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MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

19th March 1879, No. 531.

Arms Act.

Read the following paper:—

No. 207. *Office Memorandum from C. BERNARD, Esq., Officiating Secretary to the Government of India, Home Department (Public), to the Acting Chief Secretary to Government, dated Fort William, 6th March 1879, No. 17—519-28.*

In circulating an amended copy of the rules recently issued under "The Indian Arms Act, 1878," the undersigned is directed to explain the object of the several corrections as follows:—

Clause I, line 3.—The addition of the words "Sections 13, 14, 15, and 16 of" leaves the exempted classes and persons free to possess arms and ammunition, to go armed, and (Rule 3 of the rules under Clause VI of the Notification) to transport arms and ammunition in reasonable quantities. But the exempted classes and personages will not be free to sell, to manufacture, or to transport arms and ammunition without a license, save in so far as they are authorised to transport arms, &c., under Rule 3 aforesaid.

Clause I, sub-section (5).—The words "and Europeans" have been added after the word "Americans," as it seemed right that Europeans travelling in India should be exempted just as Americans are.

Clause I, sub-section (7).—Words have been added to provide that in the case of Ruling Chiefs entering British India, the Political Officer shall, subject to such instructions as he may receive, settle the number of the armed retainers that may travel with their masters in British India.

Clause I, sub-section (9).—For the words "the retainers of" have been substituted the words "the following personages and their retainers." This has been done because it was pointed out that these personages can best be exempted separately from any exemptions to be made under Clauses (10) and (11).

Clause I, sub-section (9).—"The great Zemindars of Bengal" have been added to the personages who, with their retainers, come under the general exemption, subject to the orders of the Local Government.

Clause II.—Spears of all kinds have been exempted from the Arms Act, in certain districts and parts of districts in Bengal, to be hereafter specified by the Local Government.

Clause III.—The districts of the Jhansi Division of the North-Western Provinces and a part of the Mirzapur District have been withdrawn from the operation of Section 14 of the Act.

Clause VI, Rule 1.—The prohibition against the transport of cannon, &c., has been extended to the importation of the same articles.

Clause VI, Rules 5 and 7.—The effect of the alterations made in these rules is to place the control of the arms trade with feudatory Chiefships, as well as with transfrontier States, more completely under the control of the Foreign Department of the Government of India, and the Political

Departments of the Governments of Madras and Bombay. Also the trade in arms with the Ajmere District, which is a small enclave in foreign territory, is placed entirely under the Foreign Department.

Clause VI, Rule 13.—An omission has been supplied, so as to give the Presidency Police Magistrates power to grant licenses within their own jurisdictions.

Clause VI, Rule 14.—A clause has been added empowering the authority who grants licenses for a journey to permit the holders by special authorisation to go armed in marriage procession, or on other public occasions.

Clause VI, Rule 15.—The free licenses granted for possession under this rule are applicable to FIRE-arms and ammunition and military stores, and not to swords, or spears. Weapons other than fire-arms may be possessed without a license in districts which have not been disarmed; but the possessors cannot go armed, or carry such arms without license under Rule 15.

Clause VI, Rules 17 and 18.—These rules are altered so as to suit the orders about to issue under the Indian Stamp Act of 1879. The fees on licenses will be paid by means of "impressed stamps," on which the applications for such licenses may be written.

Clause VI, Rule 19.—The general rule that all licenses shall, unless renewed, expire on the 31st December, applies only to licenses granted under Rules 11 and 13.

ENCLOSURE No. 1.

NOTIFICATION.

In continuation of Notification, No. 9, dated 2nd January 1879, the following revised edition of the Notification and Rules made by the Governor-General in Council under "The Indian Arms Act, 1878," is published. The revised rules will take effect from the date of publication. The forms cited in these rules are precisely the same as those previously published:

I.—The Governor-General in Council is pleased, under Section 27, to exempt from the operations of all prohibitions and directions contained in Sections 13, 14, 15, and 16 of "The Indian Arms Act, 1878," other than those referring to cannon, articles designed for torpedo service, war-rockets, and machinery for the manufacture of arms and ammunition, the under-mentioned persons, namely,—

- (1) all Maharajahs, Rajahs, Nawabs, Members of any Order of Knighthood; all persons bearing a title conferred by the Government of India; all persons who have been granted a sword in public Durbar; all persons who received certificates on the 1st January 1877; all persons who are exempted from personal attendance at Civil Courts;
- (2) all Members or ex-Members of the Council of the Governor-General, or of the Governors of Madras or Bombay, or of the Council of the Lieutenant-Governor of Bengal;
- (3) all Military and Naval Officers, all Soldiers, Sailors, Volunteers, Police Officers, Forest Officers, Postal Officers, Jail Officers, serving the Government;
- (4) all Magistrates, Justices of the Peace, Honorary Magistrates, and Judicial Officers of or above the rank of Munsif;
- (5) all European and East Indian subjects of Her Majesty the Queen-Empress; all Armenians; and all Americans and Europeans not British-born subjects of Her Majesty who are temporarily residing or travelling in India;
- (6) all Consuls, Consular Agents, all duly accredited Vakeels or Agents of Native States;
- (7) all Ruling Chiefs on the occasions of their entering, or residing in, British India, with their retinues, to such numbers as may in each case be settled by the Political Officer under the orders of the Foreign Department or of the Madras and Bombay Governments in respect to Chiefs whose political relations are with those Governments respectively; and all officials of such Chiefs passing through British India on duty;
- (8) all pensioned officers of the Native Army, and pensioned officers of the Civil Departments who, when employed, were exempt;

Clause 9. (a) The exemption of ancient zemindars & "Parganas" & their retainers may well be considered as bestowing discretion in the D. & Magistrate to deem included with the members of their family who are recognized as Co-ordinate local social rank & position, and the definition is sufficiently wide to include zemindars proprietors of corresponding position & of any standing & eminence when local considerations demand exceptional treatment.
[L.P. G.O. No. 783.]

