

(1) Number of pages 24
 (2) Date of repair 16-12-43
 (3) Initials of the Referencer Q

MADRAS RECORD OFFICE.

Government of Madras.

for DEPARTMENT.

G.O. No.	19	Press ~~Mis.~~
Dated	9 / 1	1883

Not to be folded or roughly handled

*Arms Act - See 5 - Exempt
 prohibition - Main feature of
 etc. used for fire works.*

9TH JANUARY 1883, No. 19, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to Government, dated Fort William, 14th December 1882, No. 1965.

I am directed to acknowledge the receipt of your letter, No. 1597, dated the 17th October 1882, bringing to the notice of the Government of India a ruling of the Madras High Court to the effect that "the manufacture or possession of fireworks, including rockets which are mere fireworks, does not come within the prohibition of Section 5 of the Indian Arms Act." With reference to this ruling the question is raised whether the manufacture and possession of gunpowder used for fireworks are, or are not, exempt from the prohibition contained in Section 5 of the Arms Act.

2. In reply, I am to say that the ruling of the Madras High Court appears to apply only to the licensed manufacture and possession of fireworks *as such*, and is entirely in accordance with the decision arrived at by the Government of India on this point in previous cases.* I am to add that the ruling of the Madras High Court now brought to notice does not seem to the Governor-General in Council to afford any sufficient ground for supposing that the Court would sanction the unlicensed possession of *gunpowder* or sulphur in quantities exceeding ten seers.

ENCLOSURES.

From the Hon. C. GRANT, C.S., Secretary to the Government of India, Home, Revenue, and Agricultural Department (Public), to the Secretary to the Government of the North-Western Provinces and Oudh, dated Fort William, 1st December 1880, No. 1812.

I am directed to acknowledge the receipt of your letter, No. 748, Judicial—Criminal, dated the 30th June last, recommending (1) the issue of a Notification exempting all persons who wish to possess a small quantity of fireworks for their own use from the orders restricting the possession of "ammunition" (as defined in Section 4 of the Arms Act); and (2) that the Local Government should be empowered to reduce the license fee in border districts where dealers in fireworks suffer from competition with those residing in Native States. In a subsequent letter, No. 252-A, dated 3rd October 1880, it was recommended that the Government of the North-Western Provinces and Oudh should be empowered to prescribe special licenses for the ordinary class of vendors of fireworks at reduced rates.

2. Before replying to your letters it was considered desirable to ascertain the procedure adopted elsewhere in regard to the issue of licenses under the Arms Act, for the possession, manufacture, and sale of fireworks, and I am now to enclose copies of the replies* on the subject, received from the Governments of Bengal and the Punjab, in case His Honor the Lieutenant-Governor may wish to reconsider the matter in the light of those communications.

3. I am to add that the President in Council concurs in the opinion expressed by the Government of the Punjab and, as present advised, is of opinion that in respect to ordinary

firework-makers who do not combine the trade in fireworks with the manufacture or sale of gunpowder, the action of the Police Department should be sufficient to secure all necessary supervision

From H. A. COCKERELL, Esq., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments, to the Secretary to the Government of India, Home, Revenue, and Agricultural Department, dated Calcutta, 10th September 1880, No. 4243.

Police.

I am directed to acknowledge the receipt of the letter from your office, No. 1310, dated the 19th ultimo, requesting information as to the practice obtaining in Bengal in regard to the issue of licenses under the Indian Arms Act, XI of 1878, for the possession, manufacture, and sale of fireworks, the restrictions, if any, placed upon the trade in fireworks, and the supervision exercised over that trade.

2. In reply, I am to say that this Government has held that no license under the Indian Arms Act, 1878, is required for the possession, manufacture, or sale of fireworks; but in Calcutta and the suburbs licenses for letting off rockets, and for manufacturing or selling fireworks, are required under Section 21, Act V (B.C.) of 1879, the Jute Warehouse and Fire-Brigade Act.

