

FORM D. [Madras Rule 7].

Proceedings of the District Magistrate of—**dated No. of 19 .**

The District Magistrate of has cancelled or refused to renew for the year 19 —19 , the licences issued under the Indian Arms Act to the following individuals residing in the Taluk of Deputy Tahsildari for the weapons specified against their name.

2. The Taluk Sub- Magistrate of is requested to cause the word "cancelled" to be neatly written in red ink in the register of licences issued in form XVI against each licence mentioned below immediately after the last "Renewal" entry. The entry in the "Remarks" column below should also be noted after the word "cancelled" with the number and date of this proceeding.* A red ink line should also be drawn through the entries in the register relating to the licence.

Page no.	Line no.	Village and Hamlet	Licencee's name.	Father's name.	Nature of the arm.	Number of arms.	Police Station and Circle.	Remarks. (Reason for cancellation and disposal of weapons).
1	2	3	4	5	6	7	8	9

* E G.—"Cancelled—Died L. C. Dis. No. 1-0904"; "Cancelled—weapon sold L. C. Dis. No. 2-1904"; "Cancelled unrenewed, L. C. Dis. No. 3-1904"; etc. etc.

NOTE—In column 6, R.—Rifle. G.—Smooth-bore gun. M.—Magazine, D. B.—Double barrelled. S. B.—Single barrelled, B. L.—Breech-loading. M. L.—Muzzle-loading percussion cap, Ma. L.—Match lock, F. L.—Flint-lock, Re.—Revolver, P.—Pistol, B.—Bayonet. S.—Sword. D.—Dagger.

FORM E. [Madras Rules 17].

List of persons who have not applied for the renewal of their licences in Form XVI in Division, Taluk, District for the year 19 , on or before the 1st January 19 .

Number of the village and Hamlet, if any.	Number and name of licensee who has not renewed his licence.	Father's name.	Nature of arms.	Number of arms.	Police Inspector's report as to the cause to the omission of renewal of licence in each case.	Remarks.	Order of District Magistrate.
1	2	3	4	5	6	7	8

NOTE—In column 6, R.—Rifle, G.—Smooth-bore gun. M.—Magazine, D. B.—Double barrelled, S. B.—Single-barrelled, B. L.—Breech-loading M. L.—Muzzle-loading percussion cap, Ma. L.—Match-lock, F. L.—Flint-lock, Re.—Revolver, P.—Pistol, B.—Bayonet, S.—Sword, D.—Dagger.

FORM No. 17—Report of the Inspection, held by the Inspector of Police of—
Circle of shops licensed under the Arms Act and of shops declared under Rule 63
of the Rules under the Explosives Act to have been licensed under the Arms Act
for quarter ending—

Name of licensee and date of inspection.	Place of Business.	Number and date of licence and the Form in which it is granted.	Description of arms ammunition or explosives.	Quantity licensed to be passed at one time.	Quantity licensed to be passed for the whole year.	Balance on hand on 1st January in the shop and the magazine.	Manufactured or received from 1st January to date of Inspection.	Sold from 1st January to date of Inspection.	Balance on hand on date of Inspection in the shop and the magazine.	Whether accounts nos. 1, 2 and 4 are properly kept.	Remarks, noting whether a quantity in excess of licence was ever maintained.
1	2	3	4	5	6	7	8	9	10	11	12
			Sulphur ... Shot ... Caps ... European gunpowder ... Country gunpowder ... Blasting powder ... Firework.								

Inspector of Police,—Circle,

FORM No. 16—Report of Inspection of stock, Premises and Books of Persons
Licensed under the Indian Arms Act in Forms to manufacture,
convert, keep or sell arms, ammunition or military stores (G. O. No. 1453. Judl.
dated 30th September 1882).

Name, Father's name and residence of licensee.	Date and form of licence.	Place of business.	Date of inspection by superior officer of police.	Remarks.
1	2	3	4	5

Superintendent of Police.

FORM No. 79.

Serial number.	Date.	Particulars of arms.	By whom deposited or from whom taken.	Residence.		Signature of station house officer, owner, and a witness when arms are deposited.	If licence obtained, when.	If licence not obtained, how were arms disposed of.	Designation of magistrate passing order.	Signature of owner for return of arms with date.	Signature of station-house officer, and date of disposing of arms.
1	2	3	4	Village.	Taluk.	7	8	9	10	11	12

Local Rules and Orders—Punjab.

I. *Punjab Notification No. 2460, dated the 3rd July, 1870.*—(1) Cancelled by the notification of the Government of India, Home Department No. F.21—XLVI-31 dated the 30th December, 1931.

2. Extension of **section 18** of the Arms Act, to the Huzara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan Districts,—(*Vide* Note to section 15, page 102).

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 districts. 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 a 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 Ferozepur 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 October, 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, (Santa Singh), 16 P. R. of 1909, (Vide notes (11) and (29), on pages 89 and 90), 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 Ferozepur 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 248 above), 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 Notification 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 Magistrate 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 Notification No. 3919, dated the 7th February, 1921.*—With reference to entry (ii) 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 seers, is exempt from all prohibitions and directions contained in the Arms Act.

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

VIII. *Punjab Notification 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.

IX. *Punjab Notification No. 6820, dated the 5th March, 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 Districts 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 Magistrates 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.

X. Exemption from payment of fees of certain persons in the Simla district. *Vide* note (1) to Schedule VII, page 202.

XI. *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.

XII. *Punjab Notification No. 1374, dated the 20th July, 1929.*—Under the proviso in column 2 (iii) 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 (iii) of entry 2 of the same table in the whole of the Punjab.

XIII. *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 rules. (In this connection, *Vide* note to rule 29 of the Bengal Rules, page 178).