Clause 10. All members of Dist. Municipalities & Local Fund Boards are exempted from the operation of all prohibitions & directions for other than those referring to cannon, articles designed for torpedo service, war rockets, & machinery for manufacture of arms & ammunition. [L.P. G.O. No. 783.]

Clause 15. The terms of the license are wide enough to allow D. & Magistrate to extend to Res. officials (not Magistrate) when necessary for the requirements of the public service, the exemption granted to Magistrate by Cl. 9.
[L.P. G.O. No. 783.]

Clauses 9 and 10. [Provis.] When D. & Magistrate deem it necessary, they may refer individual cases for distinct order, but good reasons must be adduced for exceptional privileges. [L.P. G.O. No. 783.]

Rule 3(a) & 4(a). Altho by 3(a) the Ex. is limited with. Does the scheduled list of weapons from all prohibitions & directions, except those named in the list; the Ex. extends to all parts of India (without any exclusion of the scheduled list) the prohibition & directions regarding sulphur in any quantity above 10 lbs. The unlicensed possession of sulphur above that quantity is prohibited. [L.P. G.O. No. 783.]

Cl. 6. Rule 15. The new law is stricter than the last, which allowed people to possess arms unless such possession was dangerous to the public peace / without license. Now arms, not being fire arms, may alone be possessed without license, but a license is required to carry any arms unless the party concerned is one of the exempted classes. *[G.O. 1222/77 No. 4988/]*

Clause 2. Under the terms of this Bill, all members or ex-members of the Madras Leg. Council are exempted from the prohibitions & directions contained in Sec. 13 & 14 of the Act. *[G.O. 511.22.69.782/]*

Clause 3/. An expression 'Pol. Officers' as used in this Act includes Pol. Constables insofar as the latter are permitted to carry arms by departmental rules. See also exemption (b) Sec. 7 of the Act - *[G.O. 1222/77 No. 4988/]*

(9) the following Personages and their Retainers—

- (a) the ancient Zemindars and Poligars of the Madras Presidency;
- (b) the Deccan and Southern Mahratta Sirdars;
- (c) the Maharajah of Bulrampore, K.C.S.I., the Maharajah of Benares, the Rajah of Gursahai, the Rajah of Jagmanpore, the Rao of Gopalpura,
- (d) the great Sirdars and Jagirdars of the Punjab;
- (e) the Zemindars of the scheduled districts in the Central Provinces;
- (f) the great Zemindars of Bengal;

subject to such orders as the respective Local Governments may issue regarding personages to be included in these categories, or the numbers of retainers in each case;

- (10) Landholders and Members of Municipal Committees of approved loyalty and of good position, according to lists that may from time to time be issued by the respective Local Governments;
- (11) all Heads of Villages, Ghatwals, Dighwars, and other Rural Police;
- (12) all Thooogyes, Yazawut-goungs, Kyadangees in British Burma;
- (13) all persons of Coorg race; and all jumma tenure-holders in Coorg who by their tenures are liable for Police and Military duties;
- (14) all subjects of the Baroda State who may transport arms or ammunition from one part of Baroda territory to another part of the same territory, under a license granted by the Resident or Assistant Resident of Baroda;
- (15) all Revenue Officials and Postal Runners in frontier or wild districts, where the superior departmental officers direct them to carry arms on duty.

II.—The Governor-General in Council is pleased, under Section 27, to exclude from the operation of any prohibition and direction contained in the Act—

- (a) spears of all kinds, so far as regards the Presidency of Madras;
- (b) weapons known as *kukris* and *dhaoos*, so far as regards the Lieutenant-Governorship of Bengal;
- (c) weapons known as *dhars*, so far as regards the Chief Commissionership of British Burma;
- (d) swords, daggers, spears, *kukris*, *dhaoos*, so far as regards the Chief Commissionership of Assam;
- (e) bows and arrows; and
- (f) spears of all kinds in Bengal, so far as regards districts or parts of districts which the Local Government may declare to come within this exemption.

III.—The Governor-General in Council is pleased, under Section 27, to withdraw from the operation of prohibitions and directions contained in the Act certain tracts as follows:

- (a) all scheduled districts in the Madras Presidency from all prohibitions and directions, save in respect to rifled arms and cannon, and except those directions contained in Sections 12 and 25;
- (b) the Chittagong Hill Tracts of Bengal from the prohibitions and directions contained in Sections 13 and 14;
- (c) all scheduled districts in the Lieutenant-Governorship of the Punjab, except Hazara, and also certain tracts and villages on the Hazara frontier specially notified by the Local Government, from all prohibitions and directions contained in Sections 13 and 14;
- (d) the Arracan Hill Tracts of British Burma from the prohibitions and directions contained in Sections 13 and 14; and
- (e) in the North-Western Provinces the districts of the Jhansi Division and the parts of the Mirzapore District on the right bank of the River Sone, from the prohibitions and directions contained in Section 14.

IV.—The Governor-General in Council is pleased to extend the prohibitions and directions regarding Military stores as follows:—

- (a) to sulphur in quantities above ten seers, all sections of the Act to all parts of India;
- (b) to saltpetre and lead, Sections 8, 10, 11, 12, 17, 19—28, in all districts on the external land frontier of British India, and in the seaboard districts of British Burma.