3. The provisions of the Indian Arms Act are, however, applicable to the principal ingredients of fireworks, viz., sulphur, saltpetre, charcoal, and gunpowder. For the possession of charcoal no license is required in any district; for the possession of saltpetre a license is only required in districts on the external land frontier of British India, and in the sea-board districts of British Burmah (paragraph 4 of the Notification issued by the Government of India on the 6th March 1879); for the possession of sulphur in quantities not exceeding ten seers no license is required; for the possession of gunpowder a license is required everywhere. These licenses, when required by any person wishing to possess the materials named for the purpose of making fireworks in small quantities, are given without fee under Form X (Rule 15); when the quantity of gunpowder for which a license is required is large, a license under Form VIII must be taken out. For this license, which is ordinarily required when the amount of gunpowder exceeds two pounds in weight, the fee is four annas. Similarly, when a license is required for the possession of sulphur, that is, when the amount required exceeds ten seers, a license under Form X must be taken out, but no fee is payable for it. Vendors of gunpowder, sulphur in quantities above ten seers, and saltpetre in districts on the external land frontier of British India must take out licenses under Form VI or Form VII.

4. The view stated above of the restrictions imposed by the law on the trade of fireworks was communicated last year to the local officers subordinate to this Government for their guidance.

From W. M. YOUNG, Esq., Secretary to Government, Punjab and its Dependencies, to the Officiating Secretary to the Government of India, Home, Revenue, and Agricultural Department, dated Lahore, 20th October 1880, No. 3354.

I am desired to acknowledge the receipt of your letter, No. 1311, dated 19th August last, inquiring what control is exercised in the Punjab over the possession, manufacture, and sale of fireworks.

Judicial Commissioner's Circular, No. 42, dated 9th June 1858.
Circular, No. 29-1664, dated 16th November 1867.
" " 34-2108, " 1st June 1874.
" " 54-3711, of 14th October 1874.

3. In 1858, under a circular published in Supplement to *Punjab Gazette*, dated 3rd July 1858, and issued by the Judicial Commissioner, the manufacturers of fireworks were required to take out licenses to make gunpowder; but this rule was subsequently, in 1867, modified by a circular issued by the Punjab Government, No. 29-1664, dated 16th November 1867, under which persons not holding licenses to make gunpowder were permitted to manufacture fireworks, provided precautions were taken to prevent the surreptitious sale of the former.

4. The question of granting licenses to firework-makers was again raised in 1874, when it was held that licenses were not required to be taken out by them except when they combined with that trade the manufacture or sale of gunpowder, in which case the provisions of Section 5, Act XXXI of 1860, would apply, and render a license indispensable under Section 8. By a second circular of the same year it was pointed out that manufacturers of fireworks must in any case take out licenses for the possession of sulphur and gunpowder, and these orders are still in force in the Punjab.

2. In reply, I am directed to forward, for the information of the Government of India, copies of the papers marginally noted, showing the action taken by this Government, from time to time, with a view to bringing this branch of industry under supervision.

5. The enactment of the Indian Arms Act, XI of 1878, and of the rules framed under it, has not in any way altered the validity of these orders under them. The Lieutenant-Governor is able to assure himself at all times, through the Police Department, that the possession or manufacture of gunpowder by firework-makers is properly controlled and brought under the provisions of the Act, and His Honor therefore considers that the precautionary measures already taken by this Government are sufficient to secure all necessary supervision, and that it is not desirable to place any further restrictions on the manufacture of fireworks than those already in existence.

From E. THORNTON, Esq., Judicial Commissioner, Punjab, to the Commissioner and Superintendent, — Division, dated Lahore, 9th June 1858, No. 2158 [Circular No. 42 of 1858].

Under instructions from the Chief Commissioner, I have the honor to request that the number of licenses for the manufacture of gunpowder be restricted as far as possible; also that no person be allowed to make fireworks except those who have received a license to make gunpowder. One such license ought to suffice for each district; and the factory should be at the sudder station, where it can best be controlled.

