

Indian Arms Rules Committee

REPORT



SIMLA
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
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Indian Arms Rules Committee.

REPORT.

A resolution was moved in the Assembly on the 8th of February ^{Introductory.} 1922 by Baba Ujagar Singh Bedi, to the effect that a Committee with a non-official majority should be appointed by the Governor General in Council to examine the new Arms Rules, 1920, and to submit a report before the next session making specific recommendations with a view further to amend them. The Resolution was carried and was accepted by the Governor General in Council subject to adherence to the principles, (1), that there should be no racial discriminations in the rules, and (2), that the Government must retain the power to impose restrictions to prevent arms and particularly firearms from falling into the possession of lawless or dangerous persons. In accordance with the instructions contained in Resolution No. F-57-1-Police, dated the 1st June 1922, we have examined the Arms Rules, 1920 and submit our recommendations to the Government of India for such action as they think desirable.

2. Our conclusions have been reached after an exhaustive examination of the views of local Governments, the recommendations of the Committee appointed in 1919 to advise as to the principles on which the rules should be framed, and a large number of memoranda submitted to us by various members of the public many of which were sent in response to a general invitation issued by the Government of India to those interested in the subject under discussion to communicate their views to Government for the information of the Committee. We have examined orally 13 official and 16 non-official witnesses including representatives of the army and the trade, whose evidence was taken in public of which much has already appeared in the columns of the press. We commenced our sessions in the month of July and spent ten days in recording evidence. We were unable to conclude our work then and for unavoidable reasons were compelled to postpone our deliberations until the September Session of the Legislature. For this reason there has been some delay in the submission of our report.

3. We propose to deal first with the question of the retention, extension, or contraction of the list of exemptions. ^{Exemptions.} Their total abolition has been advocated generally as a counsel of perfection, and the majority of the Committee should prefer this course if it were practicable. Local Governments, however, are of opinion that at this stage the entire abolition of exemptions would create grave dissatisfaction amongst the classes hitherto exempted and would be unwise and inexpedient. With this conclusion the majority of the Committee are in agreement. A large number of non-official Indians both in their oral evidence and in their written memoranda ~~maintain~~ that the Schedule of Exemptions should be enlarged. After

careful consideration of the views put before us and after examining in detail the entries in Schedule I we are of opinion that the existing list of exemptions contained in that Schedule is imperfect in some respects and we make the following recommendations regarding it :—

Under *entry 1 (a)* we would include Ministers and Members of the Imperial Legislature during their terms of office and Privy Councillors. The Committee by a majority do not recommend a similar concession to Members of the Provincial Legislatures.

In regard to *entry 6 (d), 6 (f), (i) and 6 (g)* we doubt whether the terms Great Sardars or Zamindars are sufficiently precise and we do not know what interpretation is placed upon them by the local Governments concerned, namely the Punjab, the United Provinces and the Central Provinces. We therefore recommend that enquiries should be made from these local Governments whether they maintain lists of these categories, whom they include, and whether they are sufficiently elastic. It has been represented to us that in some cases gentlemen who are in fact big Zamindars are excluded because they are not on the provincial Durbar List. If this is so, we think that it is an undesirable restriction. We are further of opinion that due regard should also be paid to lineage and family position and the lists revised accordingly. If such lists of exemptions under this entry are not maintained we recommend that they should be prepared, after the terms in question have been more precisely defined. We append a note by our colleague, Baba Ujagar Singh Bedi, making certain suggestions in this connection which we think may suitably be placed before the local Governments concerned for consideration.

Entry No. 7.—We were impressed with the evidence of Khan Bahadur Muhammad Saifullah Khan, Khan of Isa Khel, who explained that the proviso in Column 3 rendered this privilege to a large extent ineffective and we accordingly recommend the removal of the proviso. We are also of opinion that the same privilege should be extended to the districts of Campbellpur, Rawalpindi and any other district adjoining the North West Frontier Province which are exposed to raids and dacoities unless the local Government take exception to this course.

Entry 11, 11 (a) and 11 (b).—We consider that it is unnecessary to retain these exemptions in the actual Schedule of Exemptions. These items were included with a view to protecting, what may be termed the vested rights of the classes named, on the 1st of January 1920 and we are of opinion that these rights should continue to be protected. We therefore recommend that all the present exemptees in the entries 11, 11 (a) and 11 (b) should be granted a life license conferring on them the same privileges in respect of arms exempted from license and fee which they now possess. The majority of the Committee do not recommend that this privilege should be extended to title holders, who received titles after the 1st of January 1920.

Entry 13.—We recommend that an addition should be made to provide for the gift of swords or other arms by the Commander-in-Chief or on his behalf. A similar addition should also be made in Schedule II entry 3 (vii). Our colleague Baba Ujagar Singh Bedi, has pointed out that some confusion exists in regard to entry 11 (d) and entry 13. He considers that it should be made clear that entry 13 relates only to those who were

presented with swords and arms after 1920. This follows as a matter of course if our recommendations are accepted, as entries 11, 11 (a) and 11 (b) will be omitted, and entry 13 will be renumbered. We are content to leave this point of drafting to the special officer who, we propose, should be appointed for the purpose of redrafting the rules.

We considered the proposal that all stipendiary and honorary magistrates should be included in the list of exemptions ; but we are of opinion that a firearm cannot be regarded as a necessary part of the equipment of a magistrate as such and are unable to recommend this. The case of the police is sufficiently met by the fact that a revolver is already a part of the equipment of police officers above the rank of head constable. While in our view it is reasonable that all Government servants who in the opinion of the local Government require arms for the adequate discharge of their duty should be exempt from the payment of fees, we cannot recommend that all Government servants should be included in Schedule I among the exempted classes.

5. In the case of all exemptees we consider it of the highest importance that they should register all the arms they have in their possession ; and we recommend that registration should be compulsory. In regard to the limit imposed by certain local Governments on the number of arms which may be possessed we have no evidence that such restrictions are irksome and indeed from the rules we have seen we are convinced that the scale allowed is generous. We therefore recommend no interference with the restrictions at present imposed by local Governments on the number and kind of arms which can be possessed by exempted persons. It follows that we do not recommend a fixed scale which shall be uniform throughout India. Conditions vary in different provinces and under the rules framed by the various local Governments exemptees can carry as many weapons as they reasonably require for purpose of protection or other legitimate purposes.

6. A proposal has been put before us that the power of cancelling individual exemptions should be given to local Governments. We consider that the existing rules by which this power is vested in the Governor General in Council should remain.

7. Our colleagues Mr. Bajpai, Mr. Reddi and Mr. Faiyaz Khan favour the adoption of a system by which licenses should be issued without restriction to all applicants on payment of the prescribed fee save in the case of undesirable persons specified in a list kept for the purpose. This proposal however, does not commend itself to the majority of the Committee, who regard it as entirely outside the scope of practical politics. It is not only exposed to the objections we have urged to the total abolition of exemptions, but is open to the serious criticism that a suitable or proper classification of undesirable persons would be impossible.