XIV. *Punjab Circular No. 22396, dated 13th October, 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 157).

XV. *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 70)], 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 form 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.

XVI. *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, (page 70) 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.

XVII. *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.

XVIII. *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.

XIX. **Punjab Notification No F 8408, dated the 5th March, 1929*.—The following revised rules have been made in supersession of those published with Notifications No 943, dated 10th July, 1907, No. 15486, dated the 10th May, 1922, and No. 23576, dated the 9th October, 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 8**.

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.

Provided that in connection with the sale of swords it shall not be necessary for a licensee to enter in registers B and D any details concerning the purchaser or to obtain his signature

"The exception allowed by the foregoing proviso shall also be applicable to spears of the type known as Nishan Sahib, when these are sold to Nihang Sikhs and other persons who customarily carry such spears as religious emblems. (Added by the Punjab Government Notification No. 77 H 39/2263, dated the 18th January, 1939).

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 initialed 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.

"(3) The provisions of this rule shall not apply to the sale of **swords**, or to **spears** of the type known as Nishan Sahib when these are sold to Nihang Sikhs and other persons who customarily carry such spears as religious emblems." (Added by Punjab Government Notification No. 77-H-99/2263, dated the 18th January, 1939).

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 headquarters 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.

18. **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 12 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, of 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.**

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 licensee changes his residence accordingly. The latter shall register the licence in the manner shown below:—

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.

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.**

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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 31d of November, 1923 licences in Forms XIV, XVIII and XIX 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 Notification 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 section 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 recognised by Government, every Peer, Baronet Knight Bachelor and Knight of any 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 I 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.

1	2	3	4	5	6	7	8	9	10	11	12
		DESCRIPTION									
Date	Particulars.	Fire- Arms.		Other weapons.				Ammunition.	Military stores, including lead, sulphur, and saltpetre.	Name and address.	Signature of licensee.
		Guns.	Pistols.	Swords.	Bayonets.	Daggers.	Others.				
Jan. 1st ...	In Stores - Manufactured Received										
Jan 2nd ...	Disposed of In store										

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 Notification No. 25364, dated the 10th August, 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.

LOCAL RULES AND ORDERS—PUNJAB

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			
						Assistant or Deputy Superintendent of Inspector of Police.			
						1st	2nd	3rd	4th
						By Magistrate of district or Superintendent of Police.		Remarks.	

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 licence 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.

Notification of the Government of Punjab, No. 4727-H-39/22589, dated the 4th July 1939.

CORRIGENDUM.

The following shall be substituted for Form 'H' in the appendix to the Rules published with Punjab Government Notification No. 8408, dated the 5th March, 1929.

FORM H.

Serial No.	Date of issue.	Name and address (including Police Station) of licensee.	Description of weapons covered by the licence.	Number and kind of ammunition.	Extent of licence.	Purpose for which licence has been granted, i.e., sport, protection or display.	Validity of the licence.	Particulars of retainers, if any.	Amount of fee realised in cash.	Initials of Licensing Officer.	Date of renewal.	Date up to which renewed.	Fee charged in cash.	Initials of Licensing Officer.	Renewal Entries.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		16

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
Tabail.	Form and No.	Date.	Name of licence holder.	Father's name and caste.	Residence.	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	3	2	3	4	6	7	8
Details of licences.	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.							

7. On the termination of one year from the date of deposit, if the arms or ammunition have neither been returned nor disposed of under section 16 (2) of the Indian Arms Act, 1878 the licensee shall inform the District Magistrate of that fact, and shall deal with the arms or ammunition according to his orders.

Local Rules and Orders—Bihar.

Bihar and Orissa Government Notification No. 630 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.

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 1st 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 headquarters 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, half, 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 lodged, cleaned, etc., at the police station or headquarters Court Police Office where they are deposited and 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 (as may be 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 4.

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, took or dispose of them as prescribed by section 16 (2) of the Act but not in accordance with the requisition they shall be forfeited to His Majesty.

FORM * Rule 1

Date of deposit	Description, No. (quantity) 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 44). 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 paragraph 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. *Notification No. 400-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. *Circular No. 4236-40-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 Schedule 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 person 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 repeating.	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 176, ante.

VI. *Circular No. 2283 SS-P, dated the 29th March, 1921, para 7.* Attention is invited to the addition made to condition 11, in licence Form XVI, in accordance with proviso (c) to rule 12 (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. *Circular 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 Magistrates 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. *Circular No. 2512-12 P., dated the 9th April, 1921.*—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. 90-94-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. 3022-42 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 5231-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	Licensee for the possession of arms and ammunition and for going sport armed for the purpose of 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 { retainer is entitled to { possess.	{ Description { Quantity
District or place within which the licence is valid -		
Date on which the licence expires		
		(Signator.)
The..... 19	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.
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XII. *Letter No 3102-67 P. R., dated the 7th 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 unnecessary to verify other sales, or the monthly returns (which are to be forwarded to the District Magistrate).—

(3) The monthly returns should be totalled up for each licensee at the end of the year, and the totals entered in a district statement. The actual monthly returns should be reserved for two years only.

(4) The forms will be standardized, after which printed copies may be obtained, on indent, from the Deputy Superintendent, Government Printing in charge of the Press and Forms Department at Gaya, in ordinary course. They should be supplied to all licensees free of cost.

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 paragraph 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. *Notification No. 400-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. *Circular No. 4236-40-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 Schedule 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 person 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		Place of deposit.	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 chamber.	C. Pistol, Automatic or single shot.				