To all Commissioners, dated 16th November 1867, C. No. 29-1664.

The Honorable the Lieutenant-Governor is pleased to relax so much of the provisions of Judicial Commissioner's Circular, No. 42 of 1858, as prohibits the manufacture of fireworks by parties not licensed to make gunpowder. Accordingly, persons not holding a license to make gunpowder may be permitted to manufacture fireworks, provided precautions are taken to prevent the surreptitious manufacture of gunpowder.

From Colonel O. J. McL. FARRINGTON, Commissioner and Superintendent, Rawalpindi Division, to the Secretary to Government Punjab, dated 11th May 1874, No. 1470.

In your circular, No. 29-1664, dated 16th November 1867, orders were issued for the grant of licenses for the manufacture of fireworks to persons not holding licenses for the manufacture of gunpowder.

2. Many licenses for the manufacture of fireworks are taken out in some of the districts, but the licenses are granted in the districts of Rawalpindi, Jhelum, and Sháhpur, on stamp paper of Rs. 10 value, while in Gujrát they are granted on plain paper. In Gujrát there are 18 licenses in force.

3. No orders have been issued as to the value of stamp paper to be used for such licenses, and I have accordingly to solicit the orders of Government on the subject.

From C. M. RIVAZ, Esq., Officiating Secretary to Government, Punjab, to the Commissioner and Superintendent, Rawalpindi Division, dated Lahore, 1st June 1874, No. 2107.

In reply to your letter, No. 1470, inquiring on what stamp licenses for the manufacture of fireworks should be taken out, I am desired by the Honorable the Lieutenant-Governor to state that neither under the Arms Act (XXXI of 1860) nor under any law does there appear to be any necessity for manufacturers of fireworks to take out a license at all.

2. The circular of the Judicial Commissioner, No. 42, dated 9th June 1858, directed that "no person should be allowed to make fireworks except those who had received a license to make gunpowder;" but this restriction was removed by this Office Circular, No. 29, dated 16th November 1867; and neither of these circulars contemplated the issue of separate licenses for the manufacture of fireworks. Should, however, the maker or seller of fireworks combine with his trade the manufacture or sale of gunpowder, or any of the articles enumerated in Section 5 of the Arms Act, he must be duly licensed, in accordance with the provisions of that Act.

Circular, No. 34-2108, dated 1st June 1874.

Copies of the foregoing forwarded to all Commissioners and Deputy Commissioners, and Inspector-General of Police, Punjab, for information and guidance.

From C. M. RIVAZ, Esq., Officiating Under Secretary to Government, Punjab, to all Commissioners and Deputy Commissioners, and Inspector-General of Police, Punjab, dated Lahore, 14th October 1874, C. No. 54-3711.

In continuation of circular, No. 34-2108, dated the 1st June last, I am directed to state that, in districts where the disarming provisions of Section 32 of the Arms Act (XXXI of 1860) are in force, firework-makers, who do not combine with such trade the manufacture or sale of gunpowder, or any of the articles enumerated in Section 5 of the Arms Act, and who accordingly are not required to take out a license for *manufacture*, under Section 8 of the Act, must, nevertheless, take out licenses for *possession* of sulphur and gunpowder, in accordance with the provisions of Section 32.

ORDER—dated 9th January 1883, No. 19, Judicial.

This letter and its enclosures will be communicated to all District Magistrates and the Commissioner of Police, Madras, with G.O., 17th October 1882, No. 1596.

2. It will be observed that, although the manufacture and possession of fireworks as *such* is permissible without license, the making up of powder to be used in the fireworks or its possession in quantities over 10 seers, comes within the prohibitions of the Arms Act.

(True Extract.)

Chief Secretary.

To all District Magistrates.
„ the Commissioner of Police, Madras.
„ the Inspector-General of Police.
„ the Advocate-General.