8. We next come to the entitled class. The evidence on the question whether licenses are often withheld from those who belong to this class is divided, but we would recommend removal of restrictions in two directions. In our view eligibility to be included in the entitled class should be considerably extended, and the existing procedure in the matter of enquiry is susceptible of material relaxation. As to the

eligibility we recommend that the payment of Rs. 500 land revenue, Rs. 100 in roads and public work cesses, any payment of income-tax and, in the case of a Government servant, receipt of a pay of Rs. 100 a month and over should be sufficient qualification. In the case of the Punjab, Madras and the Central Provinces we suggest that enquiry should be made whether the limit of land revenue should not be Rs. 250 instead of Rs. 500. Further the heads of Joint Hindu families should be included in this class, and the adult brothers and sons of entitled persons living jointly with them should be similarly regarded as belonging to it. As to the relaxation of the procedure of enquiry we think that lists of entitled persons should be maintained and that any member of the entitled class applying for a license should be granted one immediately without enquiry unless the District Magistrate has some definite reason to think that the applicant is an unfit person, in which case he may for reasons to be recorded in writing, refuse the grant of a license or cause enquiry to be made : in cases of refusal we would recognize a right of revision by the Commissioner or some officer of equal status nominated in this behalf by the local Government. In the existing rules no mention is made of the entitled class, the principles regarding it being contained in a Resolution of the Government of India No. 2125-C-Police, dated the 21st March 1919. We are of opinion that it would be more satisfactory to the general public if the provisions regarding the entitled class with the modifications we suggest were embodied in the rules and we strongly recommend that this should be done.

Licenses.

9. We have given careful consideration to the various questions which arise in connection with the grant of licenses, especially licenses for the possession of arms. Complaints have been made to us regarding the administration, in practice, of the Rules, especially as regards the delays in dealing with applications, the irksome nature of the enquiries sometimes instituted, the difficulty of securing renewal of licenses already granted, and the difference in the restrictions imposed by the various local Governments. Indeed we are constrained to place it on record that in our opinion the vigorous criticism which has been directed against the Arms Rules in some quarters is due not so much to inherent defects in the rules themselves as to the method in which they have been put into practice. We have therefore given our particular attention to methods of improving the executive machinery.

Enquiry.

10. We have referred above to the unnecessary inconvenience caused by the necessity for making enquiries about the fitness of a delay in issuing licenses. We recognise that this delay is frequently caused by the necessity for making enquiries about the fitness of a person to possess a weapon, and while we do not recommend that enquiry can be dispensed with in every case, we believe that the present practice by which enquiries are almost entirely carried out by the police is open to objection by the public and should as far as possible be abandoned. We suggest that in any case in which a previous enquiry is necessary particularly in cases of entitled persons the District Magistrate should make it if possible by any agency official or non-official he may choose other than the police, and whenever possible through a Magistrate. In any case in which it is found necessary to

have an enquiry made through the agency of a police officer we are strongly of opinion that a license should not be refused merely on the strength of the report of such an officer alone but that the District Magistrate should order a magisterial enquiry also before coming to a final decision.

11. In some provinces we have found that the custom obtains of limiting the number of licenses issued. We have even found that the practice of individual District Magistrates in the same province varies. Any arbitrary limitation of the number of licenses issued in a district or province may clearly lead to the refusal of a license to a fit and proper person and we can see no justification for the adoption, save in exceptional circumstances, of this practice. In our view the normal practice should be that no limit should be placed on the number of licenses which may be issued in any district or province. We recognise, however, that circumstances may arise in which a rapid increase in the number of arms in a particular area may be fraught with danger and we think it advisable that local Governments should have discretionary power, without being compelled to resort to the extreme measure of disarming, to limit the number of arms in any area or district if there is reason to apprehend serious danger from the free grant of licenses and if such restriction is necessary for the maintenance of the public tranquility.

Limitation of
Number of
Licenses.

12. We would recognise a right of revision in the case of refusal to grant a license, but we would not disturb the existing rule which requires the sanction of the District Magistrate to a prosecution.

Revision and
Prosecution.

13. The period covered by the license varies in different provinces, but we recommend that it should now be the Calendar year. The scale of fees is discussed in paragraph 21 below. Persons should be allowed as at present to take licenses for three years on payment of a composition fee. We gather this rule is not widely known at present, and we think it would be desirable that the necessary steps should be taken to ensure its publicity.

Duration of
License.

14. In some quarters the criticism has been made that persons desirous of purchasing a weapon are put to inconvenience because they cannot produce the weapon when applying for the license necessary for its possession, and it was therefore recommended that a temporary license should be given to cover such purchase pending the grant of a license for possession. We do not agree with this, and in our view a permanent license should be issued at the time the applicant applies for a license and the number and description of the weapons purchased should be filled in by the firms from whom the purchase is made and communicated by them to the District Magistrate concerned. In this matter a uniform practice should be adopted throughout India.

Temporary
Licenses.

15. Another instance in which the present system has been shown to operate to the inconvenience of the license holders or would be license holders is that of persons arriving at Bombay, Madras or Calcutta, etc., by sea, who are not in possession of licenses and are therefore compelled to deposit their weapons with their agents or in the Customs House until a regular license can be obtained. We therefore recommend that customs

Licenses for
Persons
arriving by
Sea.

and police officers should be permitted to issue a temporary license for fourteen days on payment of the full fee, a receipt being given to the licensee. On receipt of the proper license from the authority empowered to issue the same no further fee should be payable.

**Loss of
Weapons.**

16. We attach some importance to the stricter enforcement of condition 7 of the conditions under which a license for the possession of arms and ammunition is granted. It has been suggested to us that the procedure in the case of failure to report the loss of firearms should be tightened up. But we are of opinion that the contingency is provided for by the conditions of the license, and all that is required is its more rigid enforcement. We recommend however that the license should also specify the penalty laid down in the Act for breaches of this or any of the conditions under which the license is granted.

**Crop
Protection
Licenses.**

17. The question of a freer issue of crop protection licenses was raised by a number of witnesses. The evidence given by official witnesses goes to prove that crop protection licenses are issued freely but in some cases conditions are imposed such as annual production of evidence of the purpose for which the license is required, before renewal is granted. We recommend the freer issue of such licenses and particularly on applications by or recommendations of landlords who are well acquainted with the local conditions and the extent to which damage is done to crops by wild animals.

**Form of
License.**

18. We have been impressed with the fact that licenses are frequently granted on flimsy paper which quickly perishes, and we recommend the universal adoption of the Calcutta form. There the license is printed on stout paper, and is enclosed in covers such as is used in the case of passports. To the license a leaflet of instructions, in the vernacular of the province or in English at the option of the licensee, should be annexed. These instructions should indicate the procedure laid down for the renewal of the license and the restrictions to which the licensee is subject. In this matter we plead for uniformity throughout India. It has been suggested that the All-India, the provincial, and the district license form should bear distinctive marks, and a different colour for each has been proposed. We do not regard this suggestion as of vital importance, but pass it on to the Government of India for consideration.