V. **Power of District Magistrate of Dhanbad Sub-division.** Vide note to Rule 2, page 157, *ante*.

VI. *Circular No. 2283 SS-P, dated the 20th March, 1924, para 7.* Attention is invited to the addition made to condition 17, in licence Form XVI, in accordance with proviso (c) to rule 12 (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. *Circular 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 Magistrates 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. *Circular 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. 90-94-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. 3022-42-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 5231-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 protection	
	sport	
	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 retainer is entitled to possess,	
	{ Description Quantity	
District or place within which the licence is valid—		
Date on which the licence expires.		
{ (Signatur.) Magistrate of the———District.		
The..... 19 ..		

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 Barrelled. D. B.=Double Barrelled. B.L.=Breech-Loading M.L.=Muzzle Loading.	Number and quantity in stock at the end of previous month.	Number and quantity 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 private individuals	From dealers			To private individuals	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 ..										
(f) Other arms:										
Swords ..										
Daggers ..										
Sword-sticks ..										
(g) Ammunition:										
Loaded Rifle cartridges ..										
Loaded cartridges for guns ..										
Loaded cartridges for revolvers and pistols ..										
Empty cartridge cases ..										
Gunpowder ..										
Percussion caps ..										
(h) Military stores:										
Sulphur ..										
Lead bullets ..										
Lead shot ..										

Date

Signed

License

To

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

SCHEDULE III. Executive Form No. 177,--C,--

Patna, --- 19---

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 arms
 ammunition

(i) Arms ---

Kind of arms--- ---

Description (including bore)

(ii) Ammunition ---

Number

Cartridges (loaded)--- ---

" (unloaded) ---

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

Yours faithfully,

Signature of dealer.

No.

Forwarded to the Supdt. of Police

Office of the Superintendent 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.

Supdt. of Police

XIII. Rules for the control of arms deposited in the district mal-khanas (1915).

NOTE.—The word "arms" is used for convenience throughout these rules to indicate arms, ammunition and military stores, as defined in section 1 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 Magistrate, 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 Barrackpore 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 cannot be sold, shall be destroyed locally.

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

XIV. *Bihar and Orissa Government 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 muzzle 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. *Bihar and Orissa Government Letter No 5184-SSP, dated the 16th December 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 purposed), which the exemptee should be asked to fill in and send to the District Magistrate/Deputy Commissioner 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 armory for the purpose given in column I 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 *Government of India Home Department Letter No. 121 XVI 31, dated the 10th September, 1931 to the Government 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 **stylo-graphic 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** grams 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 *Bihar and Orissa Letter No. 5164-69 P, dated the 8th December, 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 careful enquiry. It is also suggested for 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 35 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 sub-divisions 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. *Government of Bihar and Orissa, No. 1949-70-P., dated the 27th February, 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 Government 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 con-

sisting 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.

*Government of India, Department of Industries and Labour. Notification No. M 1219 dated the 8th November, 1927. In exercise of the power conferred by section 6 of the Indian Explosives Act, 1884 (IX of 1884) the Governor-General in Council has 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 kinds of safety matches.

XIX. H. D. letter No. F. 21 LV 28 Police, dated the 28th February, 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 88 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 89 of the Manual.

XXI. H. D. letter No. F. 21-LXXIII-30 Police, dated the 17th November, 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 89.

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 89 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 I of the Act, on page 89 of the Manual.

XXIV. H. D. letter No. 21-XLVI-25-Police, dated the 23rd October, 1925, regarding **equipment of military officers** circulated with memo No. 4651-56-P., dated the 2nd November, 1925,—vide notes (10)-(12) on page 86 of the Manual.

XXV. *Bihar and Orissa Notification No. 740-P R., dated the 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. *Bihar and Orissa 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. *Bihar and Orissa Notification No. 3777 S1 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. *Bihar and Orissa 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. *Bihar and Orissa Letter No. 2179 S3-P., dated the 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. *Bihar and Orissa No. 3530 So, dated the 6th October, 1932.*—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 licence 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. *Bihar and Orissa Letter No. 5308 5303 P, dated the 11th December, 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.

XXXII. *Bihar Letter No. 2364 P, dated the 27th August, 1937.* I am directed to say that the Provincial Government understand that in the past arms licences have in some cases been refused on the ground that the applicant was an adherent of the Congress party. I am to say that in future the fact that an applicant is an adherent of a particular political party should not be regarded as a reason for refusing to grant him a licence under the Arms Act provided that he otherwise satisfies the requirements which have been laid down for the grant of such licences.

XXXIII. *Bihar Notification No. 210 P, dated the 17th January, 1939.*—In exercise of the powers conferred by item (7) of Schedule VII to the Indian Arms Rules, 1924, the Governor of Bihar is pleased to declare that the possession of shot guns by permanent Inspectors and Sub Inspectors of Excise is in the public interest.

Endorsement. Memo No. 210 P, Patna, the 17th January, 1939.—Copy forwarded to the Local Self-Government Department for information and communication to the Commissioner of Excise, Bihar, with reference to

his letter No. 978, dated the 28th October, 1938. The effect of this declaration would be that permanent Excise Inspectors and Sub-Inspectors will be allowed free licenses for shot guns which they may purchase at their own cost.

XXXIV. *Bihar Letter No. 3673-P., dated the 5th November, 1938.*—The attention of Government has been drawn to the damage caused by wild animals to crops in the neighbourhood of jungles. This damage is often considerable and causes serious loss to cultivators. Government consider that in such areas, gun licenses for the protection of crops under form XIX should be more freely issued than has been the practice hitherto.