Exd. J. Wright.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From J. STURROCK, Esq., Acting District Magistrate of South Canara, to the Chief Secretary to Government, dated Mangalore, 14th August 1882, No. 1814.

I have the honor to submit, for such orders as the Government may think necessary, a letter from the Head Assistant Magistrate of this district drawing attention to a decision of the High Court,* in which it is distinctly laid down that “the manufacture or possession of fireworks, including rockets which are mere fireworks, does not come within the prohibition of Section 5 of the Arms Act.”

2. I understand the opinion of Government, as expressed in the marginally-noted orders, to be that explosive and fulminating fireworks do fall within the prohibition of Section 5 of the Arms Act; but that, under the discretion vested in the District Magistrate by Section 29 of the Arms Act, the mere possession of fireworks for purposes of display should not be interfered with.

3. The experiments reported by Mr. Bradley seem to support the view taken by Government.

ENCLOSURES.

From H. BRADLEY, Esq., Acting Head Assistant Magistrate of South Canara, to the Acting District Magistrate of South Canara, dated Mangalore, 21st July 1882, No. 375.

I have the honor to draw your attention to the decision of the High Court in Criminal Revision Case, No. 11 of 1882, in which it was ruled that “the manufacture or possession of fireworks, including rockets which are mere fireworks, does not come within the prohibition of Section 5 of the Arms Act.” I submit that this ruling is opposed to the letter and spirit of more than one Government Order.

2. In G.O., No. 373, dated 21st February 1880, “the Governor in Council sees no reason to propose any exemption in the case of powder used for fireworks. Gunpowder is an ammunition, and it would be difficult and risky to attempt to distinguish between what is intended to be used for guns and what for fireworks.”

In G.O., No. 1506, dated 28th July 1881, “the Government consider that a license in Form VII sufficiently covers the making up for sale of ordinary native fireworks from gunpowder purchased of a duly-licensed retailer or manufacturer.” This Government Order goes on to say that mere possession by an ordinary purchaser for display should not be interfered with.

3. The judgment of this Court in Calendar Case, No. 15 of 1881, was quashed by the High Court in Criminal Revision Case, No. 11 of 1882. The record of Calendar Case, No. 15 of 1881, forwarded herewith, which was never sent to the High Court, shows that gunpowder and fireworks in all stages of manufacture were found in the search of the houses of the accused, and the licensed dealer of one of the neighbouring villages, upon whose information the case was taken up, deposed that the accused had sold fireworks to the temple authorities of Koteshwara.

4. If the ruling of the High Court be correct, I have the honor to submit that the law requires alteration. I maintain that it is absolutely dangerous to permit the unlicensed manufacture of fireworks. Any one, on preence of manufacturing, could obtain any quantity of gunpowder without the least control, and in that case the Arms Act would be a dead letter.

5. It is a common practice in this district for the common people to use firework gunpowder for shooting; the only objection that they have to it is that it damages their guns through excessive fouling. I have myself tested the power of the commoner kinds of fireworks, both with a country gun and with my own weapon. I find that it is very dirty and sometimes hangs fire, but that it is not greatly inferior in penetration to English powder if about one-third more is used. I broke up and pounded the powder of rockets, birasus, and jenundes—the three most common native fireworks in this district—and the powder of each of them could be used as common gunpowder. In my opinion, the sale of fireworks here should be subject to similar restrictions to that of gunpowder. Otherwise, a man who on account of being unlicensed has not been able to buy gunpowder can go to a firework-dealer and obtain a very efficient substitute.

IN THE HIGH COURT OF JUDICATURE AT MADRAS,

Thursday the 16th day of March 1882.

Present.

The Hon. Mr. Justice INNES.

The Hon. Mr. Justice MUTTUSAMI AIYAR, C.I.E.

Criminal Revision Case, No. 11 of 1882.