V.—The Governor-General in Council is pleased, under Section 11, to sanction the establishment of searching stations, under Section 11, at—

- (a) the land customs-houses near the boundary line between British India and the French Settlements on the Eastern and Western Coasts and the Portuguese Settlements on the Western Coast;

(b) Allannmyo near the external boundary line between British India and the Kingdom of Upper Burma.

The Governor-General in Council is pleased, under Section 9, to direct that at the said land customs-houses the duties specified in the second Schedule shall be levied.

VI.—The Governor-General in Council is pleased, under Section 17, to make the following rules determining the officers by whom, the form in which, and the terms and conditions on and subject to which, licenses shall be granted:—

RULES.

TRANSPORT, IMPORT, AND EXPORT.

1. No cannon, articles designed for torpedo service, war-rockets, or machinery for the manufacture of arms and ammunition, shall be imported into British India, or transported over any part of British India without a license granted by the Governor-General in Council under the signature of the Secretary to the Government of India in the Home Department. The license shall be in Form I, appended to these rules, and a copy shall be at once communicated to the Magistrate of the District, or to the Political Officer of the State, to which the articles are consigned.

2. No arms, or ammunition, or military stores, shall be transported in any part of British India without a license in Form II appended to these rules. If the articles are despatched from Calcutta, Madras or Bombay, the license will be granted by the Commissioner of Police; in all other cases the license will be granted by the Magistrate of the District. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Magistrate of the District to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license; or the Police Commissioner, or District Magistrate, to whom application for the license is made, may forward the proposed license to the officer whose consent is required; and on receiving reply should either issue the license to the applicant, or inform him that his application for a license to transport arms, &c., had been refused.

3. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport, in any part of British India, arms or ammunition in reasonable quantities for their own use. Any person abusing this exemption and transporting such articles otherwise than in reasonable quantities for his own use will be held to have contravened this rule, and will, on conviction, become liable to the penalties under Sections 18 and 19.

4. A license to transport arms or ammunition or military stores is void if the consignment breaks bulk at any place short of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

5. No license shall be granted, save by the special order of the Governor-General in Council certified under the signature of the Secretary to the Government of India in the Home Department for the importation into British India by sea or river or land, or for exportation from British India by sea, of any cannon, or of any rifles, except rifles of such quality or in such quantity as may reasonably be held to be intended for *bond-fide* sporting purposes.

6. Licenses to import or export arms, other than cannon or rifles not excepted as in the next foregoing rule, ammunition or military stores by sea, may be granted at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Kurrachee, Aden, and for no other ports. They shall be granted by the Commissioners of Police in respect of each Presidency Town, and by the Magistrate of the District in respect of Rangoon and Kurrachee. The fee payable in respect of each such license shall be ten rupees, and the licenses shall be in the Forms III and IV, appended to these rules. It shall be a condition of such licenses that the arms and ammunition imported shall either be deposited in a warehouse sanctioned in this regard under Section 7 of the Indian Arms Act, or that they shall be at once despatched to their destination under a separate license to transport.

7. Licenses to export arms or ammunition or military stores by land or by river to any place beyond the frontier of British India, or to any place within the limits of the feudatory State, and licenses to import arms or ammunition or military stores into, or to export the same out of, the District of Ajmere, may be granted by the Secretary to the Government of India in the Foreign Department, or by any other officer specially empowered by the Government of India to grant them.

licenses to export arms or ammunition or military stores by land or by river to any place within the political jurisdiction of the Governments of Madras and Bombay may be granted by the Secretaries to the Governments of Madras and Bombay, respectively; copies of such licenses being sent to the Foreign Department of the Government of India for information. These licenses will be valid only for the State named in them, and no export beyond the limits of that State can be permitted under them.

Rule 4 (k). An Oregon border is not considered part of the external land frontier of U. S. India, at least frontier region near American small Puyuk, U. S. Province, British, Oregon, Assam, Assam to near Megui. (Lis. May 199.
no: 1979/.

Rule 4 (a) License for importation into U. India of sulphur piones
to the satisfaction of the local Govt. to be intended only
for bona fide manufacturing purposes may be granted
without payment of the fee of Rs. 10/- / The Supt. of G.O.
the Sine 880. No. 992, Dated in G.O. 26.6.80. No. 1522/
2 (b) for agricultural purposes

Rule 6-(4). To avoid duplicate licenses being used more than once, the term for which they are to be valid should invariably be entered in the papers.

Col. of the license I should, especially in the case of arms, ammunition: a ~~military~~ store, license for transport ^{to} any part of U. India to the frontier, be carefully restricted to such period as may be reasonable. Ex. Order 23,979. in G.O. 3,1039 No. 2552.

Rule 2. ^{Persons} Under this Rule, arms &ammunition cannot be transported from one part of B. India to another - except in ^{10,000} small quantities by exempted persons - in transit. a license in Form II for which a fee of 10 Rs. is payable - (L.P. 7.5.79. No. 1043/—).

Rule 3 - No. 1st of the examples & 2nd class of persons from the 1st class.
The operation of the Act as to the possession of arms & ammunition &
Rule 3 declares that persons lawfully entitled to possess arms
are permitted to transport in any port of U. India arms & amm.
in reasonable quantities for their own use. It follows from this that
every exempted person may transport without license from one part of U. India
to another a reasonable quantity of arms & ammunition which he may require for his own
use. (H. O. 73-79, p. 1023, 2nd Sec. 27.)
p. 6/2 a fee of 5 Rs is payable for a license for the export of arms &

Rule 7) a fee of 5 Rs is payable for a license for the export of minerals by land or river to (a) any place beyond the external frontier of U. India, or (b) to any place within the limits of a princely State. In case (a) it is necessary that the license be obtained from the Govt. of India, & in case (b) the previous consent of the Resident or other Political Officer must be obtained.