2. Depredations by wild animals usually occur in the neighbourhood of extensive tracts of jungles rather than in open country. But where there is much scattered forest in the neighbourhood of more extensive jungle tracts, the depredations may extend to a considerable distance beyond the immediate vicinity of the main jungle area. Government are, therefore, of the opinion that as a general rule every village situated within a distance of 5 miles of an extensive tract of jungle should normally possess a gun for the purpose of crop protection. It is not possible to define precisely what constitutes an extensive tract of jungle and in this matter licensing officers must use their discretion and local knowledge; nor is it possible to fix rigidly the limits of the distance within which such licenses should normally be granted. It may be necessary to issue licenses in area where such smaller patches of jungle are numerous and in the vicinity of more extensive tracts. The main criterion must be whether in the area crops are subject to damage by wild animals or not.

3. Where the conditions outlined above are present, an application for crop protection license in form XIX from a cultivator resident in a village situated within 5 miles of extensive tract of jungle or in an area where depredation by wild animals is frequent, should ordinarily be granted provided that—

- (a) the applicant is not an undesirable person;
- (b) the license shall be for a muzzle-loading weapon;
- (c) where a license either in form XVI or XIX is already held by any persons resident in the village it is not incumbent on the licensing authority to grant further licenses for the purpose of crop protection unless he considers it, in the circumstances of the case, necessary to do so.

4. The effect of these orders should be carefully watched and District Officers should include a note on the subject in their next annual report on the administration of the Arms Act.

Relevant Extracts from the Orissa Police Manual supplied by the Superintendent of Police, C. I. D., Orissa, with his Memorandum No. 2623, dated the 27th May, 1939.

P. M Rule 697. (a) Possession of Arms.—Under Section 1 (b) of the Indian Arms Act, 1878 (XI of 1878), nothing in the Act applies to the bearing or possession of arms, ammunition or military stores by order of the Government or by a public servant in the course of his duty as such public servant. No licence is therefore required for the possession of arms supplied to police officers by Government, or of arms which form part of their sanctioned equipment.

N. B —(1) Every officer of and above the rank of Deputy Superintendent is required to provide himself with a revolver or automatic pistol, but the officers above the rank of Deputy Superintendent may also keep an additional revolver, officer, not lower than a Sub-Inspector may provide himself with a revolver or automatic pistol with the written permission of the Superintendent. All particulars of weapons for which permission has been given shall be entered in the officer's service book and in the reserve stock book, and the weapon shall be presented at head-quarters for examination of the reserve officer at such intervals as the Superintendent shall direct. No officer who has obtained permission to provide himself with a revolver or automatic pistol may dispose of it without the written permission of the Superintendent.

(2) Every such weapon shall be made over to the Superintendent before an officer leaves the force on removal, resignation or retirement, unless he produces for the Superintendent's inspection, a licence for its possession. The sergeant-major shall be responsible for bringing to the Superintendent's notice in good time when an officer possessing a weapon is about to leave the force.

(3) Every revolver or automatic pistol which an officer is required or permitted to possess forms part of his equipment. The weapon should preferably be of service pattern, and in any case of bore not smaller than .300.

(4) Such weapon should be kept in the *malikhana* as far as possible, but when this cannot be done, the box or receptacle in which they are kept should be provided with a good lock in order that it may not be opened with an ordinary key. When carried on the person a lanyard, securely fastened to the revolver, and a belt must always be used and, when the officer is travelling, the weapon must always be used and, when the officer is travelling, the weapon must always be carried in this way and on no account packed up in the officer's baggage.

(5) The theft or loss of firearms is a very serious matter. Superintendents shall in all such cases hold a thorough enquiry, with a view to punishing any officer who is found to have been negligent in keeping private weapons or Government arms committed to his charge (see rule 1107).

(b) The use by police officers of private firearms, other than those held under the foregoing rule, when on duty is prohibited, unless specially sanctioned by the District or Sub-Divisional Magistrate, whose orders shall be obtained in writing on each occasion.

(c) Police officers below the rank of Inspector, who wish to purchase arms and ammunition, shall in the first instance have their application countersigned by their Superintendent who should state clearly that the weapon forms part of the officer's equipment

Belt:—Second shoulder strap to Sam Browne belt. To be worn when revolver is carried.

Revolver or (at the option of each officer) an automatic pistol, with brown holster and ammunition pouch.

Local Rules and Orders—Bengal.**SECTION (1).—Import, Export and Transport of Arms.**

Import and export of arms.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India, in the Department of Commerce and Industry, No. 5377, dated the 26th July 1919, the Governor-General in Council is pleased to prohibit:—

(1) the bringing by sea or by land into British India through the medium of the Post Office of arms, ammunition or military stores, as defined in the Indian Arms Act, 1878 (XI of 1878).

Provided that this prohibition shall not apply to the bringing of arms, ammunition or military stores, into British India—

(a) from Berar or

(b) by or on behalf of Government:

(2) the bringing or taking by sea or by land into or out of British India of arms, ammunition or military stores, as defined in the Indian Arms Act, 1878 (XI of 1878), save in accordance with the provisions of that Act and of the rules and orders for the time being in force thereunder.

Govt. of India Customs Dept. Notification No. 2112, dated the 2nd June 1924.

Note.—(1) Humane cattle-killers are not “arms” for the purposes of the Indian Tariff Act and of Govt. of India, Finance Dept. (Central Revenues) notification No. 2112 dated the 2nd June 1924, reproduced in paragraph 1 above.

(2) Cartridges for the same are not “ammunition” for the same purposes unless they are capable of being used in firearms as well as in humane cattle-killers.

Govt. of India, Home Dept., letter No. F. 21-PLIV-28 dated the 4th Sep. 1928.

(3) Humane Cattle-killers are not to be classed as “arms” for the purposes of the Arms Act and no licences are necessary for their possession.”

Govt. of India, Home Dept. letter No. F21/XLIV/28 dated the 30th May 1935.