Suppi and Muhi-ud-din Kutti accused in Calendar Case, No. 15 of 1881, on the file of Head Assistant Magistrate of South Canara.

Case referred for the orders of the High Court, under Section 296 of the Criminal Procedure Code, by the Sessions Judge of South Canara in his letter, dated 20th December 1881, No. 24.

This case coming on for hearing on Friday the 24th day of February 1882, and having stood over for consideration till this day, the Court delivered the following—

Judgment.—First defendant is a servant of a licensed vendor. Neither of the two defendants is liable under the Arms Act, as the manufacture or possession of fireworks without a license is not contrary to that Act. The manufacture or possession of fireworks, including rockets which are mere fireworks, does not come within the prohibition of Section 5 of the Arms Act.

The rockets referred to under the definition "ammunition" are war-rockets.

The conviction must be set aside and the fine refunded.

Ordered accordingly.

(Signed) T. WEIR,
Acting Registrar, Appellate Side.

From the Advocate-General, dated 11th September 1882.

ORDER—dated 17th October 1882, No. 1596, Judicial.

The Government of India will be addressed as advised by the Advocate-General.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the District Magistrate, South Canara.
,, Advocate-General.

Exd. J. Wright.

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Govt. of (1883) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th January 1883, No. 19.

JANUARY.

Arms Act.

Communicating, with remarks, decision of the Government of India on the question whether the manufacture and possession of gunpowder used for fireworks are, or are not, exempt from the prohibition contained in Section 5 of the —.

17TH OCTOBER 1882, No. 1596, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

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2. I understand the opinion of Government, as expressed in the marginally-ncted orders, to be that explosive and fulminating fire-works do fall within the prohibition of Section 5 of the Arms Act; but that, under the discretion vested in the District Magistrate by Section 29 of the Arms Act, the mere possession of fire-works for purposes of display should not be interfered with.

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4. If the ruling of the High Court be correct, I have the honor to submit that the law requires alteration. I maintain that it is absolutely dangerous to permit the unlicensed manu-

facture of fire-works. Any one, on pretence of manufacturing, could obtain any quantity of gun-powder without the least control, and in that case the Arms Act would be a dead-letter.

5. It is a common practice in this district for the common people to use fire-work gun-powder for shooting; the only objection that they have to it is that it damages their guns through excessive fouling. I have myself tested the powder of the commoner kinds of fire-works, both with a country gun and with my own weapon. I find that it is very dirty and sometimes hangs fire, but that it is not greatly inferior in penetration to English powder if about one-third more is used. I broke up and pounded the powder of rockets, birasus, and jenundes,—the three most common native fire-works in this district,—and the powder of each of them could be used as common gunpowder. In my opinion, the sale of fire-works here should be subject to similar restrictions to that of gunpowder. Otherwise, a man who on account of being unlicensed has not been able to buy gunpowder can go to a fire-work dealer and obtain a very efficient substitute.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

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Present :

The Hon. Mr. Justice INNES,
The Hon. Mr. Justice MUTTUSAMI AIYAR, C.I.E.

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The rockets referred to under the definition "Ammunition" are war-rockets.

The conviction must be set aside and the fine refunded.

Ordered accordingly.

(Signed) T. WEIR,
Acting Registrar, Appellate Side.

From the Advocate-General, dated 11th September 1882.

ORDER—dated 17th October 1882, No. 1596, Judicial.

The Government of India will be addressed, as advised by the Advocate-General.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the District Magistrate, South Canara.
,, Advocate-General.

Ed. F. R. Bantleman.

Govt. of (1882) Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 17th October 1882, No. 1596.

OCTOBER.

*Refer to the file
as annexure. S/P.*

Arms Act.

Ordering that the Government of India be addressed on the question as to whether the manufacture or possession of fire-works, including rockets which are mere fire-works, comes or not within the prohibition of Section 5.

No. 1965.

FROM

A. MACKENZIE, Esq., C.S.,

Secretary to the Government of India.