[M.S. 7-5-79. No. 1023/]

appeals for export from headwaters to the towns of Wauyatan,
Chumoya & Ayson, within the limits of the Federating State of
Ayson, should be decided by the Council of Chiefs, headmen,
after the consent of the Tribes: is obtained - & the

Case of any kind within U. Indian Territory, the consent of the D. Magistrate concerned in the case of the Mysore District. The consent of the Resident at Hyderabad. Any person for export to the Native States under the Political jurisdiction of the Mysore District are to be granted by the Chief Secy. who will communicate with the P.O. Officer concerned or require the production of evidence of consent of such officers. Should any P.O. Officer (outside the jurisdiction of the Mysore District) be so empowered, the applicant for the license shall be so informed & referred to the Govt. of India. /G.O. 44.5.79. No. 1130/

Exempted persons are free without license to take out of U. India into the feudatory State when they may be sojourning arms & ammunition in reasonable quantities for their own private use. /G.O. 2.8.79. No. 1295/

Rule 6 - 6(a) In the case of arms, other than cannon or rifles with exception as in Rule 5, arms or military stores imported under license into U. India and exported thence to another U. India named in Rule 6 or in Rule 6B - the necessary license for such re-export & importation be granted on payment of one Rs/cash/ instead of ten rupees. Such licenses shall be in Form III & IV appended to these Rules. /G.O. 2.12.79. No. 2367/

Rule 6(b) By this Rule importation or exportation of arms & ammunition as distinguished from the transit of arms from one part of U. India to another can only take place as under or subject to the procedure to be observed as therein defined. /G.O. 15.9.79. No. 2367/

Rule 6(c) Where the license destination is a place beyond the frontier of U. India, or a place within a feudatory State, the license is termed a license to export. /G.O. 2.12.79. No. 2367/

Licenses granted under this rule will be prepared in Form V, and be charged with a fee of Rupees 5.

8. Persons desirous of transporting arms, ammunition, or military stores, must apply in writing to the officer authorised to grant transport licenses from the place of despatch. The application must specify—

- the place to which the articles are to be transported, the route of transport, and the probable time occupied in the journey;
- the quantity, description, average price, and the purpose of each kind of arms or ammunition; or
- whether the applicant desires that the officer to whom he applies should obtain the consent of the Magistrate or Political Officer of the place of consignment [if the applicant has obtained such consent, the evidence of such consent must be produced].

9. Persons transporting arms, ammunition, or military stores under a license must write legibly on the cases or packages containing such articles an account of their contents.

10. Within six days of the articles reaching their destination the consignee must deliver the transport license to the Magistrate of the District, or to the Political Officer; and, in the case of articles crossing the external frontier of British India, to the Magistrate of the District where the consignment crosses the external frontier. The officer to whom the transport license shall be delivered must satisfy himself that the articles transported to his district correspond with the entries in the pass, and that any deficiency is properly accounted for.

MANUFACTURE AND SALE.

11. Licenses to manufacture, convert, keep and sell arms or ammunition or military stores, may be granted by Commissioners of Police in the Presidency Towns, and by the Magistrate of the District outside those towns. They shall be in Forms VI and VII appended to these rules. The fee payable in stamps shall be twenty rupees in respect of licenses to manufacture and sell, &c.; and ten rupees in respect of licenses to keep and sell, &c. Every license-holder, under this rule shall keep, in such form as the Local Government may from time to time direct, a record and account of all stock, and of all sales of arms and ammunition or sulphur, which he may keep or sell. He shall exhibit his stock and his record, or accounts, of stock and sales to any Magistrate, or to any Police Officer not below the rank of Inspector. Magistrates and all Police Officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are manufactured or kept, and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix a board on a conspicuous part of his shop, or usual place of business, and shall cause to be painted thereon in large letters in English, or in the vernacular of the district, his name and the words "licensed to manufacture," or "licensed to deal in arms, ammunition and military stores," as the case may be. He shall also have a copy of Section 28 of the Indian Arms Act posted up, in the vernacular of the district or in English, on some conspicuous part of his usual place of business.

POSSESSION OF ARMS AND GOING ARMED.

12. Licenses to possess cannon shall not be granted, save under the special order of the Governor-General in Council, certified under the signature of the Secretary to the Government of India in the Home Department. A copy of such license, so certified, must be sent immediately on its issue to the District Magistrate of the place where the cannon is to be kept.

13. Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display, may be granted by the Commissioner of Police in the Presidency Towns, and by the Magistrate of the District outside those towns, in Form VIII. Such licenses shall be liable to a fee of eight annas for each weapon in disarmed districts, and to a fee of four annas for each weapon in districts which have not been disarmed. Such a license will authorise its holder to carry the arms described in the license, on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorised by the Magistrate, must not go armed in railway carriages, to fairs, religious processions, or other public assemblages. Licenses granted under this rule shall, on countersignature by the Commissioner of the Division, or other officer authorised in this regard by the Local Government where there are no Commissioners, shall be valid for all the districts of the Local Government within the territories of which the license may have been granted.

14. Any Commissioner of Police or Magistrate of the District may grant a license in Form IX for a journey, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period, and will be liable to a fee of four annas for each weapon. Political Agents may grant licenses under

this rule to natives of the States where they may be serving, and such licenses granted for journeys by Political Agents shall be liable to no fee. Holders of licenses under this rule, unless specially authorised by the officer granting the licenses, must not go armed in railway carriages, to fairs, religious processions, or other public assemblies.