1A. Import of arms and ammunition of prohibited bore.—The import of arms and ammunition of certain bores is prohibited under rule 7 of the Indian Arms Rules, 1924 (See also paragraph 58A).

Note.—Provision exists under rule 38 of the Indian Arms Rules, for selected dealers to import and sell ammunition of prohibited bores to qualified persons. No general relaxation of the rule against importation can be granted, but applications from Ruling Princes and Chiefs for the direct importation of prohibited bore ammunition in specified quantities will be granted as special cases by the Government of India, (For. and Poll. Dept. letter No. D. 4674G-30, dated the 27th May 1931.)

1B. Re-importation of arms of military pattern.—The re-importation of rifles of military pattern and of revolvers and pistols of .441, .455 or any intermediate bore is now permitted. Examination of such arms at the Customs Houses at the time of export is compulsory. An export pass giving a full description of the weapon should be obtained from the Collector of Customs at the time of export and will be accepted on re-import provided the weapon is satisfactorily identified. When no export pass has been obtained, the Collector of Customs personally may accept other proof of export.

Govt. of India, Home Dept. letter No. 2752, dated the 20th July 1903, and encl. No. F. 21-LXVIII-24 Police, dated the 8th Dec. 1924.

1C. Import of arms and ammunition into the port of Chittagong.—The importation of arms and ammunition from outside

India direct to the port of Chittagong is not permissible under the rules. (Bengal memo. no. 2247 Pl., dated the 25th June 1929).

ID. Import of toy, dummy or imitation revolvers or pistols.—In exercise of the powers conferred by section 10 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues), No. 38, dated the 18th June 1927, the Governor-General in Council is pleased to restrict the bringing into British India of toy, dummy or imitation revolvers or pistols to cases in which a permit to import the same has been granted, in the case of import at a Presidency town or Rangoon, by the Commissioner of Police, and in the case of import elsewhere, by the District Magistrate: Provided that the restriction imposed by this notification shall not apply to revolvers or pistols which in the opinion of the Collector of Customs are of such construction and character as to render them incapable of being used otherwise than as toys or of being converted into lethal weapons.

Govt of India Finance Dept. (Central Revenues) notn No. 35, dated the 6th Sept. 1930.

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

3. Rules to deal with arms, etc., imported as personal belongings.—The following rules have been framed by Government to cover the case of individuals importing arms into India through the Port of Calcutta, as personal luggage :—

(1) The Collector of Customs will, under section 6 of the Indian Arms Act, 1878 (XI of 1878), detain all firearms not covered by licences produced by the owner.

(2) He may likewise, if there are reasonable grounds for suspicion, under the same section, detain firearms ostensibly possessed under proper authority.

(3) He will give in the former case a receipt to the owner describing the particulars of the weapon; in the latter case he will report the facts to Government for orders under section 6 of the Act.

(4) The owner in the former case will apply for a possession licence, filing his receipt with the application to the Commissioner of Police, Calcutta, or Magistrate of the 24-Parganas or Howrah, if he is going to reside in those districts. If he is going to reside elsewhere he will apply to the Commissioner of Police for a journey licence to his place of residence.

(5) The licensing authority will then dispose of the application, inspecting the weapon, if it wishes to, at the Customs Office.

(6) On receipt of his licence, if it is granted, the owner will present it at the Customs Office, and take possession of his weapon.

(7) In cases where the owner cannot spare the time to get a journey licence from the Commissioner of Police, he will, after reaching his destination, apply to the local District Magistrate for a possession licence for the weapon, filing his Customs receipt. On receipt of the licence he will forward it to a licensed dealer or a recognised shipping agent in Calcutta with an order authorising the dealer or the shipping agent to take delivery of the weapon from the Customs Office, and to forward it to him at his expense. The Customs authorities shall deliver up the weapon to the dealer or the shipping agent on production of the owner's licence and the letter of authority.

Similar rules *mutatis mutandis*, have been framed for the import of arms as personal luggage through the Port of Chittagong.

3A. List of firms authorised to take delivery from the Customs House of arms imported or brought as personal luggage on production of owner's licence.—The following is the list of firms authorised to take delivery from the Customs House of arms imported or brought as personal luggage on production of owner's licence. The firms mentioned in item III—"Tea and other Agencies"—are only authorised to take delivery of weapons belonging to the partners or employees of concerns, for which they hold the agency. —

I.—Shipping Agents.

- | | |
|---------------------------------|-------------------------------|
| (1) Grindlay & Co | (4) Balmer Lawrie & Co. |
| (2) Thomas Cook & Son. | (5) American Express Co. Inc. |
| (3) Cox and Kings (Agents), Ltd | (6) George Waller & Co. |
- (Bengal letter no. 1093 Pl. of the 4th March 1936)

II—Ships' Agents.

- | | |
|------------------------------|--------------------------------|
| (1) Gladstone Wyllie & Co | (5) Anderson Wright & Co. |
| (2) Mackinnon Mackenzie & Co | (6) Turner Morrison & Co, Ltd. |
| (3) James Finlay & Co, Ltd. | (7) Grahams Trading Co., Ltd. |
| (4) Jardine Skinner & Co. | (8) Hoare Miller & Co. |

III.—Tea and other Agencies.

