S B (ii) D B (b) Guns — (i) S. B M L. (ii) D B M L. (iii) S. B. B L. (iv) D B B L. (c) Combined Rifle and shot-gun (d) Revolvers .. (e) Pistols (b) Other arms — Swords Daggers Sword-sticks  (c) Ammunition Loaded Rifle cartridges Loaded Cartridges for guns Loaded cartridges for revolvers and pistols. Empty cartridge cases Gunpowder Percussion caps . (d) Military stores — Sulphur Leadene Bullets Leadene Bird-shot										

Date

Signed

Licence

To

The District Magistrate of—  
Thro' The Supdt. of Police—

## SCHEDULE III. EXECUTIVE FORM NO. 177.—C.—

Patna, \_\_\_\_\_ 192

From \_\_\_\_\_

To \_\_\_\_\_

The District Magistrate— (Through the Superintendent of Police).

Sir,

We sold in the \_\_\_\_\_ to \_\_\_\_\_ (name and father's name) \_\_\_\_\_,  
 (residence) \_\_\_\_\_ holder of licence no \_\_\_\_\_ granted by the District  
 Magistrate \_\_\_\_\_ the following <sup>arms</sup> ammunition

(i) Arms:—

Kind of arm \_\_\_\_\_

Description (including bore).

(ii) Ammunition:—

Number

Bore, (Mention whether rifle, revolver,  
pistol or shot gun)

Cartridges (loaded) \_\_\_\_\_

" (unloaded) \_\_\_\_\_

Yours faithfully,

Signature of dealer.

No. \_\_\_\_\_

Office of the Superintendent of Police.

Forwarded to the Supt. of Police \_\_\_\_\_ for favour of verification and return.

2. It is requested that this reference be forwarded to the authorities concerned  
 if the purchaser has left the jurisdiction.

\_\_\_\_\_  
 Signature.  
 Supt. of Police.

### XIII. Rules for the control of arms deposited in the district malkhanas (1915).

NOTE:—The word "arms" is used for convenience throughout these rules to indicate arms, ammunition and military stores, as defined in section 4 of the Indian Arms Act, 1878 (XI of 1878).

(1) Directly a licence to possess arms is cancelled, an entry to that effect shall be made in the register of cancelled licences and shall be initialled by the Magistrate in charge of arms licences. The register shall be in the form A appended to these rules. Entries in the register of cancelled licences should be made *thana* by *thana*, in chronological order, with an alphabetical index. These entries must be carefully examined before any new licence is granted under the Indian Arms Act, 1878, so as to prevent a person whose licence has been cancelled from obtaining a fresh licence through suppressing the fact of the cancellation of his former licence.

(2) After an entry in the register of cancelled licences has been made, an order, with full particulars of the arms covered by the licence shall be issued by registered post to the licensee directing him to deposit them at the police station within 14 days of receipt of the order, and warning him that in the event of his failure to do so he will be prosecuted under the Act. A copy of the order should be sent to the officer in charge of the *thana* for information and guidance.

(3) All arms deposited at a police station under rule 2 of these rules or in accordance with the provisions of section 14 and 16 of

the Indian Arms Act, shall at once be entered in a register to be kept for the purpose in the form C appended to these rules.

(4) If the licence is also deposited with the arms, an entry to this effect will be made in the register in form C. Licences will probably not be deposited with arms in all cases, but will be cancelled in the Magistrate's office at the time of rejection of the petition for renewal; and if this is the case, they will be filed in that office and will not be sent to the police station. If, however, a licence which has been cancelled is still in the possession of the licensee, he should be specially told to surrender it with the arms at the police station, and the *thana* officer will forward the licence to the court with the arms.

(5) Within 14 days from the date of deposit at the *thana*, the *thana* officer will forward the arms to the court after filling up the duplicate and triplicate copies of form C.

(6) On receipt of the arms in the court the Sub-Inspector will endorse the duplicate copy of form C and return it to the police station to be filed. He will then make the necessary entries in the arms register of the *malkhana* of which the form B is appended to these rules. He will then make over the triplicate copy of form C to the clerk in charge of licences (with the licence, if received) after endorsing on it the date of deposit in the *malkhana* and the number in the *malkhana* register in the form B appended to these rules.

(7) The clerk will enter the date of deposit and the number in the *malkhana* register in the register of cancelled licences, and will file the triplicate copy of form C.

(8) Every Sub-Inspector on assuming charge of a police station shall personally compare the arms in deposit at the police station with their descriptions in the register in form C, and make a certificate that he has done so in the register in his own hand, signed and dated.

Every Sub-Inspector on assuming charge of a court office shall personally compare the arms in stock in the *malkhana* with their descriptions in the *malkhana* register and make a certificate that he has done so in the register in his own hand, signed and dated.

(9) The Magistrate in charge of licences shall examine the register of cancelled licences once a month, and in any case in which delay has occurred he shall call on the *thana* officer for a report; and if on receipt of the report it appears to him that the fault lies with the licensee, he should submit the case to the District Magistrate for orders as to whether a prosecution should be instituted or not.

(10) The Magistrate in charge of licences shall inspect the court *malkhana* twice a year and should compare the arms in stock with the *malkhana* register and with the register of cancelled licences.

(11) If a licence which has been cancelled is subsequently renewed, the Magistrate will issue to the court Sub-Inspector an order, over his own signature, to make over the arms covered by

it, and will also send him the necessary licence and the triplicate copy of form C, received from the police station. He will also inform the licensee that the licence has been renewed. The Court Sub-Inspector will then despatch the arms with the licence and the triplicate copy of form C, received from the police station in which the licensee lives, and make the necessary entry in the *malkhana* register.

(12) The Sub-Inspector will acknowledge receipt of the arms, the licence and triplicate copy of form C, and will send for the licensee to take delivery of the licence and the arms. The licensee on taking delivery will sign the register and the Sub-Inspector will return the triplicate copy to the Magistrate with an endorsement signed and dated to the effect that the arms have been duly delivered.