15. Licenses to possess fire-arms or ammunition or military stores in districts which have not been disarmed may be granted in Form X without fee. Such licenses will not authorise the holders to go armed, or to carry arms. In districts which have not been disarmed, as well as in disarmed districts, licenses to possess and carry arms (Form VIII) will be liable to fees as stated in Rule 13.

16. Licenses for possession of arms and ammunition may be granted in Form XI without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle, or crops. Such license will be valid only in or on the immediate confines of the district for which it is granted. It will be subject to the conditions that the license and the weapon it covers is shown once a year, between the 15th November and the 31st December, to the nearest Magistrate; that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt; and that such weapon is carried only on occasions when it is to be used *bonâ fide* for the destruction of wild animals. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

GENERAL.

17. Applications for licenses, or renewals of licenses, under these rules, shall be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses.

18. Applications for licenses in respect of which no fee is leviable, or regarding licenses on which the full fee has been paid, shall be considered to be applications within meaning of Schedule II, Article 1, Clause (a) of "The Indian Stamp Act, 1879," and shall bear a Court fee stamp of one anna.

19. All licenses under Rules 11 and 13 shall expire on the 31st December of the year for which they may be issued; licenses under Rule 15 shall expire on the 31st December of the 5th year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee by the same authority that granted it.

20. All licenses shall be given and held subject to the conditions endorsed on the reverse, and subject to these rules, and subject to the provisions of the Act. Licenses under Rules 13 and 16 may be granted subject to the observance of a close season in the pursuit of game-birds or animals that do not injure either men, or cattle, or crops. The limits of the close season will be decided by the Local Government, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

21. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Magistrate, or by any Police Officer in charge of a Police station, or by any Police Officer of higher rank.

22. Licenses granted for use within a district shall be written or printed in the vernacular language of such district. Licenses granted in a Presidency Town, or for use beyond the district where they may be granted, shall be in English and may be in the vernacular as well.

23. The Assistant Resident at Aden shall exercise the powers of a Magistrate in respect of the grant of licenses under these rules.

24. A license granted under these rules will cover only the weapons or other articles, and the persons named therein, unless the officer granting a license under Rule 13 or 14 deems it expedient to include the retainers of any person named in the license; in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

25. Any officer empowered to grant a license under these rules may at his discretion refuse to grant, to renew, or to consent to the issue of, a license, or may refer any application for the orders of the Local Government.

26. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

HOME DEPT., (PUBLIC) FORT WILLIAM,
6th March 1879.

(Signed) C. BERNARD,
Offg. Secy. to the Govt. of India.

No. 208.

ORDER THEREON, 19th March 1879, No. 581.

Ordered that the amended Notification and Rules issued by the Governor-General in Council under "The Indian Arms Act, 1878," received with the foregoing, be published in the *Fort St. George Gazette* for general information.

2. It is observed that Rule 6 of the Rules as amended omits, as before, the provision that the Magistrate of the District is empowered to grant licenses to export or import arms at the port of Calicut. This is clearly an oversight, or clerical omission, by the word Calicut being omitted in naming the ports of Rangoon and Kurrachee.

3. The Government were desirous that the port of Cocanada at least of the Eastern Coast ports should be made a port of import or export under the Arms Act. The Government of India, however, have not so included this port. In their letter, dated 4th January last, No. 16 (d), they remarked that "unless, and until, it is

* G.O., 28th January 1879, No. 163. shown that there has been a *bonâ fide* trade in arms to these ports, the Governor-General in Council is unwilling to declare Bimlipatam, Cocanada, Tuticorin, Mangalore, and Negapatam open to traffic in arms, &c." The District Magistrate, Godavari, will report whether there is such a *bonâ fide* direct trade in arms to the port of Cocanada as to justify an application to the Government of India, to include Cocanada among the ports declared to be open to traffic in arms, ammunition, and military stores, under the usual check and scrutiny.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the District Magistrate of Malabar.
" " of Godavari.

Exd. T. O'Connor.

12
1977
9/9/88
47/101

Arms Act.—Certain amended Notifications and Rules issued by the Governor-General in Council under "The Indian Arms Act, 1878," to be published in the Fort St. George Gazette for general information.

MARCH.
Nos. 207-208.

G.O., 1904 March 1879, No. 681.

Dated March, 1904.
Issued
Recd.
Encl.

To
THE DISTRICT MAGISTRATE,
Madurai,
&c., &c., &c.

Govt. of Madras
JUDICIAL.

No. 17
519-28.

HOME DEPARTMENT.
PUBLIC.

Fort William, the 6th March 1879.

OFFICE MEMORANDUM.

In circulating an amended copy of the rules recently issued under "The Indian Arms Act, 1878", the undersigned is directed to explain the object of the several corrections as follows:

Clause I., line 3.—The addition of the words "Sections 13, 14, 15, and 16 of" leaves the exempted classes and persons free to possess arms and ammunition, to go armed, and (Rule 3 of the rules under Clause VI. of the notification) to transport arms and ammunition in reasonable quantities. But the exempted classes and personages will not be free to sell, to manufacture, or to transport arms and ammunition without a license, save in so far as they are authorized to transport arms, &c., under Rule 3 aforesaid.

Clause I., sub-section (5).—The words "and Europeans" have been added after the word "Americans", as it seemed right that Europeans travelling in India should be exempted just as Americans are.