- | | |
|--------------------------------|---|
| (1) McLeod & Co | (7) Bird & Co. |
| (2) Octavius Steel & Co. | (8) Begg Dunlop & Co. |
| (3) Duncan Bros | (9) Shaw Wallace & Co. |
| (4) Williamson Magor & Co. | (10) Martin & Co. |
| (5) Andrew Yule & Co | (11) Samuel Fitze & Co. |
| (6) Gillanders Arbuthnot & Co, | (12) The Planters Stores and Agency Co., Ltd. |

(13) Biharlal Madan Mohan

(Bengal letter No 158 P J.—D., dated the 14th July 1920 and No 5302 Pl. dated the 15th Sept. 1934)

4. Journey licence for passengers' arms.—The Indian Arms Rules, 1924, have introduced in rule 34 a new form of licence in Form XVII permitting *bona-fide* traveller proceeding from a port of arrival in British India to his place of destination to possess arms and ammunition in reasonable quantity during the period of the

journey. Passengers who hold no permanent licence for their arms must produce this temporary licence on board when they will be permitted to land with the arms, failing which, the arms will be taken possession of by the Collector of Customs and returned to the passenger on his obtaining a licence in this form from the Commissioner of Police and presenting it at the Customs Office, in accordance with the preceding rule. With a view to obtaining this temporary licence before landing, it is desirable that passengers should furnish their Agents with full particulars of the arms they are bringing with them, and instruct them to obtain the necessary licence from the Commissioner of Police and meet the boat with this licence. When possible, the Commissioner of Police will arrange for an officer authorised to issue these licences to meet incoming vessels, but this facility is not guaranteed.

5. Import licence under Explosives Act required for ammunition.—*Vide* note (6) to section 6 of the Act, page 96.

6. Foreign inward mails containing arms and ammunition.—Printed as to sec. 6 of the Act on page 96.

7. Articles in transit to foreign territories through Indian post office.—Printed as note 8 to sec. 6 of the Act on page 96.

7A. Transmission of arms by posts—*Vide* note to Rule 22 on page 168.

8. Licence for export to cantonments and railway lands in Indian States.—Cantonments and other administered areas and Railway lands in Indian States are foreign territory, although British jurisdiction is exercised in them, and consequently licences are necessary for the export of arms and ammunition to such places.

9. Export of arms to Indian States.—The authorities in Bengal empowered to grant licences for the export of arms, ammunition or military stores to Indian States are the Secretary to the Government of Bengal, Deputy Commissioner of Police, Calcutta, Commissioner of the Rajshahi Division, and the Political Officer in Hill Tippera, for the places and subject to the conditions prescribed in Schedule VI of Indian Arms Rules, 1924. The export of arms, ammunition or military stores to a state in India no longer requires the previous sanction of the Political Officer for such state, where the consignee is (i) a Ruling Prince or Chief, (ii) a gazetted Officer in civil employ or an officer holding His Majesty's Commission, (iii) a member of the family of the Ruling Prince or Chief or a noble or an official of a State in India who has been designated in this behalf by the Local Government or Political Officer concerned, (iv) a person included in any of the categories in Schedule I and the consignment is intended for the personal use only of the consignee.

Such sanction is required in other cases, and in granting licences for the export of arms into Indian States and Agencies the procedure 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 Pol. Dept., letter No. F. 149G.—39, dated the 4th June 1929, and Home Dept. letter No. F. 21—XI—37 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 enfaced on the relevant issue vouchers which vouchers will be signed by the Group Officer of the Arsenal concerned. (Bengal, Endt. No 825 P, dated the 26th January 1934).

9B. Export of arms and munitions to Afghanistan.—Printed as note (3) to Rule 19 on page 166.

9C. Export of arms and munitions to Nepal.—Printed as note (4) to Rule 19 of the Indian Arms Rules on page 166.

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. (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. (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. (Bengal Notn. dated the 7th Sept. 1889).

13. Licence for the export of arms, etc., to Indian States.—Printed as note (1) to Rule 19 of the Indian Arms Rules on page 166.

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 (vi) 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 Firearms 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 Firearms 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 and 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 Firearms 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 Firearms 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 Govt. 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 Firearms 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 in 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. I.—

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 Firearms 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 Firearms Certificate entitles him to hold in Great Britain or Northern Ireland, provided that the Firearms 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 Firearms 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 Firearms Certificate. A licence will be necessary in respect of any firearms and ammunition not covered by the Firearms Certificate.

(b) The Firearms Certificate must be valid. An out-of-date Firearms Certificate will not be accepted; (Firearms 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 Firearms Certificate must be produced to the Customs authorities.

(d) The Firearms 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 Firearms 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 Firearms 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 Firearms 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 Firearms 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 Firearms Certificates and Import and Export Licences.*—(a) *Firearms 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 Dept. 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. (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 (Bengal Order No 14813-P, dated the 27th November 1917.)

16. Import and transport.—Under rule 22 (2) (b) (c) 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. (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 (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. (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. (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. (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. (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. (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. (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 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 alarm pistols in all districts in the Presidency of Bengal, and 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. (Bengal Notn. No. 2980 Pl., dated the 18th July 1932.)

24-B. 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. (Bengal Notn. 4808 Pl., dated the 2nd Sept., 1933.)

24C. Extension to Bengal of section 15 of the Arms Act.—In exercise of the power 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. (Bengal Notns. 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.] (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. (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 1 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. (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.)

SECTION (III)—Fees.

28. Payment of fees in cash.—Under rule 48 (1) 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.

Note.—Under rule 48 of the Indian Arms Rules, 1924, page 182, ante. "all fees payable under rule 46 or rule 47 shall be paid in cash." (G. of I. H. D., notn. no. 21/50/37 dated the 22nd Feby. 1939.)

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.

Note (1).—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. (Bengal notn. no 1596 Pl. 25th March 1935.)

Note (2).—Full Court-fee is to be levied under Article 1 (b) or (c) of Schedule II to the Court-fees Act, 1870, on miscellaneous applications under the Indian Arms Rules, 1924, other than those for the grant or renewal of licences. (Bengal Edt. no. 1597-1626 Pl. dated the 1st April 1935.)