(13) The Court Sub-Inspector shall follow the procedure indicated below in the case of all confiscated and forfeited arms; but, before doing so, he shall take the order of the Magistrate in charge of the working of the Arms Act, who shall before any arms are destroyed or transferred for the use of the police, or of any other department of Government satisfy himself that their number and description agree with those given in the *malkhana* register. All arms deposited under section 16 of the Arms Act must, however, be kept in the *malkhana* for three years from the date of deposit before they are so disposed of:—

(a) Arms, which are confiscated or forfeited under any provision of the Indian Arms Act, 1878, or of any other enactment for the time being in force, 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. It shall also be within the discretion of the District Magistrates to dispose of such firearms with the exception of revolvers and pistols as he considers suitable by sale to licence holders or exempted persons.

(b) If any such arms are not so retained or disposed of they shall be sent on the 1st March of every year from the districts of the Patna, Tirhut and Bhagalpur Divisions to the Bihar School of Engineering at Bankipore and from the Districts of the Chota Nagpore and Orissa Divisions to the Government Industrial School at Ranchi to be broken up or otherwise destroyed in the presence of an officer of the Imperial Police Service who will be deputed for the purpose by the Inspector General of Police and will carefully check the contents of each consignment before they are destroyed. Every consignment of arms for destruction shall be accompanied by an invoice in the form D appended to these rules.

Provided that bayonets, swords, daggers, spears, spearheads and bows and arrows shall, if possible, be sold to licensed dealers or other persons entitled to possess such articles, or, if they can not be sold, shall be destroyed locally.

[Note—Forms A, B, C, and D have not been printed—Compiler.]

XIV. *B. and O. Govt. letter No. 980-84 P. R., dated the 12th July, 1929* \* \* (3) The local Government have prescribed the following further instructions, which will apply equally to **retainers of holders of licenses in form XVI and to those of persons exempted under entry 1 (a) of Schedule I.**

(a) A servant who merely carries his master's gun, for convenience, or cleans it, or looks after it during his master's absence from home, should not be regarded as a "retainer" requiring formal recognition.

(b) Retainers should not be licensed for "sport."

(c) For "display," a retainer may be allowed one musket or muzzle loader.

(d) For "protection" or for "protection and display," a retainer may be allowed such firearms as the District Magistrate considers suitable in each case.

Effect should be given to restriction (b) above by cancellation of the "sport" entry which appears in the heading, and in condition 6, of form XVI-A, and of the whole of condition 10 of that form; and in form XVI licences, which include any retainers, by an endorsement that they are only licensed for display or protection, or both, as the case may be.

XV. *B. and C. Govt. letter No 5184-88-P, dated 16th Dec. 1930 to Commissioners of Divisions.*—The local Government consider that the present position as regards retainers of those zamindars in Bihar and Orissa, who are exempted under clause 6 (c) Schedule I of the Indian Arms Rules, is not altogether satisfactory. Hitherto in accordance with the orders contained in \* \* \* \* the only requirement has been that all the exempted arms should be reported annually, but it appears that in most districts at any rate, no list of retainers is kept in the district office.

(2) Government are anxious to avoid imposing troublesome restrictions on exempted zamindars unnecessarily, and do not, therefore, propose to prescribe, *e. g.*, the allocation of specific weapons to particular retainers, but in the interests of the exemptees themselves, as well as the administration, and in order to ensure a reasonable control over the weapons of retainers, which should, among other things, guard against their falling into unauthorized possession, the following instructions are laid down.

(a) A license, which will be granted free of all fee should be taken out for every retainer in the enclosed form (not printed), which the exemptee should be asked to fill in and send to the District Magistrate every year for the signature of the Magistrate dealing with Arms Act cases.

(b) A retainer who has been allowed a license for any particular class of weapon, *e g.*, a muzzle loader, may use any weapon answering that description from the exemptee's armoury for the purpose given in column 4 of the new form.

(c) A retainer may be licensed for "display" or for "protection" or for "display and protection", but on no account for "sport", which accordingly finds no mention in the new form.

It should be noted that a servant who merely carries his master's gun, for convenience, or cleans it, or looks after it during his master's absence from home, should not be regarded as a "retainer" requiring formal recognition.

(3) Steps are being taken for standardization and printing of the new Form XVI-B, and District Officers should indent for the supply of their requirements in the usual way.

XVI. *Govt. of India, Home Dept., letter no. F 21-XXI-31 dated 10th September 1931 to the Govt. of Bihar and Orissa.* \* \* \*

(2) It has been brought to the notice of the Government of India that a firm in Hamburg has manufactured a pistol in the form of a **stylographic pencil** for which they expect to find a market in India. The pistol can be used for firing a shot cartridge and can also take the standard 320 revolver ball cartridge. The cartridges supplied with the pistol are loaded with 47 grains

of smokeless powder and a glutinous bag-containing a **virulent liquid tear gas**. I am to request that the attention of licensing authorities in Bihar and Orissa may be drawn to the necessity for refusing all applications for permission to import this dangerous pistol and its ammunition.

XVII. *B. and O. letter No. 5164—69-P. dated 8th Dec. 1931.* The Government of India have recently drawn attention to a disquieting feature in the **annual returns of fire-arms** in the possession of the public which show a large increase in the number of cases of lost fire-arms and in the number of crimes in which fire-arms were used. They write as follows:—

"Having regard to the large increase in **terrorist crime**, the Government of India attach great importance to all possible measures taken to prevent arms coming into the possession either of terrorists or of persons who are likely to transfer them to terrorists. In this connection it is particularly desirable that licences for the possession of **revolvers and pistols** should be given only after a careful enquiry. It is also suggested for the consideration of local Government that in cases where a licensee loses the arms for which he holds a licence, a fresh licence should not be given unless the licensing authority is fully satisfied that the applicant can be trusted to keep the arms in safe custody."

(2) The local Government have already issued orders pointing out to District Officers that licences for **revolvers and automatic pistols** should only be issued in cases of **real necessity** and to **persons of approved** character and attention is invited to the orders communicated in letter no. 98—102, dated the 8th January 1929, which were reiterated in letter no. 1723—27-P., dated the 23rd February 1931. The Local Government has no reason to believe that these orders have been overlooked but the matter is of such importance at the present time that it is necessary again to draw attention to these orders. In all District Offices standing orders should be issued to ensure that these orders are brought to the notice of all newly appointed District Officers.

(3) The Governor in Council also endorses the suggestion of the Government of India that in cases where a licensee loses the arms for which he holds a licence, a **fresh licence** should not be given unless the licensing authority is fully satisfied that the applicant can be trusted to keep the arms in safe custody. District officers probably already follow this policy which is clearly necessary at the present time.