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Fort William, the 16 December 1882.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1597, dated the 17th October 1882, bringing to the notice of the Government of India a ruling of the Madras High Court to the effect that "the manufacture or possession of fire-works, including rockets which are mere fire-works, does not come within the prohibition of section 5 of the Indian Arms Act." With reference to this ruling the question is raised whether the manufacture and possession of gunpowder used for fire-works are, or are not, exempt from the prohibition contained in section 5 of the Arms Act.

2. In reply, I am to say that the ruling of the Madras High Court appears to apply only to the licensed manufacture and possession of fire-works *as such*, and is entirely in accordance with the decision arrived at by the Government of India on this point in previous cases.* I am to add that the ruling of the Madras High Court now brought to notice does not seem to the Governor General in Council to afford any sufficient ground for supposing that the Court would sanction the unlicensed possession of gunpowder or sulphur in quantities exceeding ten seers.

* Vide letter to Government, North-Western Provinces and Oudh, No. 1812, dated 8th December 1880, and enclosures (forwarded herewith).

I have the honour to be,

SIR,

Your most obedient Servant,

F. Wankles

for Secretary to the Government of India.

No 1812.

To

The Secretary to the Govt of the
N. W. Provinces and A. N. C. W. C.By J. A. William the 1st December 1880H. W. and A. N. C. W. C.
Public

I am directed to acknowledge the receipt of your letter of 1st 448 ^{Justice Criminal} dated the 20th June last, recommending (1) the issue of a Solification, exempting all persons who wish to possess a small quantity of fireworks for their own use, from the orders restricting the possession of "Ammunition", (as defined in Sec. 4 of the Arms Act); and (2) that the Local Government should be empowered to reduce the license fee in border districts where dealers in fireworks suffer from competition with those residing in Native States. In a subsequent letter of 252 A dated 3rd October 1880 it was recommended that the Government of the N. W. Provinces and A. N. C. W. C. should be empowered to prescribe special licenses for the ordinary class of vendors of fireworks at reduced rates.

2. Before replying to your letter it was considered desirable to ascertain the procedure adopted elsewhere in regard to the issue of licenses under the Arms Act, for the possession, manufacture and sale of fireworks, and I am now to enclose copies of the replies

on the subject, received from the Govt. of Bengal and the Punjab, in case

Mrs. Honor the Lieutenant Governor may wish to reconsider the matter in the light of those communications.

3. I am to add that the Resident in Council concurs in the opinion expressed by the Govt. of the Punjab, and, is present advised, is of opinion that in respect to ordinary fireworks makers who do not combine the trade in fireworks with the manufacture, or sale of gunpowder, the action of the Police Department should be sufficient to secure all necessary supervision.

From the Govt. of Bengal
No. 4243 of the 10 Sept 80
From the Govt. of the Punjab
No. 13352 of the 20 Oct 80
with enclosure.

(True Copy)

John A. Stuart

FROM HORACE A. COCKERELL, Esq.,

Secretary to the Government of Bengal,
Judicial, Political, and Appointment Departments,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

Calcutta, { dated the 10th September } 1880.
 { issued the September }

POLICE.

SIR,

I AM directed to acknowledge the receipt of the letter from your office, No. 1310, dated the 19th ultimo, requesting information as to the practice obtaining in Bengal in regard to the issue of licenses under the Indian Arms Act XI of 1878, for the possession, manufacture, and sale of fireworks, the restrictions, if any, placed upon the trade in fireworks, and the supervision exercised over that trade.

2. In reply I am to say that this Government has held that no license under the Indian Arms Act, 1878, is required for the possession, manufacture, or sale of fireworks; but in Calcutta and the Suburbs licenses for letting off rockets, and for manufacturing or selling fireworks, are required under section 21, Act V (B.C.) of 1879, the Jute Warehouse and Fire-Brigade Act.