**Single
License.**

19. A single license form should be used for all the weapons licensed and not a separate license for each arm. We have found diversity of practice in the different provinces in this respect and we recommend that there should be uniformity.

**Renewal of
Licenses.**

20. As regards the renewal of licenses we are of opinion that the existing procedure is susceptible of improvement. We see no reason why when a license has once been issued, it should be necessary for a District Magistrate to sanction renewal. The licensee may have changed his district or he may live in an inaccessible locality. The inconvenience then caused is considerable and easily avoidable. We therefore recommend that licenses should be renewed by any Magistrate or any Sub-Divisional Magistrate in the district in which the licensee is residing or in any other district in which he is known. In the case of a renewal of a license

In a district other than that in which the license was originally issued we recommend that the original license should be renewed and the authority which issued the original license supplied with information of renewal. The production of firearms should not in our opinion be a precedent condition to the renewal of a license.

21. In regard to the scale of fees we find that there are indications that the present fees are regarded as too high (except for a provincial license in the North-West Frontier Province) especially in the case of breech-loading guns. We recommend the following scale in all provinces (except for provincial or district licenses in the North-West Frontier Province and possibly frontier districts of the Punjab) :—

Initial fee.—Revolver, Rs. 10 ; Rifle Rs. 5 ; Breech-Loading Gun and .22 bore Rifle Rs. 3 ; Muzzle Loading Gun or Air Gun requiring a license, annas 12; the enhancement of the fee from annas 8 to annas 12 being intended to meet the cost of the improved and more expensive form of license. *The fees on renewal* should be reduced and we recommend that they should be respectively Rs. 5, 2-8-0, 1-8-0 and annas 8; but if renewal applications are not made within a month after the expiry of the period covered by the license we recommend that it should be open to the District Magistrate in lieu of prosecution to levy the initial fee in full. No reduction of fee on account of composition is required.

Payment of fees should be by non-judicial stamp and applicants should be allowed to send their applications for licenses or renewal of licenses by post.

As stated earlier in our report all Government servants, who are, in the opinion of their local Government, required to possess arms for the adequate discharge of their duty and all members of the Auxiliary and Territorial Forces should be permitted to possess two arms without payment of fees. Exemptees should as at present pay no fees and those who will, if our recommendations are accepted, receive a life license should similarly pay no fees, for the arms which they are entitled to possess. We consider that the question of the extended issue of firearms free of fee in the North-West Frontier Province and Frontier districts should be carefully examined by the local authorities and we strongly recommend that, subject to such enquiries, action on these lines should be taken. We sympathise with the view of the arms dealers that the existence of a separate fee for a license for import into India and transport to destination is a distinct hardship, and in our opinion there should be a single fee only.

22. Under the rules no limits are placed on the amount of ammunition which may be possessed ; but local Governments have themselves imposed limitations. From the evidence before us we consider that these restrictions are in some cases unnecessary and calculated to inconvenience the *bona fide* sportsman. A uniform procedure in this respect is desirable throughout India, and we accordingly recommend that no limit of ammunition should be fixed in the case of shot guns or, .22 bore or target rifles. In the case of revolvers we recommend a limit of 100 rounds and in the case of rifles a limit of 200 rounds *per* rifle. Any person who can prove that he needs more than 100 rounds for a revolver or 200 rounds for a rifle should be given a license for a larger number. At the time of the

Restriction on
limit of
possession of
Ammunition.

purchase of revolver and rifle ammunition the license should, in our judgment, be produced. We are also of opinion that measures should be taken to facilitate the export of arms and ammunition to persons residing in feudatory states.

All-India
Licenses and
more
expeditious
procedure.

23. We have discussed in some detail questions affecting the issue of licenses because we feel that the public have legitimate grievances, and we believe that improvements can be effected for their benefit without in any way impairing the efficiency of the Arms Act administration. We desire now to make two proposals which we think may have material effect in allaying whatever dissatisfaction may remain. In the first place, we recommend that the issue of all-India licenses should be as unrestricted as possible and should be generally encouraged, and that certainly every member of the entitled class to whom a license is not refused should get an all-India license if he desires it. Further, we see no sufficient reason why Assam and Burma should be excluded from the all-India license and would recommend their inclusion. In this connection we also recommend with reference to entry No. 1 in Schedule II that enquiry should be made from the Punjab, Burma, North-West Frontier Province and Delhi whether the retention of these provinces in column 1 is really required, and whether the power given in column 3 is not sufficient to meet all reasonable requirements. Secondly, we strongly advocate greater expedition in dealing with applications for licenses and renewals. We have dwelt already on the possible inconvenience caused to the public. With the object of remedying the existing state of affairs it has been proposed that in each district a special department or a local advisory board should be established to deal exclusively with matters connected with the administration of the Arms Act. We are not in favour of the establishment of such a department or board, as the result would probably be even greater delay than at present, but we recommend that local Governments should be asked to issue instructions to district officers that they should appoint additional staff when necessary to deal expeditiously with applications for licenses and renewals, when applications are received in such numbers that the District Magistrate is not able to deal with them promptly with his ordinary staff.

Points of
detail.

24. We now come to a number of miscellaneous points of detail and we propose merely to give a brief record of our conclusions.

Restrictions
on Revolvers.

25. It has been suggested by the military authorities that the restrictions on the possession of revolvers should be tightened up. We recognise that the unrestricted possession of revolvers might be a menace to the public tranquility; nevertheless, we do not recommend any tightening up of the existing restrictions which seem to be adequate. At any rate they have not been shown to have failed. The existing restrictions should however remain.

Revolvers of
.303 and .450
bore.

26. Enquiry has been made whether the import into India of .303 bore revolvers should be prohibited. The military authorities see no necessity for the prohibition and we do not recommend it. There are, however, good reasons why the import of .450 bore revolvers which take service ammunition should be prohibited, and we recommend that such prohibition should be included in the rules.

Rifles of
prohibited
bore.

27. In regard to rifles of prohibited bore, we recommend that no prohibition is necessary in the case of those rifles for which service ammunition

tion cannot be used and the ammunition of which cannot be used for service rifles, but we make this recommendation subject to any objections which the military authorities may wish to place before the Government of India.

28. It has been suggested that the import of arms should be permitted through the post office, but we think any general rule such as this would be dangerous, and accordingly we are opposed to the adoption of this practice. Import of Arms through Post.

29. The rules regarding retainers have been represented as inadequate, but no specific instances of hardship have been brought to our notice, and we are of opinion that no change is required. Retainers.