(4) There is also a further measure which may be taken to prevent the loss of **revolvers and pistols**. Under rule 45 of the Indian Arms Rules the licensing authority may, for the purpose of satisfying himself that the arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by an 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. In paragraph 6 of letter no. 1191-P. R., dated the 30th August 1923, it was stated that it was not necessary that fire-arms should invariably be produced at the time of the renewal of the licence, but that it was essential that the District Magistrate should have the power to call for



the production of arms whenever he considers it necessary to do so. His Excellency in Council suggests that at the time of the renewal of the licences for next year licensees should be asked to produce their revolvers and automatic pistols. The order should be such as not to cause unnecessary trouble to respectable licensees, for instance, those living in outline subdivisions might be asked to produce them before the sub-divisional Officer. It may also not be necessary to ask all licensees to produce their revolvers, but it would certainly be desirable in any case in which the reliability of the licensee is doubtful.

(5) Steps should also be taken to verify the revolvers and pistols in the possession of exempted persons. Such persons are required under the orders communicated in letter no. 2518—23-P, dated the 9th April 1924, to have their arms registered. They would also be asked if the District Magistrate considers it desirable to produce revolvers and automatic pistols, but in this case also care should be taken to see that unnecessary trouble is not caused to exemptees.

XVIII. *Govt. of B. & O. no. 1949—70-P., dated 27th Feb. 1932.* The attention of the local Government has been drawn to notice in the press advertising **Alarm or Toy pistols**. The pistols themselves are harmless but the corks they are intended to fire contain a mixture of Sulphide of Arsenic and Chlorate of Potassium and are liable to cause damage. It is necessary therefore that the possession of pistols provided with these corks should be controlled. I am to point out that the Govt. of India in the Department of Industries and Labour, in their notification no. M. 1219, dated the 8th November 1927, (copy below) have under section 6 of the Indian Explosives Act, 1884 (Act IV of 1884) prohibited the manufacture, possession and importation of any explosive consisting of, or containing sulphur or sulphuret in admixture with the Chlorate of Potassium or with any other Chlorate. These corks contravene that notification and therefore under section 6 of the Act any person manufacturing, possessing or importing the mixture is liable to a fine which may extend to Rs. 3,000. I am to request you to publish as widely as possible the legal position regarding the possession of Alarm pistols provided with corks of this nature to see that the provisions of the Indian Explosives Act and of the Indian Explosive Rules are strictly enforced.

\*Govt. of India, Dept. of Industries and Labour, notn. no. M. 1219 dated the 8th Nov. 1927. In exercise of the powers conferred by section 6 of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to prohibit the manufacture, possession and importation of any explosive consisting of or containing sulphur or sulphuret in admixture with chlorate of potassium or any other chlorate;

Provided that this prohibition shall not extend to the manufacture, possession or importation of such explosive—

- (a) in small quantities for scientific purposes, or
- (b) for the purpose of manufacturing heads of safety matches.

XIX. H. D. letter no. F 21-LV-28 Police, dated the 28th Feby. 1929 regarding Gas Hand Grenades and Riot Pistols circulated with memo no. 1696-1701 P, dated the 8th March, 1929,—printed as note - (6) to section 4 of the Arms Act, on page 26 of the Manual,

XX. H. D. letter no. F. 21-XXXI-30 Police, dated the 8th May 1930, regarding **Life Preservers**, circulated with memo no. 3146-52 P, dated the 18th May, 1930,—printed as note (7) to section 4 of the Act, on page 26 of the Manual.

XXI. H. D. letter no. F. 21-LXXIII-30 Police, dated the 17th Novr. 1930 regarding the **Appliance known as "Stop"** circulated with memo no. 4719-25 P. dated the 2nd December 1930,—printed as note (9) to section 4 of the Act on page 26.

XXII. H. D. letter no. F. 21-XXX-23-Police, dated the 15th March 1924, regarding **equipment of an officer of the Army or Royal Air Force** circulated with memo no 2235-40 P. dated the 28th March 1924,—printed as notes (10) and (11) to section I of the Act, on pages 24 of the Manual.

XXIII. H. D. letter no. F. 21-XXX-23-Police, dated the 15th October 1924 regarding arms which form part of the **equipment of officers of the Army or Royal Air Force** circulated with memo no. 4185-90 P. R., dated the 23rd October 1924,—printed as note (11) to section 1 of the Act, on page 24 of the Manual.

XXIV. H. D. letter no. F. 21-XLVI-25 Police, dated the 23rd Oct. 1925 regarding **equipment of military officers** circulated with memo no 4051-56 P. dated the 2nd November 1925.—*vide* notes (10)-(12) on page 24 of the Manual.

XXV. *B. and O. notn. no. 740 P. R. dated 21st June 1930* Under item 1 of third column in schedule II, the prohibitions and directions section 13 of the Act are retained in respect of **swords and daggers** in the Sadar Sub-Division, Manbhum District.

XXVI. *B and O. letter no 3436 P. dated the 31st March 1933.* Under the amended rule 42 (3) (b) of the Indian Arms Rules 1924, the **Subdivisional Magistrates** in the **Chota Nagpur Division** are empowered to renew arms licenses in forms XVIIA, XVIII and XIX provided that a report is first called for from the police and that it is not adverse.

XXVII. *B. and O. no 3777-81 P. dated the 12th April 1933.* The Government of India have decided that no amendment to the Arms Rules is necessary for the purpose of ensuring **safe custody of arms and ammunition by dealers** in arms as they consider that the object in view can be secured by the issue of executive instructions. The Government therefore desires that in granting or renewing licenses for the **sale of arms ammunition**, the licensing authority should satisfy himself in all cases that, satisfactory storage arrangements exist. Licences for the sale of rifle ammunition and **revolvers and pistols** and their ammunition should not be granted or renewed unless the dealer is in possession of a **steel safe** of modern design for their custody. These instructions be communicated to the licensing authorities in your division.

XXVIII. *B. and O. letter no, 1297-1301 P. R. dated the 23rd June 1933.* All arms in the possession of licensees should be inspected by the licensing authorities at the time of the renewal of the licences, and that all **exempted persons** should be required to

produce their **revolvers and pistols**, either personally or through their agents, for inspection once during the year.