Clause I., sub-section (7).—Words have been added to provide that in the case of ruling Chiefs entering British India, the Political Officer shall, subject to such instructions as he may receive, settle the number of the armed retainers that may travel with their masters in British India.

Clause I., sub-section (9) —For the words "the retainers of" have been substituted the words "the following personages and their retainers". This has been done because it was pointed out that these personages can best be exempted separately from any exemptions to be made under clauses (10) and (11).

Clause I., sub-section (9).—"The great zemindars of Bengal" have been added to the personages who, with their retainers, come under the general exemption, subject to the orders of the Local Government.

Clause II.—Spears of all kinds have been exempted from the Arms Act, in certain districts and parts of districts in Bengal, to be hereafter specified by the Local Government.

Clause III.—The districts of the Jhansi Division of the North-Western Provinces and a part of the Mirzapur District have been withdrawn from the operation of Section 14 of the Act.

Clause VI., Rule 1.—The prohibition against the transport of cannon, &c., has been extended to the importation of the same articles.

Clause VI., Rules 5 and 7.—The effect of the alterations made in these rules is to place the control of the arms trade with feudatory Chiefships, as well as with transfrontier States, more completely under the control of the Foreign Department of the Government of India, and the Political Departments of the Governments of Madras and Bombay. Also the trade in arms with the Ajmere District, which is a small *enclave* in foreign territory, is placed entirely under the Foreign Department.

Clause VI., Rule 13.—An omission has been supplied, so as to give the Presidency Police Magistrates power to grant licenses within their own jurisdictions.

Clause VI., Rule 14.—A clause has been added empowering the authority who grants licenses for a journey to permit the holders by special authorisation to go armed in marriage procession, or on other public occasions.

Clause VI., Rule 15.—The free licenses granted for possession under this rule are applicable to FIRE-arms and ammunition and military stores, and not to swords, or spears. Weapons other than fire-arms may be *possessed* without a license in districts which have not been disarmed; but the possessors cannot *go armed*, or carry such arms without license under Rule 15.

Clause VI., Rules 17 and 18.—These rules are altered so as to suit the orders about to issue under the Indian Stamp Act of 1879. The fees on licenses will be paid by means of "impressed stamps", on which the applications for such licenses may be written.

Clause VI., Rule 19.—The general rule that all licenses shall, unless renewed, expire on the 31st December, applies only to licenses granted under Rules 11 and 13.

C. Arund
Offg. Secretary to the Govt. of India.

To

*The Government of
Madras.*

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forwarding an annotated copy of the rules recently issued under "the Indian Arms Act 1878," and explaining the object of the several corrections.

- W. S. Schuchman

- (8) all pensioned officers of the Native Army, and pensioned officers of the civil departments who, when employed, were exempt;
- (9) the following personages and their retainers—
- (a) the ancient zemindars and poligars of the Madras Presidency;
 - (b) the Deccan and Southern Mahratta Sirdars;
 - (c) the Maharajah of Bulrampore, K. C. S. I.,
the Maharajah of Benares,
the Rajah of Gursahai;
the Rajah of Jagmanpore,
the Rao of Gopalpura;
 - (d) the great Sirdars and Jagirdars of the Punjab;
 - (e) the zemindars of the scheduled districts in the Central Provinces;
 - (f) the great zemindars of Bengal;
- subject to such orders as the respective Local Governments may issue regarding personages to be included in these categories, or the numbers of retainers in each case;
- (10) landholders and members of Municipal Committees of approved loyalty and of good position, according to lists that may from time to time be issued by the respective Local Governments;
- (11) all heads of villages, ghatwals, dighwars, and other rural police;
- (12) all Thoogyes, Yazawut-goungs, Kyadangees in British Burma;
- (13) all persons of Coorg race; and all jumma tenure-holders in Coorg who by their tenures are liable for police and military duties;
- (14) all subjects of the Baroda State who may transport arms or ammunition from one part of Baroda territory to another part of the same territory, under a license granted by the Resident or Assistant Resident of Baroda;
- (15) all revenue officials and postal runners in frontier or wild districts, where the superior departmental officers direct them to carry arms on duty.

II.—The Governor General in Council is pleased, under Section 27, to exclude from the operation of any prohibition and direction contained in the Act—

- (a) spears of all kinds, so far as regards the Presidency of Madras;
- (b) weapons known as *kukris* and *dhaos*, so far as regards the Lieutenant-Governorship of Bengal;
- (c) weapons known as *dhars*, so far as regards the Chief Commissionership of British Burma;
- (d) swords, daggers, spears, *kukris*, *dhaos*, so far as regards the Chief Commissionership of Assam;
- (e) bows and arrows; and

- (f) spears of all kinds in Bengal, so far as regards districts or parts of districts which the Local Government may declare to come within this exemption.

III.—The Governor General in Council is pleased, under Section 27, to withdraw from the operation of prohibitions and directions contained in the Act certain tracts as follows:

- (a) all scheduled districts in the Madras Presidency from all prohibitions and directions, save in respect to rifled arms and cannon, and except those directions contained in Sections 12 and 25;
- (b) the Chittagong Hill Tracts of Bengal from the prohibitions and directions contained in Sections 13 and 14;
- (c) all scheduled districts in the Lieutenant-Governorship of the Punjab, except Hazara, and also certain tracts and villages on the Hazara frontier specially notified by the Local Government, from all prohibitions and directions contained in Sections 13 and 14;
- (d) the Arracan Hill Tracts of British Burma from the prohibitions and directions contained in Sections 13 and 14; and
- (e) in the North-Western Provinces the districts of the Jhansi Division and the parts of the Mirzapore District on the right bank of the River Sone, from the prohibitions and directions contained in Section 14.