30. A proposal was made to us that licenses granted to the head of a family should be held to cover the carrying of arms by dependent members of the family, particularly in the case of adult female members travelling alone. We are of opinion that the acceptance of this principle in such general terms might be dangerous. We think, however, that there is much to be said for the wife of a licensee being permitted to carry a weapon for purposes of protection on a railway journey, and we recommend that to this extent the proposal should be accepted. Carrying of arms on journeys by female members of licensee's family.

31. We agree that the practice hitherto followed by licensed dealers of employing assistants to conduct their business in their temporary absence should continue, and that it is unnecessary to take further steps to legalise it. Sale by Agents.

32. As regards reciprocity with Indian States, it has been proposed that reciprocal arrangements should be made in all matters connected with arms administration. We recognise that unrestricted reciprocity is clearly impossible. Some States have no Arms Act or Rules, and in others the administration of their rules proceeds on different lines from those which obtain in British India. We could not with equanimity contemplate a large number of persons from Indian States coming into British India in possession of arms on the ground that they are exempted in their State. On the other hand our exemptions provide for the exemption in British India of a number of high officials belonging to Indian States, and we therefore recommend that the Government of India should endeavour to secure reciprocal arrangements with any State which can satisfy the Government of India that they have properly administered Arms Rules. Reciprocity with Indian States.

33. We recommend that the same power be given to the Commissioner in Sind and the District Magistrate, Karachi, in respect of the grant of licenses for the export of arms and ammunition to Indian States by dealers in Karachi as are at present possessed by particular officers named in Schedule VI in respect of arms exported from elsewhere in India. District Authorities, Karachi.

34. We have not considered a number of technical points and minor errors and omissions in the existing Rules to which reference has been made in the correspondence or the evidence we have examined. Our object has not been so much to revise the Arms Rules from the point of view of draftmanship as to suggest improvements which will benefit the public. As regards the technical defects of draftmanship we are not qualified to express an opinion, nor is it our duty to do so. We recommend, however, that an officer might profitably be placed on special duty Appointment of a Special Officer to revise the Arms Rules.

to redraft the Rules, in the light of the recommendations made in this report and that an expert from the trade should be invited to assist him. In our opinion it would enable the ordinary license holder to get a grasp of the Rules which are of importance to him, namely, those relating to the issue and renewal of licenses, the fees payable, and the restrictions imposed, if these Rules were issued in a self-contained section. The Rules as they stand are very confusing and are so comprehensive that the average licensee finds it difficult to disentangle those which concern him from these which are in the nature of technical instructions.

W. H. VINCENT, *President.*

T. B. SAPRU.

A. K. G. A. MARICAIR.

H. A. J. GIDNEY.

DARCY LINDSAY.

HARCHANDRAI VISHINDAS.

ABUL KASEM.

M. K. REDDI.

BABA UJAGAR SINGH BEDI.

*MD. FAIYAZ KHAN.

*S. P. BAJPAL.

} *Members.*

SIMLA :

The September 1922.

*Subject to a separate minute.

APPENDIX.

BOTHWELL LODGE,

Simla.

September 20th, 1923.

SIR,

As suggested by the Arms Rules Committee to elicit opinions of certain Provinces on Schedule I of the Arms Rules 1920, for which the Punjab Government have also been called upon to submit their view regarding Clause (d) Section 6 of Schedule I ; in which connection I was also asked to suggest some definition which might be helpful to the Punjab Government in their this effort.

I may be permitted to submit the following few suggestions which might be taken into account both by the Punjab Government as well as the Government of India, before giving it a legal shape.

Although the Punjab Government has defined the Great Sardars and Jagirdars of the Punjab as those who are Provincial Durbaris, yet it seems to me that there is no well-defined criterion which governs the creating and selecting of Durbaris. It entirely rests with the arbitrary choice and recommendation of District Magistrates. Hence the definition is not for Great Sardars and Jagirdars.

There may be certain Provincial Durbaris who may be regarded as Great Sardars and Jagirdars and yet may not be paying such high revenues as are paid by, or bearing such traditional qualifications as are enjoyed by, those who are neither Provincial Durbaris nor regarded as Great Sardars and Jagirdars by the Punjab Government.

Therefore it has become imperative that a comprehensive definition should be provided for in the Law.

Not even to ignore the idea of the Punjab Government, let Provincial Durbaris be regarded as Great Sardars and Jagirdars.

But over and above that, it may be pointed out that although the evidence given by the non-official witnesses from the Punjab and also certain other Provinces presses Rs. 500 as annual land revenue as a definition of Great Sardars and Jagirdars, yet to make it more restricted, I beg to propose that a man whose land is assessed to land revenue of Rs. one thousand annually, or at the most Rs. 1,500, or is a Jagirdar of the same value, and is also from the Punjab Chiefs Family, in both cases, may also be regarded as a Great Sardar and Jagirdar within the meaning of the Clause referred to above.

Might I here elucidate the matter : the Punjab Government itself has considered the highest value of the revenue tax-payer to be Rs. 1,000 as given in the Electoral Rules to qualify a person as an elector to

Landholders' Constituency in the Punjab for the Legislative Assembly and that is the highest limit in the Punjab.

It is, therefore, obvious that such revenue payers in the Punjab are very limited in their number. The definition that I have given above will remove the trouble.

There seems no reason why the persons who come of high families of the Punjab Chiefs and are Jagirdars and still pay high revenues, are excluded from this privilege and merely persons picked up by the sweet will of District Magistrates should alone be and are regarded as Great Sardars and Jagirdars.

I presume that I have made the point clear, and that it will invite the attention of the Government : and I may be informed at an early date of the decision which may be arrived at by them.

Yours sincerely,

BABA UJAGAR SINGH BEDI,
M.L.A.

To

The President,
Arms Rules Committee,
Simla.

I think that in view of the fact that land-revenue in the Punjab is very low landlords paying Rs. 1,500 per annum as land-revenue in the Punjab may be exempted.

S. P. BAJPAL,
M.L.A.

While approving the view of my friend Mr. Bedi, I would also suggest to define the word or expression ' Ancient zamindar ' in Madras also.

M. K. REDDI,
M.L.A.

I agree with these views for Punjab.

H. A. J. GIDNEY.

ABUL KASEM.

For the reasons pointed out above I am of opinion that in this special circumstances of the Punjab landholders in the Punjab paying an annual land-revenue of Rs. 1,500 who are at the same time Punjab Chiefs should be exempted.

HARCHANDRAI.

Paragraph 7.