2. In order to enable licensing authorities to exercise a more **effective check** on licensed **revolvers and pistols**, the Government of India have directed that although as the rules stand licences for such weapons may be granted or renewed for a period of three years, they should not be granted or renewed for more than one year save in every exceptional circumstances. In the exceptional case where such a licence is granted or renewed for more than one year, the possession of the weapon should be verified once a year under rule 45 of the Indian Arms Rules.

XXIX. *B. and O. letter no. 2179-83 P. dated 5th March 1934.* The directions contained in 1 of letter no. 1297-1301 P. R., dated the 23rd June 1933, **relating to inspection of arms of military personnel by Civil authorities**, do not apply to arms in the possession of military personnel, a complete check over which is exercised under the orders contained in the India Army Orders. Instructions to the above effect may be issued to the licensing authorities in each division.

XXX. *B. and O. no. 3536-86 dated 6th October 1933.* Under section 1 (b) of the Indian Arms Act no licence is required for the **possession of arms carried by police officers** and others as part of their equipment. In the absence of any license for such weapons, there have been instances in which exemptees in this province have experienced difficulty in obtaining supplies of ammunition. To remove this difficulty the procedure detailed below should be followed.

2 Where a person is exempted from the operation of the provisions of the Indian Arms Act, he should have an exemption certificate stating the weapon in respect of which he is so exempted. This will be sufficient to enable him to **obtain supplies of ammunition**. In the case of **subordinate officers of the Police Department**, the certificate should be granted by the Superintendent of Police and in the case of the Superintendent himself and of persons who do not belong to the Police Department, the certificate should be granted by the District Magistrate.

3. It is advisable for the District Magistrates and Superintendents of Police to keep a record of the exemption certificates issued. This can be done by keeping copies of such certificates in a file.

XXXI. *B. and O. letter no. 5398-5403 P. dated the 11th Decr. 1933.* With reference to entry 3 in Schedule VII of the Indian Arms Rules, 1924, the Government of India desire that an **officer of the former Indian Army Reserve** should, on becoming a member of the present Army in India Reserve, continue to enjoy the privilege of a free licence in respect of the arms which formed part of his equipment. The concession applies only to arms subsequently purchased, whether in replacement of or in addition to those originally held as part of equipment.

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## Local Rules and Orders—Punjab.

I. *Punjab notn. no. 2460 dated the 3rd July 1879*—(1) Cancelled—*Vide notn. of the Government of India, Home Department No. F.21-XLVI-31 dated the 30th Decr. 1931.*

2. Extension of **section 15** of the Arms Act, to the Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan Districts,—(*Vide Note to section 15, page 39.*)

II. *Punjab circular no. 12-1309, dated the 29th September 1899*—

(1) It has been decided that the executive authorities will be acting within the provisions of the law if they treat the **weapons known as chhavis** as arms for the purposes of the Indian Arms Act, 1878, and the rules thereunder and that they shall henceforth be so treated, except in the two Frontier Divisions of the Province, subject to the instructions which follow.

(2) The **Scheduled districts of the Punjab** have been withdrawn from the operation of all prohibitions and directions contained in **section 13** of the Act, which does not, therefore, apply to the tracts of **Lahaul and Spiti**. Clause 2 of **section 32** of Act No. XXXI of 1860 (page 38) did not at the time, when Act XI of 1878 came into force, apply to the districts of **Simla and Kangra**, and **section 15** of Act XI of 1878 has not subsequently been extended to either district. The result, then, of the ruling contained in paragraph 1 of this letter in the four Cis-Indus Divisions of the Province, is that the executive authorities are instructed to assume that the law is as follows :—

(Except in **Lahaul and Spiti**) no person shall go armed with any **chhavi** except under a licence and to the extent and in the manner permitted thereby (**section 13** of the Arms Act). Any person so going armed without a licence or in contravention of its provisions may be disarmed by any Magistrate, **Police officer or other person** empowered by the local Government in this behalf by name or virtue of his office (**section 13**). **Except in the Simla and Kangra districts** no person shall have in his possession any **chhavi**, except under a licence and in the manner and to the extent permitted thereby (**section 15** of the Arms Act). The rest of the Act and the rules thereunder are similarly to be assumed applicable to **chhavis** in the same way as to other arms. To go armed with such a weapon contrary to the provisions of **section 15**, is to commit an offence under **section 19 (e) (f)** or **section 20**, as the case may be, and an offence which in either case is cognizable by the Police. (**Schedule II to the Criminal Procedure Code, 1898**).

(3). It will be the duty of Commissioners and District Magistrates to see that the Crown is adequately represented at all stages in every case in which the application of the Arms Act and rules to **chhavis** is likely to come in question before the Courts, and that every case in which a judicial ruling on the subject has been given, whether by a Civil or a Criminal Court, is promptly reported to Government. It remains to indicate the lines on which the law, as interpreted in paragraph 1 of this circular, should be enforced.

(4) It is undesirable that there should be any general house searches to discover **chhavis** improperly possessed, though it is not intended to prohibit search under section 25 when definite information has directed attention to particular house or when the perpetration of crimes of violence in which weapons of the kind have been used, is traced to particular localities. The objection is to general searches without special reason. A person found carrying a **chhavi** contrary to the provisions of section 12 or section 13 may always (subject to the remarks on the subject of notice in the next following paragraph) be deprived of his weapon by a properly authorised person and similar weapons found in the course of properly authorised searches may always be taken away by the police in the exercise of their preventive authority, even if no prosecution in respect of them is instituted. It is however desired that no seizure of an unlicensed **chhavi**, whether in the exercise of the preventive authority conferred by section 149, Criminal Procedure Code, or under section 13 of the Arms Act, should be made by any police officer below the rank of sergeant.

(5) The first step to take, however, is to issue a proclamation in each district concerned warning the people that they must apply within one month for licences in respect to **chhavis**, or deposit them with the officer in charge of the nearest police station.

(6) Licences should be freely granted for purposes of protection to respectable persons, and in circumstances where it seems likely that the deprivation of **chhavis**, would tend to encourage rather than diminish crimes of violence by taking away from the well-disposed the means of defending themselves. The question of abolishing the levy of fees for licences \* \* whether for **chhavis** or for other arms, is under consideration, but for the present it will be necessary to follow the existing rule on the subject.