IV.—The Governor General in Council is pleased to extend the prohibitions and directions regarding military stores as follows:

- (a) to sulphur in quantities above ten seers, all sections of the Act to all parts of India;
- (b) to saltpetre and lead, Sections 6, 10, 11, 12, 17, 19—28, in all districts on the external land frontier of British India, and in the seaboard districts of British Burma.

V.—The Governor General in Council is pleased, under Section 11, to sanction the establishment of searching stations, under Section 11, at—

- (a) the land customs-houses near the boundary line between British India and the French Settlements on the Eastern and Western coasts and the Portuguese Settlements on the Western coast;
- (b) Allammyo near the external boundary line between British India and the Kingdom of Upper Burma.

The Governor General in Council is pleased, under Section 9, to direct that at the said land customs houses the duties specified in the second Schedule shall be levied.

VI.—The Governor General in Council is pleased, under Section 17, to make the following rules determining the officers by whom, the form in which, and the terms and conditions on and subject to which, licenses shall be granted:

RULES.

TRANSPORT, IMPORT, AND EXPORT.

1. No cannon, articles designed for torpedo service, war-rockets, or machinery for the manufacture of arms and ammunition, shall be imported into British India, or transported over any part of British India without a license granted by the Governor General in Council under the signature of the Secretary to the Government of India in the Home Department. The license shall be in Form I. appended

to these rules, and a copy shall be at once communicated to the Magistrate of the District, or to the Political Officer of the State, to which the articles are consigned.

2. No arms, or ammunition, or military stores, shall be transported in any part of British India without a license in Form II. appended to these rules. If the articles are despatched from Calcutta, Madras or Bombay, the license will be granted by the Commissioner of Police; in all other cases the license will be granted by the Magistrate of the District. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Magistrate of the District to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license; or the Police Commissioner, or District Magistrate, to whom application for the license is made, may forward the proposed license to the officer whose consent is required; and on receiving reply should either issue the license to the applicant, or inform him that his application for a license to transport arms, &c., had been refused.

3. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport, in any part of British India, arms or ammunition in reasonable quantities for their own use. Any person abusing this exemption and transporting such articles otherwise than in reasonable quantities for his own use will be held to have contravened this rule, and will, on conviction, become liable to the penalties under Sections 18 and 19.

4. A license to transport arms or ammunition or military stores is void if the consignment breaks bulk at any place short of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

5. No license shall be granted, save by the special order of the Governor General in Council certified under the signature of the Secretary to the Government of India in the Home Department for the importation into British India by sea or river or land, or for exportation from British India by sea, of any cannon, or of any rifles, except rifles of such quality or in such quantity as may reasonably be held to be intended for *bond fide* sporting purposes.

6. Licenses to import or export arms, other than cannon or rifles not excepted as in the next foregoing rule, ammunition or military stores by sea, may be granted at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Kurrachee, Aden, and for no other ports. They shall be granted by the Commissioners of Police in respect of each Presidency Town, and by the Magistrate of the District in respect of Rangoon and Kurrachee. The fee payable in respect of each such license shall be ten rupees, and the licenses shall be in the Forms III. and IV. appended to these rules. It shall be a condition of such licenses that the arms and ammunition imported shall either be deposited in a warehouse sanctioned in this regard under Section 7 of the Indian Arms Act, or that they shall be at once despatched to their destination under a separate license to transport.

7. Licenses to export arms or ammunition or military stores by land or by river to any place beyond the frontier of British India, or to any place within the limits of the feudatory State, and licenses to import arms or ammunition or military stores into, or to export the same out of, the District of Ajmere, may be granted by the Secretary to the Government of India in the Foreign Department, or by any other officer specially empowered by the Government of India to grant them.

Licenses to export arms or ammunition or military stores by land or by river to any place within the political jurisdiction of the Governments of Madras and Bombay may be granted by the Secretaries to the Governments of Madras and Bombay, respectively; copies of such licenses being sent to the Foreign Department of the Government of India for information. These licenses will be valid only for the State named in them, and no export beyond the limits of that State can be permitted under them.

Licenses granted under this rule will be prepared in Form V., and be charged with a fee of rupees five.

8. Persons desirous of transporting arms, ammunition, or military stores, must apply in writing to the officer authorised to grant transport licenses from the place of despatch. The application must specify—

- (a) the place to which the articles are to be transported, the route of transport, and the probable time occupied in the journey;

- (b) the quantity, description, average price, and the purpose of each kind of arms or ammunition; or

- (c) whether the applicant desires that the officer to whom he applies should obtain the consent of the Magistrate or Political Officer of the place of consignment [if the applicant has obtained such consent, the evidence of such consent must be produced].

9. Persons transporting arms, ammunition, or military stores under a license must write legibly on the cases or packages containing such articles an account of their contents.

10. Within six days of the articles reaching their destination the consignee must deliver the transport license to the Magistrate of the District, or to the Political Officer; and, in the case of articles crossing the external frontier of British India, to the Magistrate of the District where the consignment crosses the external frontier. The officer to whom the transport license shall be delivered must satisfy himself that the articles transported to his district correspond with the entries in the pass, and that any deficiency is properly accounted for.

MANUFACTURE AND SALE.