I do not agree with the majority of the Committee that my proposal to issue licenses to all applicants on the payment of the prescribed fee save in the case of undesirable persons specified in a list to be kept for the purpose is outside the range of practical politics. The policy of the Government of India in regard to the administration of Arms Rules has all along been a subject of hostile criticism in the country. It is urged that innumerable restrictions and limitations imposed on the possession of firearms have led to the emasculation of the Indian manhood. Those of us who were connected with the recruiting work during the great war know with what difficulty recruits could be procured for combatant strength in the army. The reason is obvious. People in the interview who have seldom seen a breech loading gun would hardly agree to become soldiers and fight in the trenches. I think it is not impossible to prepare a schedule of exclusions. The Police maintains a register of bad characters and a list of persons convicted of heinous offences can be obtained from the office of the District Magistrate. Bad characters, persons convicted of heinous offences and members of criminal tribes may be excluded. I think the time has now come for the Government of India to take courage in both their hands and adopt my suggestion which I believe, will not only disarm criticisms levelled in season and out of season against the Government but also prove a source of considerable strength to the British Empire in the hour of need.

Paragraph 3 entry 1 (a).

I think it is only fair that the members of the Provincial Legislatures should also be exempted. To me it appears an invidious distinction to exempt members of the Central Legislature and to deny the same privilege to Provincial Legislators. After all a considerable body of both the Legislators is drawn from the same class of citizens. This distinction, I am sure, will lead to considerable bitterness and heart-burning. I shall, therefore, recommend to the Government of India to exempt the members of Provincial Legislatures as well.

Entry 6 (g).

- (a) In Oudh all Taluqdars as such are exempt. Some of them pay nominal land revenue, while non-Taluqdar Zamindars to enjoy the privilege of exemption are required to pay twenty thousand rupees land revenue. I think with a view to feelings which are running very high with regard to the exemption of Zamindars in the Provinces of Agra and Oudh I shall suggest that all Zamindars who pay Rs. 3,000 or over as land revenue should be exempted. My recommendation coincides with the recommendation made by the United Provinces Landholders' Conference which met at Lucknow in July last.

- (b) Heads of Joint Hindu families who pay Rs. 3,000 or upwards as land revenue should also be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.

Entry 11, 11 (a) and 11 (b).

I do not agree with the majority of the Committee in their recommendations to grant a life license to exemptees falling under these categories. I am not convinced that the removal of these entries from Schedule I will satisfy title-holders who received these distinctions after the year 1920. They will continue to feel that while their more fortunate brethren are exempt to all intents and purposes they are called upon to apply for licenses. Most of the title-holders who received these decorations after 1920 feel that a rare privilege is denied to them.

Big landholders and a large number of title-holders have got large stakes in the country. I, therefore, see no reason why they should not be exempted. Consequently I recommend that entries 11, 11 (a) and 11 (b) should not only be retained but that all future title-holders, etc., should also be exempted.

Paragraph 4.

I do not agree with the majority of the Committee when they recommend that Magistrates, etc., should not be exempted. I think all Magistrates stipendiary or Honorary, Honorary Munsiffs and Honorary Assistant Collectors should be exempted. Magistrates do need firearms to protect themselves when they are put in charge of processions, etc.

Paragraph 5.

I think it unnecessary to place restrictions on the number of firearms to be possessed by an exemptee. I shall, therefore, recommend that no restrictions be placed on the possession of firearms by exemptees who are almost always loyal and law-abiding citizens.

सत्यमेव जयते

S. P. BAJPAI, M.L.A.,

Member, Arms Rules Committee.

SIMLA ;

The 27th September 1922.

Minute of dissent by Mr. Muhammad Faiyaz Khan, M.L.A., Member of the Arms Rules Committee.

I am sorry that I have disagreed on some points in the Arms Rules Revising Committee, which run as follows :—

(1) I do not agree on the ground of principle that the Members of the Imperial Legislature should be exempted from the operation of the Arms Act only so long as they continue to be the members. A person may not enjoy any concession, but if he does, he should not be deprived of it during his life-time, unless there is something to prove that he has become less trustworthy. A Member of the Imperial Legislature does not lose any part of his worth or his sense of responsibility by ceasing to be a member. Membership is only an apparent proof of a man's qualities, and his retirement does not involve any kind of turpitude at all. I therefore strongly hold that the Members of the Imperial Legislature should enjoy this privilege during their life-time.

(2) I fail to understand why the entitled class should only be based on money consideration. A person may not be a Government servant or may not be paying the prescribed sum to the Government as revenue or taxes, but still he may be as good or even a better citizen than many of the Government servants and those paying the prescribed sum to the Government as revenue or taxes. The Professor of a Communal College is an instance in point, who is neither a Government servant nor paying anything as tax. Again, the son or sons of a Zamindar may be thoroughly satisfactory men for keeping a weapon and still may not be paying any revenue or income tax in their name.

I really do not see why education be not also regarded as a sufficient qualification for coming under this class. Wealth may lead a man astray and may even bring him down to the position of a beast, but education alone is a sure agent for ennobling character. I would therefore suggest the inclusion of the following to the entitled class :—

- (a) Barristers, Pleaders, Vakils of High Court of 5 years' standing ;
- (b) Professors, Readers and Lecturers at Colleges affiliated to an Indian University ;
- (c) M. As. ;
- (d) B.As. of seven years' standing ;
- (e) Government pensioners drawing Rs. 100 and over per month.

(3) It should be expressly provided in the Arms Act that the licenses will not be held back on the basis of the individual political views, and to those who come under entitled class will get their licences as a right and not as a favour. What justification was there for the forfeiture of licences and arms of such revered, noble and peace loving citizens as Pandit Motilal Nehru, Lala Bhagwan Das, Khawaja Abdul Majid and S. Asif Ali, etc. The refusal to issue or renew a licence to

Indians of this position, though a proof of the "frame" being made of "steel" has the inevitable effect of lowering the prestige of the Government in the country. Big Zamindars and money lenders paying a large revenue to the Government have been refused licences on the ground of their wearing "Khaddar."

On the refusal or the forfeiture of licences, I have received a good many letters from respectable people ; and the following are the copies of a few interesting letters in my possession which will reveal the methods some time adopted by some of the District Magistrates. A gentleman who is paying as much as rupees twenty-five thousand as Government revenue, who is also a Municipal Commissioner and the Secretary of an important orphanage and a girls school, writes :

" The local officials are simply on account of the reason that I wear Khaddar in response to the country's call have forfeited my licence of Arms. I do not know what justification there is, the licences are being granted to my petty cultivators only if they say that they are the members of the Aman Sabha, but without giving any reason whatsoever they have done that against me, and together with me other very big and prominent Rais of.....whose fathers and they themselves are held in great esteem for no reason apparent except to suit their own wishes..... As far as I could ascertain and my knowledge goes the licences were introduced, that undesirables should not get licences, and should not possess firearms, but every day experience will show that murders and dacoities are being committed every day and Budmashes never show in wanting, they always have it and people of my social status do not get a licence. We have to travel to go to our villages which are apart some 40 miles, and travel with that money unsafe absolutely at the mercy of robbers and all, and nothing to protect us. I hope you will do something to relieve the present situation in the country and save gentry from these Bureaucrats who are pleased with a few on flattery." In an other letter the same gentleman, writes, " As regards myself, we are followers of Swadeshi and wear "Khaddar," I manage my estate, cases go to the courts, but certainly I am Congressman and so is my friend..... But my friend.....does not even wear Khaddar and still wears English suits, though of course he has also committed the crime of being a Congressman."