(7) Prosecutions should not for the present be generally instituted, and where instituted they should be conducted with caution and carefully watched. Short of prosecution for a breach of the Arms Act, it is always open to the District Magistrate to instruct the police to take persons found carrying **chhavis** before the nearest Magistrate, in order that he may satisfy himself as to their antecedents and ascertain whether security ought to be demanded from them under section 107, 109 or 110, Criminal Procedure Code: and instructions to this effect might be given to all Police officers not below the rank of officers in charge of stations.

(8) In the districts of Lahore, Amritsar and Ferozpur the instructions of the circular in respect to **chhavis** should be carried out in regard to long handled **gandasas** also. As regards other districts, I am to say that the long handled **gandasas** is, in some places, a weapon almost, if not quite as formidable as the **chhavi** and used, like the **chhavi**, for purposes of offence, and not, as an agricultural implement: and where this is the case, the District Magistrate would be similarly justified in treating it as a weapon coming under the provisions of the Arms Act. If, therefore, any Deputy Commissioner thinks it desirable to proceed on these lines in regard to any such weapon which is not capable of being classed

as a chhavi, he should refer the matter, through the Commissioner, for the orders of Government, stating what definition he proposes and the reasons for the measure.

(9) Commissioners should keep a careful watch on the manner in which Deputy Commissioners in their Divisions give effect to the instructions contained in this circular.

(10) The Inspector-General of Police will be requested to notice the effect of the measures now to be taken against **chhavis and gandasas** in the Police Administration Report for the current year.

III. *Punjab circular no. 5-1125, dated the 16th Oct. 1903*—(1) As there has been some misapprehension as to the purport of the letters \* \* \* regarding the treatment of **chhavis and gandasas as "arms"** under Act XI of 1878, I am directed to address you as follows:—

(2) As noted in the Chief Court's decision, no. 16 P. R. of 1909, (*Vide* notes (11) and (29), on pages 27 and 28), any **weapons or instruments carried or possessed for the purpose of offence and defence**, come under the category of "arms." The more common weapons and instruments which when carried or possessed by individuals may universally be presumed to be so carried or possessed for purposes of offence or defence are specified in section 4 of the Act, but the list there given is not exhaustive and the Local Government in 1899, after considerable enquiry concluded that—(a) **chhavis** throughout the Province, and—(b) **long-handled gandasas** in the **Lahore, Amritsar and Ferozpur districts** were so very rarely carried or possessed, except for purposes of offence and defence that the executive officers of Government might properly treat these weapons as "arms" within the meaning of the Act. District Officers were accordingly, in letter No. 1302, dated the 29th September 1899, authorised to treat these weapons as "arms."

(3) It was not intended by the instructions above described to limit the action of District officers to the weapons there mentioned. It is still open to them to take action under the Arms Act either:—

(a) generally as regards weapons in respect of which they may have received authorisation under the last sentence of paragraph (8) of the letter of 29th September 1899, (page 245), or

(b) in particular instances as regards weapons or instruments of any description which in those particular cases appear to be possessed or carried for purposes of offence.

That action under (b) can be taken by Deputy Commissioners without reference to higher authority.

IV. *Punjab letter no. 664, dated the 22nd April 1915*.—Since the attention of District Magistrates has now been drawn to their **discretionary powers** in the matter (**renewal of licences granted by District Magistrates**) the Local Government while considering that two years would ordinarily be a suitable period for the duration of such licences, is content to leave further action in their hands, subject to any instructions which you may see fit to issue to suit the circumstances of particular districts or classes of persons in your division.



V. *Punjab notn. no. 1449, dated the 1st November 1915*—Whenever a licensee makes a **sale of arms, ammunition or military stores**, he shall within 48 hours make a report thereof to the Superintendent of Police of the District in which the licensee has his place of business, factory or shop and shall in such report state—

- (a) The name, description and residence of the person who takes delivery of the articles sold ;—(b) the nature and quantity of the articles sold ; and—(c) the date of sale.

and such report shall be signed by the licensee.

The Inspector General of Police, Punjab, has been asked to instruct Superintendents of Police in the province to inform the District Magistrates of the district in the United Provinces in which the purchaser resides, of all **sales of arms and ammunition** (such as rifles and their ammunition ; pistols, revolvers and their ammunition ; air-pistols ; walking-stick rifles and sword-sticks), the **verifications** of which will be obligatory. The Government of the United Provinces was informed that for purposes of verification sales in those Provinces to residents of the Punjab, report should be made to the Superintendent of Police of the district, or in the case of residents of Native States to the Political Agent, concerned.

As regards the North-West Frontier Province the Inspector-General of Police, Punjab, had been asked to arrange for the supply to the Superintendent of Police concerned (in the case of British Districts), to the Deputy Commissioner, Hazara, (in the case of Amb and Phulera) or to the Political Agent, Dir, Swat and Chitral (in the case of Chitral, Dir and Nawagai), as the case may be, of details received regarding **sales made to persons** residing in the Province.

VI. *Punjab notn. no. 3919 dated the 7th Feby 1921*—With reference to entry (u) in column two of entry 5 in Schedule II of the Rules in all districts of Punjab except the district of Dera Ghazi Khan **Sulphur** in quantities not exceeding ten years, is exempt from all prohibitions and directions contained in the Arms Act.

VII. *Punjab notn. no. 10744 dated the 5th April 1921*.—With of the Rules reference to entry (u) in column two of items 4 of Schedule II in all districts of the Punjab, except the districts of Mianwali, Muzaffargarh and Dera Ghazi Khan **lead bullets and bird shot** in quantities not exceeding one cwt. is exempt from all prohibitions and directions contained in the Arms Act.

VIII. *Punjab notn. no. 10746 dated the 5th April 1921*.—With reference to entry (i) in column two of item 6 of Schedule II in the districts of Mianwali, Muzaffargarh and Dera Ghazi Khan, **lead** required for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) in quantities not exceeding one cwt., is exempt from all prohibitions and directions contained in the Arms Act

*Punjab no. 6820 dated the 5 Murch 1923*.—Under clause (b) of sub-rule 3 of the Indian Arms Rules, 1924 the Government of the Punjab has directed that all persons who enjoy exemptions under Schedule I shall furnish to the District Magistrates 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.