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4. The view stated above of the restrictions imposed by the law on the trade of fireworks was communicated last year to the local officers subordinate to this Government for their guidance.

I have the honor to be,

SIR,

Your most obedient servant,

HORACE A. COCKERELL,

Secretary to the Government of Bengal.

D. E. J.—Reg. No. 5844C—43—13-9-80.

2/12/80

FROM

W. M. YOUNG, ESQUIRE,
Secretary to Government,
Punjab and its Dependencies,

TO

THE HON'BLE C. GRANT,
Officiating Secretary to the Government of India,
Home, Revenue and Agricultural Department.

Dated Lahore, 20th October 1880.

Home.

SIR,

I AM desired to acknowledge the receipt of your letter No. 1311, dated 19th August last, enquiring what control is exercised in the Punjab over the possession, manufacture and sale of fireworks.

2. In reply, I am directed to forward, for the information of the Government of India, copies of the papers marginally noted, showing the action taken by this Government, from time to time, with a view to bringing this branch of industry under supervision.

3. In 1858, under a circular published in Supplement to *Punjab Gazette*, dated 3rd July 1858, and issued by the Judicial Commissioner, the manufacturers of fireworks were required to take out licenses to make gunpowder; but this rule was subsequently, in 1867, modified by a Circular issued by the Punjab Government, No. 29-1664, dated 16th November 1867, under which persons not holding licenses to make gunpowder were permitted to manufacture fireworks, provided precautions were taken to prevent the surreptitious sale of the former.

4. The question of granting licenses to firework-makers was again raised in 1874, when it was held that licenses were not required to be taken out by them except when they combined with that trade the manufacture or sale of gunpowder, in which case the provisions of Section 5, Act XXXI. of 1860, would apply, and render a license indispensable under Section 8. By a 2nd circular of the same year it was pointed out that manufacturers of fireworks must in any case take out licenses for the possession of sulphur and gunpowder, and these orders are still in force in the Punjab.

5. The enactment of the Indian Arms Act, XI. of 1878, and of the rules framed under it, has not in any way altered the validity of these orders under them. The Lieutenant-Governor is able to assure himself at all times, through the Police Department, that the possession or manufacture of gunpowder by firework-makers is properly controlled and brought under the provisions of the Act, and His Honor therefore considers that the precautionary measures already taken by this Government are sufficient to secure all necessary supervision, and that it is not desirable to place any further restrictions on the manufacture of fireworks than those already in existence.

I have the honor to be,
SIR,
Your most obedient Servant,

Secretary to Government, Punjab.

Reg. No.

1880.

HOME, REVENUE AND AGRICULTURAL DEPT.

[]

From

Government, Punjab.

Dated 20th October.

Received

No. 3354.
Enclosures.
Spare copies.

D. No.

Progs.

L. No.

No.

In reply to No. 131, dated 19th August last, furnishes information regarding the control exercised in the Punjab over the possession, manufacture and sale of fireworks.

Printed at the Punjab Govt. Civil Sectt. Press, Lahore.—29-10-80.—39.

Circular No. 42 of 1858.

No. 2158, dated Lahore, 9th June 1858.

From—E. THORNTON, Esquire, Judicial Commissioner, Punjab, Division.

To—The Commissioner and Superintendent,

UNDER instructions from the Chief Commissioner, I have the honor to request that the number of licenses for the manufacture of gunpowder be restricted as far as possible; also that no person be allowed to make fireworks except those who have received a license to make gunpowder. One such license ought to suffice for each district; and the factory should be at the sudder station, where it can best be controlled.

Circular No. 29-1664, dated 16th November 1867.

To—All Commissioners.

Judicial. THE Hon'ble the Lieutenant-Governor is pleased to relax so much of the provisions of Judicial Commissioner's Circular No. 42, of 1858, as prohibits the manufacture of fireworks by parties not licensed to make gunpowder. Accordingly, persons not holding a license to make gunpowder may be permitted to manufacture fireworks, provided precautions are taken to prevent the surreptitious manufacture of gunpowder.