11. Licenses to manufacture, convert, keep and sell arms or ammunition or military stores, may be granted by Commissioners of Police in the Presidency Towns, and by the Magistrate of the District outside those towns. They shall be in Forms VI. and VII. appended to these rules. The fee payable in stamps shall be twenty rupees in respect of licenses to manufacture and sell, &c., and ten rupees in respect of licenses to keep and sell, &c. Every license-holder under this rule shall keep, in such form as the Local Government may from time to time direct, a record and account of all stock, and of all sales of arms and ammunition or sulphur, which he may keep or sell. He shall exhibit his stock and his record, or accounts, of stock and sales to any Magistrate, or to any police officer not below the rank of Inspector. Magistrates and all police officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are manufactured or kept, and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix a board on a conspicuous part of his shop, or usual place of business, and shall cause to be painted thereon in large letters in English, or in the vernacular of the district, his name and the words "licensed to manufacture", or "licensed to deal in arms, ammunition and military stores", as the case may be. He shall also have a copy of Section 23 of the Indian Arms Act posted up, in the vernacular of the district or in English, on some conspicuous part of his usual place of business.

POSSESSION OF ARMS AND GOING ARMED.

12. Licenses to possess cannon shall not be granted, save under the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Home Department. A copy of such license, so certified, must be sent immediately on its issue to the District Magistrate of the place where the cannon is to be kept.

13. Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display, may be granted by the Commissioner of Police in the Presidency Towns, and by the Magistrate of the District outside those towns, in Form VIII. Such licenses shall be liable to a fee of eight annas for each weapon in disarmed districts, and to a fee of four annas for each weapon in districts which have not been disarmed. Such a license will authorise its holder to carry the arms described in the license, on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorised by the Magistrate, must not go armed in railway carriages, to fairs, religious processions, or other public assemblages. Licenses granted under this rule shall, on countersignature by the Commissioner of the Division, or other officer authorised in this regard by the Local Government where there are no Commissioners, shall be valid for all the districts of the Local Government within the territories of which the license may have been granted.

14. Any Commissioner of Police or Magistrate of the District may grant a license in Form IX. for a journey, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period, and will be liable to a fee of four annas for

each weapon. Political Agents may grant licenses under this rule to natives of the States where they may be serving, and such licenses granted for journeys by Political Agents shall be liable to no fee. Holders of licenses under this rule, unless specially authorised by the officer granting the licenses, must not go armed in railway carriages, to fairs, religious processions, or other public assemblies.

15. Licenses to possess fire-arms or ammunition or military stores in districts which have not been disarmed may be granted in Form X. without fee. Such licenses will not authorise the holders to go armed, or to carry arms. In districts which have not been disarmed, as well as in disarmed districts, licenses to possess and carry arms (Form VIII.) will be liable to fees as stated to Rule 13.

16. Licenses for possession of arms and ammunition may be granted in Form XI. without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle, or crops. Such license will be valid only in or on the immediate confines of the district for which it is granted. It will be subject to the conditions that the license and the weapon it covers is shown once a year, between the 15th November and the 31st December, to the nearest Magistrate; that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt; and that such weapon is carried only on occasions when it is to be used *bona fide* for the destruction of wild animals. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions, or other public assemblies.

GENERAL.

17. Applications for licenses, or renewals of licenses, under these rules, shall be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses.

18. Applications for licenses in respect of which no fee is leviable, or regarding licenses on which the full fee has been paid, shall be considered to be applications within meaning of Schedule II., Article 1, clause (a) of "the Indian Stamp Act, 1879", and shall bear a court fee stamp of one anna.

19. All licenses under Rules 11 and 13 shall expire on the 31st December of the year for which they may be issued; licenses under Rule 15 shall expire on the 31st December of the 5th year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee by the same authority that granted it.

20. All licenses shall be given and held subject to the conditions endorsed on the reverse, and subject to these rules, and subject to the provisions of the Act. Licenses under Rules 13 and 16 may be granted subject to the observance of a close season in the pursuit of game-birds or animals that do not injure either men, or cattle, or crops. The limits of the close season will be decided by the Local Government, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

21. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Magistrate, or by any police officer in charge of a police station, or by any police officer of higher rank.

22. Licenses granted for use within a district shall be written or printed in the vernacular language of such district. Licenses granted in a Presidency Town, or for use beyond the district where they may be granted, shall be in English and may be in the vernacular as well.

23. The Assistant Resident at Aden shall exercise the powers of a Magistrate in respect of the grant of licenses under these rules.

24. A license granted under these rules will cover only the weapons or other articles, and the persons named therein, unless the officer granting a license under Rule 13 or 14 deems it expedient to include the retainers of any person named in the license; in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

25. Any officer empowered to grant a license under these rules may at his discretion refuse to grant, to renew, or to consent to the issue of, a license, or may refer any application for the orders of the Local Government.

26. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

C. BERNARD,

Offg. Secretary to the Govt. of India.

23
Judl. Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following:

From the Govt of India, Home Dept. Public, dated
6 March /79, No. 519.
Order 10th March /79. No 581

Ordered that the
amended Rules issued by the
Govt of India in Council under
the Indian Arms Act, 1878, revised
with the foregoing, be published
in the Fort St. George Gazette
for general information.

2. It is observed that Rule
6 of the Rules as amended reads,
as before, the provision that the
District Magistrate is empowered
to grant licenses to export or import
arms at the port of Calcutta. This
is clearly an oversight, or clerical
error, by the word Calcutta
being omitted in naming the
ports of Rangoon & Murrachee.

3. The Govt were desirous
that the port of Laccadive also

C. G. O. 2000 No. 519 D. N. M. 12-3-79

W.S.

Gazette. 1/4.

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Boht. of 1879 3110hrs.

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Date 19-1-19
Recd. 1879, No. 584

Nos. 207-208

Memos. Cited and
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Gen'l in Council and
the Gen'l in 1878, to
be published in the 2d 4.
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