IX. Exemption from payment of fees of certain persons in the Simla district. *Vide* note (1) to Schedule VII, page 119.

X. *Punjab no. 1831 dated the 5th March 1924.*—With reference to sub-rule (3) of the 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.

XI. *Punjab notn. no. 1374 dated the 20th July 1929*—Under the proviso in column 2 (*in*) of the table in Schedule II of the Indian Arms Rules, 1924, the prohibition and directions contained in sections 5, 6, 13 and 14 of the Indian Arms Act, 1878, are retained in respect of the **air-pistols** of the kind specified in head (*in*) of entry 2 of the same table in the whole of the Punjab.

XII *Punjab notification no. 15144 dated the 2nd June 1924.*—In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (VII of 1870), read with section 2 of the Devolution Act, 1920 (XXXVIII of 1920) the Governor in Council is pleased—

(1) to **remit all fees** payable under Schedule II of the said Act upon applications for the grant or renewal of licences or duplicates under the Indian Arms Rules, 1924, in respect of which a fee is payable under those rules, and

(2) to **reduce to one anna all fees**, exceeding one anna, payable under the said Schedule upon other applications relating to licences or duplicates granted or renewed under the said rule. (In this connection, *Vide* note to rule 29 of the Bengal Rules, page 178).

XIII *Punjab. circular no. 22396 dated 13th Oct, 1924.*—\* \* It appears that an impression has been created that if an **exemptee fails to register the fire-arms** in his possession within the period prescribed by the Punjab Government notification no. 6823 dated the 5th of March 1924 his exemption is automatically cancelled. The failure on the part of an exemptee to comply with the orders contained in the notification referred to merely renders him liable to the cancellation of his exemption, and that no exemption should be treated as cancelled until the orders of Government have been obtained. It is not intended that references should be made to Government except in cases in which the failure to register amounts to a wilful refusal to comply with the condition laid

down in proviso (b) to sub-rule 1 of rule 3 of the Indian Arms Rules, 1924 (page 71).

XIV. *Punjab, circular no. 25754, dated the 18th November 1924.*—  
 \* \* \* The Government of India stated [in para. 6 of resolution No. F-829-1-22, dated the 3rd November 1924, (page 16)], that they had decided that **entries 11, 11-A and 11-B, in Schedule I, of the Indian Arms Rules, 1920**, should be deleted, and that no exemption of the kind permitted by these entries should be continued in the new rules. At the same time, every person who had enjoyed exemption under these entries in the old rules was to be entitled, under the rules of 1924, to a life licence in from XVI, free of all fee, in respect of any arms then in his possession and hitherto exempt from licence. Exemptions under entries 11, 11-A, and 11-B, in Schedule I to the Indian Arms Rules, 1920, were for the first time restricted in the Punjab Government notifications no. 581, dated the 9th of January 1922 and no. 20656 dated the 15th August 1923. It has been brought to the notice of the local Government that the Government of India resolution referred to and these notifications have been in some districts interpreted as contradictory. In granting licences in accordance with the orders in para. 6 of the resolution the restrictions imposed by the Punjab Government notifications of 1922 and 1923 may be waived.

XV. *Punjab, letter no 4029 dated the 12th February 1925.*—\* \* \*  
 The orders contained in letter No. 25754 dated the 18th November 1924, were not intended to **permit an extension of the period of six months** prescribed by para. 6 of the resolution of the Government of India No F-829-1-22 dated the 3rd November 1924, but to enable Deputy Commissioners to deal with doubtful cases still pending before them. In the circumstances explained in the concluding paragraph of your letter, however, the local Government agrees to give Deputy Commissioners discretion to treat, as having been submitted within time, any applications for life licences in form XVI which are not so submitted, but for the late submission of which a reasonable excuse exists.

XVI. *Punjab letter No. 4306 dated the 16th February 1925.*—The orders contained in letter No 10238, dated the 2nd April 1924, were not intended to limit the exemption enjoyed under the Indian Arms Rules, 1924, by **Great Sardars and Jagirdars** to particular weapons, and that replacements within the limit of the exemption enjoyed in each individual case are therefore permissible. No specific orders are necessary with regard to other persons enjoying exemption under Schedule I to the Rules for whom no limit of possession has been fixed, but it may be assumed that in their case also the same principle would be followed should occasion arise.

XVII. *Punjab letter no. 14904 dated the 17th June 1925.*—A case has come to the notice of Government in which a burglary at the premises of a licensed dealer in arms resulted in the **loss of six revolvers and a number of knives**. In the course of the ensuing police investigation it was observed that the premises were not adequately protected against theft. In this connection I am to

invite attention to rule 5 of the rules circulated with \* [notification no. 8408, dated the 5th March 1907, below] which requires the police to carry out quarterly inspections not only of the stock but also of the shop and premises of manufacturers of and dealers in, arms and to request that in future these inspections may be made to include an examination of the arrangements for the protection of the premises against theft, defects in which should be reported to the licencing authority concerned without delay.

XVIII. \* *Punjab notification no. 8408 dated the 5th March 1929,—* The following revised rules have been made in supersession of those published with notification no. 943 dated 10th July 1907, no. 15486 dated 10th May 1922 and no. 23576 dated 9th Oct. 1923.

1. All Magistrates and all Police Officers not below the rank of officer in charge of a station are empowered to **detain** arms, ammunition and military stores under **section 6**.

2 All police officers not below the rank of officer in charge of a station are empowered to **conduct searches** under section 25

3. All police officers of rank not below that of officer in charge of a station are appointed, in virtue of their office, to conduct **searches under section 30**.

4. All persons holding licences to manufacture, convert, sell or keep for sale arms, ammunition or military stores shall maintain **stock books and accounts of receipts and issues** in forms A and B of the Appendix to these rules and all persons holding licences to sell or keep for sale arms, ammunition or military stores shall maintain stock and account books in form C and D. The pages of these books shall be numbered, and before any entries are made, the books shall be exhibited, together with the manufacturer's or dealer's licence, to the District Magistrate or to a Subordinate Magistrate. Such Magistrate will sign the first and last pages of each book and seal them with his official seal.