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, (Bengal Orders Nos, 1308-13 P.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. (Bengal Notn. No. 3742 P., dated the 21st April 1913.)

31A. Reduction of fees for renewal of a licence in Form IX.—In exercise of the power conferred by sub-rule (3) of rule 46 of the Indian Arms Rules, 1924, the Governor-General in Council is pleased to reduce to rupees ten the fee payable for the renewal of a licence granted in Form IX of Schedule VIII to the said rules, for the manufacture and possession of bullet casing perforators required for the perforation of casing in oil wells. (Home Dept, notn. No. F, 21/19/35- dated the 5th April 1935.)

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 merit. 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 28th May 1913, No. 1341 P. D., dated the 29th May 1913 and No. 1342 P. D. dated the 29th May 1913. (Bengal No. 1401 P. J., dated the 26th March 1920).

Note (1)—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. (Bengal letter Nos. 3229-3234 Pl, dated the 3rd Sept. 1929.)

Note (2).—The persons specified in the third column of the above table may hold, at their option, under exemption under clause (3) Schedule I, of the Indian Arms Rules, 1924, a pistol in place of a revolver, as no distinction is made between a revolver and a pistol for the purposes of the administration of the Arms Act. (C. B. No. 62).

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. (Bengal letter Nos. 4200-4205 Pl., 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. (Bengal, letter no. 303-29 Pl. 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. (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-22, 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. (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. (Bengal letter No. 3051 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. (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.*

Peshwar 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 persons 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. (Bengal letters No. 8926 P., dated the 9th August 1915, and No. 6378—6404P. 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.

45A. 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 sections 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. (1)—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).

Note (2)—The number of arms which may be carried or possessed by Consuls and Consular Agent under entry (4) of Schedule I to the Indian Arms Rules, 1924, is restricted to two guns, two rifles and two pistols or revolvers. (Home Dept., Note No. F. 21/29/36, dated the 16th Sept. 1936.)

45B. 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. (Bengal letter No. 6286 Pl., 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 Indian Arm Rules, 1924, viz.—

(1) All subordinates from forestars 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. (Bengal Notn. No. 1658 Pl., 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 (Bengal letter 3863 P.—J., dated the 21st Sept. 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. (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. (Bengal letters Nos. 976-1003 Pl.—D., dated the 29th Sept. 1924, and 3094-3115 Pl., dated the 29th November 1924).

Note.—A warrant officer, non-commissioned officer or a soldier in the Auxiliary and Territorial Forces on his becoming a commissioned officer or a reservist is liable to pay fees for private arms. Such fees should be charged for the year for which the licence is renewed, and not retrospectively from the year in which a change in his status occurred. (Bengal letter no 5162 Pl dated the 10th Dec. 1937).

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 recommendation in favour of serving soldiers. (Bengal letter No. 1066, 1093 P1, 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).

46F. Exemption from payment of fees in respect of licences granted in Form VI—The residents of Chundernagore are exempted from payment of fees in respect of licences granted to them in Form VI of Schedule VIII to the Indian Arms Rules, 1924, for the export of arms and ammunition from Calcutta to French Chundernagore. (Home Dept. letter No. F. 21/42/35, Police, dated the 14th September 1935).

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 arms belonging to a commissioned officer, warrant officer, non-commissioned officer or soldier of His Majesty's

Forces for the time being serving beyond the limits of British India. (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 (12) to section 1 of the Act, page 86.

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 for 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, Jamadar 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 Jamadar, Subadar, Subadar-Major, Ressaidar, Risaldar, Risaldar-Major.—(i) 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 Jamadar 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, Jamadar, 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.—A list of weapons held by persons exempted under section 1 (b) of the Arms Act should be maintained and kept up to date. (Bengal letter No. 3588 Pl., dated the 6th Sept., 1937).

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—*Vide* note (12) to section 1 of the Act, page 86.

50A. 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 Magistrates.—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. (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. (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 qualifications is "any payment of income-tax." 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. (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. (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. (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. (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 firearms; 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 (or 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 (or 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 (or 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, endorse 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 Bengal 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. (Bengal G. O. Order No. 1213 Pl., 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.

Note.—District Magistrates should not grant licence for firearms valid for British India to persons residing in a state in India, as this is contrary to rule 33 (1) (c) of the Indian Arms Rules, 1924, under which the political Officer for that state is alone competent to grant such licence. (Bengal letter No. 1197Pl., dated the 11th March 1935.)

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 arms, 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 arms, but there is still one or two full years for the original licence to run, a refund for the unelapsed period should be granted. (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. (Bengal letter no 4420 Pl., dated the 16th Aug. 1927, and order No. 693 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. Application from persons who have not previously held such licences or whose licences have been cancelled should be disposed of by District Magistrates. (Bengal order No. 6621 Pl., 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-barrelled breech-loading 12 bore shot gun should not cover weapons of the type of the "Paradox", "Explora" and "Fauneta" ball and shot guns, 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. (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. (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. (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 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, pistol-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 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 arms 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. (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 arms within the meaning of section 4 of the Indian Arms Act and subject, therefore, to all the prohibition 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 47 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).

67-H. 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).

67-J. Licences for tear gas and other war gases.—The Government of India have extended the definition of "military stores" given in section 4 of the Indian Arms Act, 1878 to asphyxiating, poisonous, irritant, or other gases and analogous liquids, materials or devices. No licence for their possession, importation, manufacture, etc., should be granted without the prior sanction of the Government of India obtained through the Local Government. (Home Dept., letter No. F. 21/23/36 Police, dated the 3rd Dec., 1936).