But I will quote you a most important example that the licence of.....had been forfeited, and the reason of this forfeiture I shall explain in full (instead of the explanation from the writer of this letter the very gentleman referred to in the above letter, wrote me the reason why his licence was forfeited, which runs as follows) : His name is....., Rais and Talukdar of.....he is one of the very big landholders of the United Provinces and is a confirmed loyalist, always dancing before the Collector and the Commissioner of..... so timid as afraid of wearing Khaddar because that displeases the officials so he must wear Christy's cap.

Here is what he himself says about the reasons of the forfeiture of his licence. " The whole estate is in the name of my father who pays the revenue of about Rs. 5,000 to the Government, my father is

supposed to be one of the big zamindars of this place, his name is as he has practically retired from all worldly cares and anxieties, so I am carrying the whole business from the last 6 years, and hence the licences of firearms were in my name, which have been forfeited, and the forfeiture of arms has caused me very great inconvenience. I had to shift my residence from to permanently, as it was not quite safe at owing to the dacoities and robberies, though it is not quite safe over here too. I was never taking any part in politics, and why I was a prey of Bureaucrats. I shall explain to you in detail. The remote reasons of displeasure of the Bureaucrats was that when I was residing in a few Congress Volunteers came for subscriptions, and I also paid a sum, but that was not the immediate cause of displeasure, I was serving as a Punch in the Tehsil of and I was called upon by the Collector to resign my seat from there, which as a gentleman I could not do so, as I had given my words that I will serve as a Punch for a month, this was the immediate cause of displeasure and he said that if you do not resign your seat from village "Panchayat" I shall forfeit your arms, and on my refusal the arms were forfeited. I at least was under the impression that Panchayats were no cause of displeasures to the Government, and on the other hand they were encouraged."

Another letter gives quite a different method adopted by a District Magistrate, which runs as follows :

"I have also a stubborn grievance against the licence regulations which seem to exist only in name. We are told that the reform scheme had given the honourable zamindars an opportunity to apply for licences for firearms such as rifles, revolvers, etc., but we have fully experienced the Reform Scheme to be dead letter. For this I may quote instances. I am a big landholder of my father is paying a considerable Government revenue of Rs. 8,000. When I applied for the licence of a rifle in the Collectorate, the Collector disposed of the case to the Deputy Collector, and I was called, and I appeared before him and he told me that if I gave Rs. 200 as a contribution to a Government fund I could be given the licence applied for. I plainly told him that I had already contributed a considerable amount and that this has no concern with the present matter, whereupon he said that if I were not ready to comply with his order, I should not insist for the said licence. Dismayed and embittered I left the court. Such measures I say can never compel us to co-operate. Leaving aloof my own case there are hundreds that will readily attract your attention. The whole district is seething with discontent on account of the severity in granting the licences. It is better that I do not quote more instances of the same nature." A cousin of the above writer, also writes, "My case is a bit different because I have not been refused the licence of a pistol which I require, but I have every reason to preclude that if I were to apply for it I should have been flatly refused. This statement of mine is not without foundation and validity, because my cousin who applied for the licence of a rifle was not given the licence he asked for. We are one of the greatest zamindars of our district, our family is paying Government revenue

of Rs. 8,000 (the whole family jointly paying Rs. 25,000 Government revenue) and myself exclusively paying Rs. 2,000. We really regret that being supporters of British Raj we are not so much trusted as to allow us to keep firearms. These measures instead of creating amicable relations with the Government bring about the greatest breach of fair connection with the landholders."

The above are a few of the typical cases I have selected, and I would only like to give one more letter from a person holding a responsible Government post in judicial line, which will show how the other party thinks of the present arms rules. The letter runs as follows :

"As for the Arms Rules in my opinion either the exemptions should be totally abolished or Gazetted Officers of 1st class must be exempted. You can well imagine the anomaly that a common man who has been hanging at the coat tails of a District Magistrate and thus becomes a Khan Bahadur prior to 1920 is exempted whilst a sub-judge who is entrusted with the decision of the Rais cases of the value of crores is not..... In my opinion if enquiry is at all necessary it must be entrusted to a District Committee comprising of officials and non-officials and their decision should be binding."

Before I finish quoting examples, let me quote one more recent amusing example of the decision of a queer District Magistrate. A leading practising Vakil in a District recently applied for a licence of a Double Barrel Breech Loading shot gun, and the licence was duly granted with the following note on the application :

"A licence for a Double Barrel Breech Loading gun for British India has been sanctioned in the name of the applicant, now he deposit the stamps for fee of the licence submitted for orders. The applicant is a pleader practising in the District." After a month or so the gentleman happened to go and see the District Magistrate. No one knows what conversation was passed between them, but one can pretty accurately guess what conversation could have passed between these two, which led the District Magistrate to write the following amusing and entertaining remarks on his application. The remarks ran as follows : "Deposit meanwhile. I have seen the gentleman, who seems very uncertain whether he is an enemy of the established Government or not." Curiously one would like to know from the District Magistrate whether he himself is "the enemy of the established Government or not" because by forfeiting the licence of such a respectable gentleman, has he not sown the seed of hatred and discontent with the established Government? one who sows the seeds of discontent with the established Government, then who should be called the "enemy of the established Government, the Magistrate or the licensee? There is one more and the last example of the misuse of the Arms Act by a District Magistrate which I would like to show, and I believe these examples to be enough to throw some light on the actual working of the Arms Act. A few months ago at Kashi-pore the shopkeepers observed Hartal on a particular day, the District Magistrate got enraged and issued an order of the forfeiture of the Arms of some of these shopkeepers who observed Hartal, and the order of the District Magistrate with the reply of the shopkeepers runs as follows :

Arms Act Rules.

A KASHIPUR CASE.

(*From a Correspondent.*)

True copies of the order of the Deputy Commissioner and the reply of nine gentlemen upon whom the order was served are sent herewith :

All these gentlemen are either zemindars or wholesale cloth merchants. They are men of respectable families. None of them is a non-co-operator. Even then the bureaucracy would force them to be so. Well Sir, was it any sin to close the shops on 13th of April ? Is that Hartal declared to be an illegal act ? Can Government force a man to either become a co-operator or a non-co-operator ? Is it not coercion, intimidation ? Are the peace-loving citizens to be thus deprived of their lawful activities ? It is rumoured that a gentleman is going to be deprived of his honorary magistrateship if he does not soon publicly do some work for the Aman Sabha.

DISTRICT MAGISTRATE'S ORDER.

On 13th April 1922, a Hartal was observed at Kashipur in pursuance of the non-co-operation movement. A number of those who closed their shops on that day are in possession of arms licences. Some of these have apologised. Others have not. The names of the latter are given below :

By observing Hartal these persons showed their sympathy with the non-co-operation movement, and also showed themselves undeserving of holding arms licences granted by the Government.