5. The shops, premises and stocks of all licensed **manufacturers and dealers shall be inspected** once in every quarter by a police officer not below the rank of Deputy Superintendent. In a district in which there is no Assistant or Deputy Superintendent of Police quarterly inspections may be carried out by an Inspector. At least one inspection in each year shall be performed by the Superintendent of Police. At the time of inspection the books shall be initialled by the Inspecting Officer. Any irregularity or breach of the rules which may be noticed shall be at once reported to the District Magistrate.

6. (1) Whenever a licensee makes a **sale of arms, ammunition or military stores** he shall within 48 hours **make a report thereof** to the Superintendent of Police of the district in which the licensee has his place of business, factory or shop and shall in such report state—

(a) The name, description and residence of the person who takes delivery of the article sold; (b) The nature and quantity of the articles sold; (c) The date of sale; and such report shall be signed by the licensee.

(2) Similar details of purchases of arms made by Indian Chiefs and Notables of Indian States shall be communicated by the Arms Dealer immediately after the transaction direct to the Political Officer in charge of the State to which the purchaser belongs. Copies of the list of Independent and Native States showing the designation and address of the political officer in charge of them are supplied to the District Magistrates and each vendor of arms should be provided with a copy.

7. Under proviso (a) to sub-rule (3) of rule 42 the Governor in Council is pleased to direct that licences in form XI and form XII may be renewed by the Commissioner of the Division in which the licensee resides or carries on business.

8. On receiving notice of sale, under clause 2, section 5, by a person lawfully possessing arms to any person not prohibited from possessing the same, the Magistrate or Police officer may make inquiries as to the correctness of the purchaser's name and address, and, if necessary, obtain a report from the Superintendent of Police of the district in which the purchaser lives.

#### Disposal of arms, ammunition or military stores under section 16 of the Act.

9. When any arms, ammunition or military stores have been deposited at a police station under section 16 of the Act, the officer-in-charge of the station shall affix to each weapon or article a ticket showing the name of depositor and the date of deposit and shall give the depositor a duplicate or copy of the same. After seven days, if the owner has not obtained a licence authorising him to possess them, the arms, ammunition or military stores shall be forwarded to the head-quarters of the district and kept in the *Malkhana* of the District Magistrate or in the Police Magazine. The sheriff or other ministerial officer to whom they are entrusted shall keep a register in which the articles so deposited shall be described and entered under serial numbers, and fresh tickets shall be affixed showing the owner's name and the corresponding number of the Register.

10. (i) Arms and ammunition, the possession of which has become unlawful, may be deposited with such licensed dealer only as possess a supplementary licence from the Local Government in form M attached to those rules.

(ii) Such licences may be granted by the District Magistrate of the district in which the applicant resides to the holder of a licence in form IX, X, XI or XII, in Schedule VIII attached to the Indian Arms Rules, 1924.

11. The depositor shall, within a week of deposit, deliver to the District Magistrate of the district in which he resides a receipt obtained from the licensed dealer for the articles deposited.

12. (1) Arms, ammunition or military stores deposited under section 16 (1) of the Indian Arms Act, 1878, with an officer in charge of a Police Station shall be forfeited to His Majesty on the termination of one year from the date of deposit.

(2) Arms, ammunition or military stores deposited under section 16 (1) of the Indian Arms Act, 1878, with a licensed-dealer shall be forfeited to His Majesty on the termination of three years from the date of deposit :—

Provided that the District Magistrate of the district in which articles are deposited may, for special reasons, extend the period mentioned in sub-rule (1) or sub-rule (2) by not more than six months, or, where the articles are deposited in consequence of the decease of the owner and the articles are inherited by a minor, until the termination of the latter's minority.

13. Arms, ammunition or military stores seized under sections 11, 25 or 26 shall be dealt with according to the procedure laid down in rule 9 (above).

#### Disposal of confiscated arms ammunition or military stores.

14. Arms, ammunition or military stores that have become forfeited to His

**Majesty** under rule 13 or that have been confiscated under section 24 of the Act, shall be disposed of as follows :—

(1) **Arms, ammunition and stores which can be utilized** 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 sub-rule (1) shall be destroyed.

### **Grant of rewards to informers.**

15. When any **arms or other articles are confiscated** under section 24 of the Act, the convicting Magistrate shall immediately upon conviction, pay a reward of not less than half the value of 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 offenders and seizure of the arms or other articles. Magistrates should arrange for such payments by recommendation to the Police Department, at whose disposal there is a provision for such rewards under head 26-B-Police.

16. 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 offenders or the seizure of the arms or other articles. Arrangements for payment should be made as in the above rule.

### **Registers of Licences.**

17. Every District Magistrate shall keep up in form E of the Appendix to these rules a register of all **licences to manufacture, convert, sell or keep for sale** any arms, ammunition or military stores granted by him or by the Local Government under rule 28 of the Indian Arms Rules, 1924, and, shall keep up in form F a register of all licences to sell or keep for sale granted by him or by the Local Government under the same rule. All Superintendents of Police shall keep up similar registers in English. Magistrates of districts will supply to their Superintendents of Police copies of all such licences issued by them or by the Local Government. The Superintendents of Police will furnish to each officer in charge of a police station copies of extracts, columns numbers (1) to (6), giving the names, etc., of persons licensed within his jurisdiction.

18. All **inspections of the shops, premises and stocks** of licensed manufacturers and vendors by inspectors of Police or superior officers shall be reported to the District Magistrate and shall be entered in the registers.

19. **Registers of licences** granted by the District Magistrate or by any Sub-Divisional Magistrate specially empowered by the Local Government in that behalf under rules 31, 33, 35 and 36 of the Indian Arms Rules, 1924, shall be kept up by him in forms G, H and I, respectively. Similar registers will be kept up in English by the Superintendent of Police to whom the District Magistrate or the Sub-Divisional Magistrate specially empowered by the Local Government will furnish copies of all such licences granted by him. The Superintendent of Police will supply each officer in charge of a station with an extract giving the parts of each register which concern his jurisdiction.

20. Licensing authorities who receive reports of **permanent changes in the address of licence holders** under condition 11 of



the conditions attaching to a licence in form XVI of Schedule VIII of the Indian Arms Rules, 1924, shall cancel the relevant entry in the registers prescribed by rule XIX above, and inform the licensing authority of the district to which the license-holder changes his residence accordingly. The latter shall register the licence in the manner shown below :—

"Transferred from the                      district"

If subsequent changes of permanent address are intimated to the issuing authority he shall transmit the report to the authority with whom he arranged the transfer of the licence.