67-K. Licences for chlorates.—All chlorates are brought within the scope of the Indian Arms Act by the Government of India, Home Department, Notification No. 21/37/36-Police, dated the 6th April, 1938. This restriction has its origin in the increasing number of serious accidents occurring from the use of chlorates in the manufacture of prohibited and unsafe explosives for use in the preparation of fireworks. By making it necessary to obtain a licence for importation, possession, sale, etc., of chlorates it was hoped greatly to reduce their use in the fireworks industry. Very few fireworks really require the use of chlorates in their manufacture and they are only employed because it is very much easier to make up mixtures with these materials than with the safer and more stable nitrates. The compositions made with chlorates are decidedly dangerous and not only very sensitive to slight blows and friction but apt very readily to ignite spontaneously.

Except for legitimate purposes, such as the manufacture of matches, Bengal Lights and paper caps for toy pistols, licences for chlorates should not be granted without the fullest investigation into the purposes for which it is proposed to use them. No licence for the possession of any chlorate to be used in the manufacture of any fireworks or explosives be granted until the composition of the mixture to be used has been approved by the Chief Inspector of Explosives in India, 1, Council House Street, Calcutta. (Telegraphic address—"Explosives," Calcutta), to whom a reference should first be made. Certain compositions, such as mixtures containing chlorates and sulphur, or chlorates and arsenic sulphide, or chlorates and aluminium are highly dangerous, illegal and prohibited, and under no circumstances should licences intended to permit the preparation of these mixtures be issued.

Potputias, also called **Tartary**, **Martincas**, **Chitpals**, etc., are illegal fireworks manufactured from chlorates and no licence for supplies to be used in their production should ever be granted. The commonest form of illegal fireworks is the '**Pataka**' or '**Throw-down**.' These fireworks prob-

ably cause as many accidents and deaths in the course of a year as all the rest of the fireworks put together and every effort should be made to stamp out their manufacture. The usual composition employed in preparing these fireworks is a mixture of chlorate and sulphur, or chlorate and arsenic sulphide, both of which are prohibited under the Government of India, Department of Labour, Notification No. M.-1217, dated the 9th February, 1939." (Govt. of India, Dept. of Labour, letter No. M.-1217, dated the 15th May, 1939).

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 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 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. (Bengal letter Nos. 3431 P., and 3062 Pl, dated, respectively, the 31st March, 1914, and 10th August, 1929).

69-A. Licence for alarm pistols.—A licence is required for going armed with an alarm pistol. 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. (Bengal letter No. 391 Pl., dated the 4th June, 1938).

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 telegraphic address is "Inspector, Guns" Ichapur, Nawabganj. (Home Dept. letter No. 812-821, dated the 9th June, 1914).

70A. Licences for arms repairers.—Repairers 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.—These repairers are merely local smiths or non 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. (Bengal letter No. 1190 PL, dated the 27th February, 1924)

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 October, 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. (Bengal letters Nos. 372-99 Pl., 1319 Pl. and 68 Pl.—D., dated, respectively, the 29th January, 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:—

Bakarganj	...	...	...	...	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. 88-87, dated the 29th October, 1908, Bengal No. 2262 P, dated the 21st March, 1911, E. B. and A. No. 3753 57 Pl., dated the 8th November, 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 Stores	...	...	...	A. N.
A. T. Daw & Co.	...	...	...	A. D.
D. N. Biswas & Co.	...	...	...	D. B.
A. C. Coondoo & 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.
T. C. Biswas & Co.	...	...	...	T. 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 post-cards 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. (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 post-card 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 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. (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. (Bengal letter No. 5383 Pl., dated the 21st December, 1931).

Note.—In accordance with the proviso to paragraph II (ii) 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 affects his competence to order the prosecution of a licensee 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. (Bengal letter No. 10674-80 P., 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.

III. 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, serviceable or unserviceable, should be taken into consideration.

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

Payments for rewards will be drawn up by 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. (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. (Bengal Resolution No. 655 P.—D., dated the 27th May, 1914, and letter No. 1524 P.—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. (Bengal letter No. 8976-77 P., dated the 8th October, 1914).

87-A. **Presentation of arms as rewards.**—Fire-arms 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 fire-arms by the local officers without the formal sanction of Government should be discouraged, and all proposals for giving out guns as rewards should be reported to Government for orders. (Bengal, letter No. 374 Pl., dated the 23rd January, 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 firearms 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 firearms 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. (Bengal letter No. 39 Pl., dated the 7th January, 1921).

(1) Any person depositing arms, ammunition or military stores with a licensed 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. (Bengal notification No. 4774 Pl., dated the 14th Nov., 1929).

Note.—Paragraph 89 (2) requires a dealer disposing of arms, ammunition or military stores deposited under section 16 of the Act to report the fact of deposit to the Commissioner of Police, Calcutta, and if the depositor is not a resident of Calcutta, to the Magistrate of the district in which he resides. The dealer shall also report to the above-named officers the name and address of the purchaser, the number, date and issuing authority of the licence, and the description of the arms and ammunition purchased. (Bengal letter No. 4928 Pl., dated the 4th December, 1936).

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. (Bengal Order No. 2782 Pl, dated the 12th September, 1923).

Note—Dealers are required to report to the licensing authority the fact of deposit of arms for safe custody. The report shall state the name and address of the depositor, the number, date and issuing authority of the licence under which the arms, ammunition or military stores were held, and a description of the arms, ammunition or military stores deposited. (Bengal letter No. 4928 55 Pl, dated the 4th December, 1936)

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 malkhanas.—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 be issued 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 licensed-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 licensed-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. 10 (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. 10 (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. 10 (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. 10 (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. 10 (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. 10 (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. 10 (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. 10 (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 mufassil 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.