I therefore hereby suspend the licences of the persons named below and a notice will be served on each of them accordingly to deposit his weapons in the police station forthwith.

If within one month of service of the notice the licensee files a petition in my court expressing his regret and assuring me of his non-sympathy with the non-co-operation movement, the weapon will be restored. Otherwise the licence will be cancelled on the expiry of one month.

(1) Lala Sukhdeo Prasad Khatri, Honorary Magistrate, Kashipur ; (2) Lala Raghbir Saran Khatri, Kashipur ; (3) Lala Kunj Behari Lal, son of Lala Sukhdeo Prasad, Kashipur ; (4) Lala Brij Kishore Khatri, cousin of Lala Sukhdeo Prasad ; (5) Lala Puran Pershad Khatri ; (6) Lala Shiv Lal Khatri ; (7) Lala Ganga Prasad ; (8) Lala Chheda Lal Khatri ; (9) Lala Shyam Saran Har Saran Khatri ; (10) Lala Sudama Lal Raghbir Saran ; (11) Lala Shiva Lal Vaish ; (12) Lala Hazari Lal Vaish ; (13) Chaubey Amar Nath, Chairman Municipal Board, Kashipur.

THE REPLY.

To

THE DEPUTY COMMISSIONER,

NAINI TAL.

SIR,

In compliance with your order dated 7th June 1922, some of us have deposited our weapons in the police station, Kashipur and

others with Sheikh Abdul Wahid, a local licensed dealer in arms. As under the law both the courses are open to us, those of us who have elected the latter have done so in the hope that it will facilitate the disposal of these arms and enable us to realise a part of their value in case you are not pleased to rescind the above mentioned order.

2. Under resolution no. 2125-C. of the Government of India, Home Department, dated the 21st March 1919, payment of not less than Rs. 1,000 per annum as land revenue, or payment of an income-tax of not less than Rs. 3,000 for a period of three years as well as under the United Provinces Government Resolution no. 5572-X-844 dated 10th November 1919, payment of the above sums as land revenue or income-tax, respectively, or being an honorary magistrate, etc., is to be regarded as a sufficient qualification for entitling a person to obtain licences for the possession of firearms, including rifles, smooth bores, etc. In accordance with these statutory rules every one of us is duly qualified and entitled to a licence and some of us are possessed of more than one qualification.

3. The law for the suspension and cancellation of licences is clearly laid down in the Arms Act. Under section 11 a licence is liable to be suspended or cancelled only if the licensee is convicted of an offence against the Arms Act or the Rules or if it is necessary to do so for the security of the public peace. None of us has been so far convicted of such an offence, nor has it been alleged by anybody and it is not stated or even suggested in your order that it is necessary to suspend or cancel our licences with a view to preserve public peace. So, we venture to submit that your order is quite illegal and *ultra vires*. We have, jointly as well as severally, a profound concern in the maintenance of public peace. Even if we were unmindful of the public weal, our own self-interest as well as self-regarding instinct would constrain us to discountenance everything that may tend to disturb the public peace even remotely or indirectly. We cannot help stating that we have a distinct stake in the land as each one of us is connected either with a zemindari or with a decent business concern, or with both, and as such we have everything to lose and nothing to gain by any breach of the public peace at any time. We beg leave to submit that the closing of the shops on the 13th of April last—whether all of us did so or not; and though some of us, namely, Lala Chedalal, Lala Brijkishore, and Lala Sukhdeb Prasad have no shop in any bazar and Lala Hazarilal none in Kashipur, so that it was not possible for them to close any—has no bearing in the matter of our licences and the suspension thereof on this account is not warranted by the law of the land.

4. As a condition precedent to the restoration of the weapons you want an assurance of non-sympathy with the non-co-operation movement from each of us. We are at a loss to understand the full import of these words. As we have stated above, we have to come in contact occasionally, if not frequently, with public servants for various purposes, such as the determination or payment of land revenue or income-tax, or for purposes of irrigation or settlement, and in connection with proceedings in courts, and the like. The very fact of our being in possession of these arms is significant enough. Besides we are render-

ing public services, however humble they may be, in various other spheres, *e.g.*, in the municipality, in the furtherance of the co-operative credit movement, in the management and maintenance of the aided high school in our town, and one of us, Lala Sukhdev Prasad, also, as an honorary magistrate. Under these circumstances it would not be impertinent to enquire what we are required to undertake by giving an assurance of non-sympathy with the non-co-operation movement. Unity among all races and creeds, uplift of the depressed classes, encouragement of cottage industries and indigenous manufacture of cloth, revival of the purity and simplicity of oriental living, social and temperance reform, cultivation and development of the individual and national sense of self-respect, and above all, the realisation of the paramount necessity of the maintenance of public peace and order under all possible conditions and circumstances and an immutable determination to adhere to the above principles and to cultivate feelings of personal amity and good will among individuals are some and by far the main planks in the contemporaneous non-co-operation platform. Are we required to run in a counter direction and to turn our stiff backs against one and all of these and, if so, would our conduct be of public advantage and conducive to the progress of the State? Further, is any of these activities prohibited by law and, if not, is one to be deprived of his legal rights and privileges because of his legitimate actions and lawful actions if he cannot succeed in persuading his conscience to accept the executive view of the matter or to disregard its counsel.

5. There is a still graver aspect of this question, and we can only hope that it did not strike you at the time you passed the preliminary order suspending our licenses. As was well known to your predecessor in office, Kashipur sub-division and its vicinity is infested with dacoits as well as wild animals and their ravages have rendered serious havoc—villages have been deserted, land has gone waste and population is steadily dwindling—dacoities have never been scarce in these parts while during the last two or three years arson, pillage, assassination and inhuman outrages have been the order of the day and a reign of terror has been supreme for a considerable period, as even one having no local knowledge can easily gather from the Sub-divisional Magistrate's judgment in a recent case (*K. E. vs. Umraosingh* of May 1922). The report of the land revenue administration in these provinces just published also bears testimony to this. 'Agriculture in the Naini Tal *tarai* was hampered by the prevalence of dacoity, and the Commissioner remarks that dacoity was disastrous and the police were helpless' (*vide* paragraph 60 of the report). It is reported that a public spirited citizen offered to lead the police in March last to the dacoits' camp in the neighbourhood of Kashipur town and in response to this the superintendent of police did proceed to Kashipur and reached the railway station with a force of about a hundred strong one evening but,..... he retraced his steps and returned back to his headquarters with his party by the next train. Presumably he did this out of regard for public interests, and you will see from this how very irksome is our position, specially as some of us have already received threatening letters purporting to have been written to us by the members of the gang. In

a case in which a person was convicted for being in possession of a pistol without a license at Kashipur, the High Court held in revision that a serious view should not be taken of the matter as 'the applicant was living in a part of the province where dacoities had been fairly numerous of late years' and there was a 'presumption that any person found in possession of such a weapon had obtained it for the purpose of self-protection' (Revision No. 680 of 1918).