No. 1470, dated 11th May 1874.

From—Colonel O. J. McL. FARRINGTON, Commissioner and Superintendent, Rawalpindi Division.

To—The Secretary to Government, Punjab.

In your circular No. 29-1664, dated 16th November 1867, orders were issued for the grant of licenses for the manufacture of fireworks to persons not holding licenses for the manufacture of gunpowder.

2. Many licenses for the manufacture of fireworks are taken out in some of the districts, but the licenses are granted in the districts of Rawalpindi, Jhelum, and Sháhpur, on stamp paper of Rs. 10 value, while in Gujrát they are granted on plain paper. In Gujrát there are 18 licenses in force.

3. No orders have been issued as to the value of stamp paper to be used for such licenses, and I have accordingly to solicit the orders of Government on the subject.

No. 2107, dated Lahore, 1st June 1874.

From—C. M. RIVAZ, Esquire, Officiating Secretary to Government, Punjab.

To—The Commissioner and Superintendent, Rawalpindi Division.

In reply to your letter No. 1470, enquiring on what stamp licenses for the manufacture of fireworks should be taken out, I am desired by the Hon'ble the Lieutenant-Governor to state that, neither under the Arms Act (XXXI. of 1860) nor under any law does there appear to be any necessity for manufacturers of fireworks to take out a license at all.

2. The circular of the Judicial Commissioner, No. 42, dated 9th June 1858, directed that "no person should be allowed to make fireworks except those who had received a license to make gunpowder;" but this restriction was removed by this office Circular, No. 20, dated 16th November 1867; and neither of these circulars contemplated the issue of separate licenses for the manufacture of fireworks. Should, however, the maker or seller of fireworks combine with his trade the manufacture or sale of gunpowder, or any of the articles enumerated in Section 5 of the Arms Act, he must be duly licensed, in accordance with the provisions of that Act.

Circular No. 34-2108, dated 1st June 1874.

COPIES of the foregoing forwarded to all Commissioners and Deputy Commissioners, and Inspector-General of Police, Punjab, for information and guidance.

Circular No. 54-3711, dated Lahore, 14th October 1874.

From—C. M. RIVAZ, Esquire, Officiating Under-Secretary to Government, Punjab,
To—All Commissioners and Deputy Commissioners, and Inspector-General of Police, Punjab.

IN continuation of Circular No. 34-2108, dated the 1st June last, I am directed to state that, in districts where the disarming provisions of Section 32 of the Arms Act (XXXI. of 1860) are in force, firework-makers, who do not combine with such trade the manufacture or sale of gunpowder, or any of the articles enumerated in Section 5 of the Arms Act, and who accordingly are not required to take out a license for *manufacture*, under Section 8 of the Act, must, nevertheless, take out licenses for *possession* of sulphur and gunpowder, in accordance with the provisions of Section 32.

True Copy.

Secretary to Government, Punjab.

223/82

No 1597-17-10-82.
1896.
21-2-80.
20-7-01.

Judicial (1882) Digest
(Arms Act)

M

Order 9th Jan'y 1883 No 19.
This letter and its
enclos. will be submitted
to all Dist. Magistrates
the Juns. of Peace,
Magrs., with J.O. 17th

From
The Govt of India
Home Dept
No 1965

Encl 4
Dated 14 Dec 82
Recd to Secy. Home

CURRY No. 4237

Oct. 1882. No. 1596.
It will be observed that
altho the manufacture of
fireworks as such is not
all d. Magrs. 13th Dec 82
Juns. of Peace, Magrs.
Jy. Police
and J. Magrs. } Secy
17/11

(Specified by the
prohibition the making
up of powder to be used
in the fireworks, comes
within the prohibitions
of the Arms Act

Manufacture and
possession of gun-
powder for fire-works

with order

Every firework maker
must have his own fire-works