21. **All persons enjoying exemption** under Schedule I of the Indian Arms Rules, 1924, shall furnish to the District Magistrate of the district in which they reside, within three months from the date of order of exemption, a list showing the number and description of 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 rule 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 rule. Every District Magistrate shall maintain a register of such arms in the possession of exemptees

22. With reference to sub-rule (3) of rule 33 of the Indian Arms Rules, 1924, **the Governor in Council is pleased to direct that the 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 probable 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 paid in respect of any endorsement made in accordance with this order.**

23. Returns in forms K and L shall be prepared for each calendar year and submitted by District Magistrates, through Commissioners, to the Inspector General of Police.

XIX. *Punjab letter No. 13980, dated the 12th May 1933.*—With a view to ensuring the **safe custody of arms and ammunition stocked by dealers** in arms, the licensing authorities when dealing with applications for licences in Forms IX, X, XI and XII or their renewal should always satisfy themselves that the storage arrangements are satisfactory.

XX. *Punjab letter No. 38380- dated the 6th December 1932.*—In accordance with paragraph 9 of the Government of India Resolution No. F-829-1-22, dated the 3rd of November 1923, licences in Forms XIV, XVIII and XIV are ordinarily made valid for a period of one year from the date of issue but there appears to be some diversity of practice between the different districts with regard to licences in Form XVI. The Government considers that as licences in this form are licences **"for possession and going armed"** they should also be made valid for a period of one year



from the date of issue and not for the calendar year only. This procedure may be observed in future.

XXI. Punjab Notn. No. 15544, dated the 18th April, 1935.—In exercise of the powers conferred in the third column of entry (3) in the table sub-joined to Schedule I of the Indian Arms Rules, 1924, the local Government 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 following table in respect of the arms therein described when carried or possessed for their personal use in the Punjab.

Table.

CLASSES OF PERSONS	ARMS ALLOWED
Every Maharaja, Raja or Nawab whose title has been conferred or recog- nised by Government every Peer, Baronet, Knight Bachelor and Knight of order established by the Crown	1 Revolver or pistol, 2 Rifles, 3 Shot guns, No Limit as regards arms other than firearms Ammunition — 200 rounds for each rifle at a time, 100 rounds for the revolver or pistol at a time, No limit as regards ammunition for shot guns

2 These orders do not affect any Maharaja, Raja, Nawab or Knight who has already been declared to be an exemptee as a special case under entry 6 (d) in Schedule 1 of the Indian Arms Rules, 1924

## Appendix.

FORM A—Stock book of—son of—, caste—resident of—licensed to manufacture, convert, sell or keep for sale, arms, ammunition or military stores.

[illegible]

FORM B.—Daily sale book of—son of—, caste—, resident of—licensed to manufacture convert, sell or keep for sale arms, ammunition or military stores.

1	2	3	4	5	6	7	8	9
Serial No.	Date of sale.	No. of purchaser's licence and district in which granted.	Name and father's name of purchaser.	Caste and profession of purchaser.	Residence of purchaser.	Articles purchased.	Price.	Signature of purchaser and dealer.

(Substituted by Punjab Notn No. 25364 dated 10 Aug. 1931.)

FORM C.—Is the same as Form A, except that in heading for the words 'licensed to manufacture,' etc., read 'licensed to sell or keep for sale,' etc., and in column 2 omit the word "manufactured."

FORM D.—Is the same as Form B, except that in heading for the words "licensed to manufacture," etc. read "licensed to sell or keep for sale" etc.

FORM E.—Register of licences to manufacture, convert, sell or keep for sale arms, ammunition or military stores in district.

1	2	3	4	5	6	7	8	9		
Tahsil.	No.	Name of licensee.	Father's name, and caste and residence.	Place of business.	Date.	INSPECTIONS BY				REMARKS.
						ASSISTANT OR DEPUTY SUPERINTENDENT OR INSPECTOR OF POLICE.				
						1st	2nd	3rd	4th	
							By Magistrate of district or Superin- tendent of Police.			

FORM F.—Is the same as Form E, except that in heading for "licences to manufacture," etc., read "licences to sell or keep for sale," etc.

FORM G.—Register of licences to possess arms, ammunition or military stores granted under rule 31.

DISTRICT—

	8	9	10
The first seven columns as in Form H (below).	Place where arms are to be kept.	Term for which license is valid.	REMARKS.

FORM H.—Register of licences granted under rule 33 to possess arms, or ammunition, and to go armed for the purposes of sport, protection or display in—district.

1	2	3	4	5	6	7	8
Tahsil	No.	Date.	Name of licence-holder.	Father's name, caste, etc.	Residence.	Number and description of weapons.	REMARKS.

FORM I.—Register of licences granted under rules 35 and 36 to possess arms and ammunition and to go armed for the purpose of destroying wild animals which do injury to human beings, cattle or crops in—District.

1	2	3	4	5	6	7	8	9	10	11
Tahsil.	Form and no.	Date.	Name of licence-holder.	Father's name and caste	Res dence	Place for which licence is valid.	Weapon	Date of expiry of licence	INSPECTION BY MAGISTRATE OF WEAPON AND LICENCE.	REMARKS.
									1st year 2nd year 3rd year 4th year 5th year.	

FORM K—Return of licenses granted under Act XI of 1878 in the district of— for the year

1	2	3	4	5	6	7	8
Details of licencees	Number of licences in force last year	OPERATION OF THE YEAR			Number in force at end of present year	Remarks by Deputy Commissioner	Remarks by Commissioner.
		New licences	Renewed licences	Revoked or suspended			
1. In form VII to transport arms, ammunition or military stores							
2. In form IX to manufacture, convert, sell or keep							
3. In form X to keep and sell							
4. In form XIV for the possession of arms							
5. In form XV for the possession and use for target-practice							
6. In form XVI to possess arms or ammunition and to go armed for purposes of sport, protection or display.							
7. In form XVIII for the destruction of wild animals which do injury to human beings and cattle.							
8. In form XIX for destruction of wild animals doing injury to crops and cattle							
9. In form XX for going armed on a journey in or through any province							