Under these circumstances we beg leave to admit that possession of such weapons as we have surrendered in obedience to your orders is absolutely essential for purposes of self-defence for persons of our status, and we hope that on reconsideration you will be pleased to cancel your orders under reference so that our arms may be restored to us.

It is unfortunate indeed that some time the zamindars and other respectable people are deprived of the right of possessing firearms by license, while Anglo-Indians of the position of a railway-guard are being granted licenses, even for revolvers. The Government of India, whose vision is certainly broader than most of the District Magistrates may not, perhaps like them to be so narrowminded, but their impetuosity has no limit. Let us, therefore, put a brake upon their rashness and local prejudices by an express provision of the Act.

(4) The present Arms Act requires or it is at least a practice in some of the districts, to bring or send the arms, after having bought it, to the collectorate to have the number of the arms endorsed on the license, and I know a good many instances of a few Englishmen of higher service—District Judge and Joint Magistrate—who instead of sending or bringing their arms to the collectorate, they just sent a letter or a chit to the collectorate and give the number of arms in it for endorsement. I am of opinion that nobody should be required to bring or send his arms for endorsement to the collectorate, he should just mention the number of the arms in a letter addressed to the authority concerned, or if it is necessary at all that the arms should be presented before the endorsement authority, then each and every one, whatever position he may hold, should be required to present his arms before the endorsement authority and no letter or chit should be permitted to any one.

(5) The limit of two hundred cartridges per rifle is one of the most important question from the sportsman's point of view ; if this limit means 200 cartridges per rifle per year then certainly it will be most objectionable ; 200 cartridges will never be sufficient even for a month in a sporting district, but if it means that not more than 200 cartridges can be bought or kept at one time then there is not much objection. But why limit the number of ammunition at all. When the Government relies on a person for an arm with a certain limited number of ammunition, then I fail to understand why the same person should not be relied upon for an unlimited number of ammunition. Why should the Government of India be responsible for this sort of an act and restriction, which is bound to create discontent in the country, or at least among the sportsmen, and make the Government unpopular. I

know of no country in the world putting such sort of restriction on the amount of ammunition to be possessed by a licensee.

(6) There is one more important point to which I would like to draw the attention of the Government, which is about the punishment meted out to the holders of unlicensed arms and ammunition. Cases have been known where an Anglo-Indian has been fined a few rupees, and his arm confiscated, for unlawfully possessing an arm, while an Indian had to undergo a few months simple or rigorous imprisonment for even unlawfully possessing a sword. In the eye of law there is no such distinction between an Englishman, Anglo-Indian or an Indian, then why the distinction in the punishment. There is no reason why should an Englishman or an Anglo-Indian escape by merely paying a few rupees as fine and a poor Indian has to undergo simple or rigorous imprisonment for the same offence. If I am right there is a provision in the Government Order No. 454-VI-989, dated 14th March 1887, which clearly says that the offences against the Arms Act "would as a rule be sufficiently punished by fine", I am afraid this order of the Government is never acted upon. There must be a uniformity in the punishment of an Englishman, Anglo-Indian or an Indian under this Act, and this will undoubtedly allay the bitter feeling of the racial distinction.

There is every probability that under the new rules, more applications for licenses will be coming in. If, then, the reforms are in reality the first step on the road to self-government, then these applications should be dealt with in the spirit of real justice and right and not as a favour. There are no doubt several District Magistrates whose attitude towards such applicants has been reasonable, but unfortunately the majority of them are still too proud and not yet prepared to consider themselves as servants but always pose themselves as masters, and do not feel that a new era has set in. They ought to be told in plain words that the grant of a license to an entitled person is never a special favour or a privilege but they deserve it as a matter of right. Let me quote here a sentence from the speech of Mr. Iswar Saran, M.L.A., delivered in the Legislative Assembly on the 8th September 1922 at Simla, who in other words truly represents the public opinion and this applies in each and every case, he says, "We do not want the white man to be our perpetual ruler, our perpetual trustee, our perpetual guardian. We have had enough of this everlasting trust. We extend to the white man, and I speak with absolute truth and sincerity, the hands of fellowship and good comradeship, but I do resent and as long as there is the last breath of life left in me, I shall continue to resent the perpetual domination of the Civil Service or any other service....."

Unless the principle is accepted by the Government and faithfully acted upon by the District Magistrates any improvement upon the present arms rules will be a farce, I cannot emphasise upon this point too much. The entitled class should never be debarred from holding the license except on the only ground of moral turpitude. I must, however, make it clear that I do not regard any attempt on the part of an Indian to criticise the policy or the official of the Government or any desire on his part expressed in words or act to bring about a fundamental change in the policy of the Government, as amounting to moral turpitude.

The District Magistrates must not allow themselves to be carried away by what they hear from the police or those unfortunate class of non-official people who are called the flatterers, official favour seekers, title and job hunters and sycophants, who as a matter of fact have taken on themselves the duty to always misrepresent the true spirit and condition of the country and the individuals, simply to satisfy their personal aggrandizements, and those unfortunate officials who are misled by this class of people, not only ruin their own reputation and position but that of the Government too along with them. They should always coolly form their own opinion, and without the least fear of contradiction I can say, that this class of people,—who are never considered anybody in public eye, who always mislead the officials and hence the Government—are unfortunately the chief and the only root cause of all the present discontent and situation in the country. The personal considerations would defeat the ends of justice and fair play and bring a bad name to the Government.

With due respect to the President of the Arms Rules Revising Committee, I may say, that I do not for a moment accept to the arguments some time put forward before the witnesses, that the presence of too many arms may prove dangerous to the public on such occasions as the Arrah or Katarpore riots. I wonder why no such riots ever take place or have ever taken place in any of the Indian States, although the use of arms, there is almost freer than in British India. It entirely depends, if I may say so, on the temperament of the people and the way in which delicate situations are handled by the Government. In the Indian States, there is no such things as quarrels between the Hindus and the Muslamans, probably because their rulers do not seem to have yet adopted the unwise policy of the “divide and rule.”

If I remember it right the Committee had decided that the powers of fixing the number of licenses in any district, in the case of necessity should still remain with the local Governments. May I just say a few words about this—and finish this minute of dissent with the hope that these new rules will be dealt with a new and a broader vision—I do not think there is any harm if the local Governments be given such powers, but, before limiting or reducing the number of licenses in any particular district, I hope the local Government will kindly announce through their local gazettes—at least a month before—the name with the date of the district where this new order is to be enforced, and also the reasons for doing so; with the opinion, if possible of some of the leading officials and non-officials of the district concerned, then and then alone should the local Governments be empowered to enforce this order.

MD. FAIYAZ KHAN.

18th October 1922.