

(1) Number of pages 25-6-59 (14.)
 (2) Date of repair 25.6.59
 (3) Initials of the Referencer RW

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	2307.	Press
B.P. No.		Miss
Dated	31. 8. 1959	

31. 8. 1959

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

READ—the following paper:—

From C. A. GALTON, Esq., Acting District Magistrate of Malabar, to the Acting Chief Secretary to Government, dated Calicut, 16th August 1883, No. 3335.

It has come to my notice that there is a marked decrease in the number of applications for licenses to possess arms up to date as compared with the previous year in some taluks, and I consider a few prosecutions expedient to serve as a warning to those who have not yet applied, and have instructed the Superintendent of Police to make inquiry and apply for sanction to prosecute, under Section 19 (Clause f) of the Act (XI of 1878), a few of the principal defaulters. It will be necessary, however, in some cases to institute searches, and the Superintendent of Police has applied for warrants, but, under Section 30 of the Act, searches must be conducted in the presence of an officer specially appointed for the purpose, and, as far as I am aware, no such special authority has been conferred on any class of officers. I would therefore suggest that every Police Officer of not lower rank than a Head Constable be authorized to conduct searches under the Arms Act.

2. I would mention that every endeavour has been made to make the requirement in regard to licenses under the Arms Act as little vexatious to the people as possible. They can present their applications to the Village Adhikari, by whom they are forwarded through the Tahsildar to the District Magistrate's Office, whence the license is issued in due course through the same channel. Hence there is no detention from business or other cause for backwardness, the stamp duty is only four annas, and I think that a few prosecutions should be instituted. Care will be taken that due warning is first given in each Amsam before any steps of this nature are taken.

3. The Superintendent of Police has suggested that the period for which the licenses run should be altered, as he thinks that the only reason for the constant take out licenses is the trouble involved, slight as it is, and I see no reason why the licenses should not remain in force for two or three years. The extension of the licenses I think require the sanction of the Government of India.

4. Early orders are solicited, as if action is to be taken is about 10 days before the date of the meeting.

ORDER—dated 31st August 1883, No. 289, J. 1883.

[illegible]

2. It is Section 13 of the "Indian Arms Act, 1878," which prohibits the going armed without license, and Section 14, which prohibits the unlicensed possession of fire-arms. These sections still form part of the Act, but looking at the views expressed in the circular letter of the Government of India, two years ago, regarding their highly restrictive character, the Governor in Council feels he could not approve the prosecution of persons who hold uncancelled licenses under Form X or XI, merely because they have not renewed such licenses each twelve months succeeding the first issue thereof.

3. To provide, however, for cases where fire-arms and ammunition are kept without any license whatever—the following Notification will be issued in the Fort St. George and District Gazettes, viz. :—

"Whereas it is provided by Section 20 of the Indian Arms Act, 1878, that 'where a search is to be made under the Code of Criminal Procedure or the Presidency Magistrates Act, 1877, in the course of any proceedings instituted in respect of an offence punishable under Section nineteen, Clause (f), such search shall, notwithstanding anything contained in the said Code or Act, be made in the presence of some officer specially appointed by name or in virtue of his office by the Local Government in this behalf, and not otherwise,'—the Governor in Council is pleased to declare that such search may be made in the presence of any Magistrate, of any Inspector or Sub-Inspector of Police, or of any Head of a Village."

(True Extract.)

E. F. WEBSTER,
Acting Chief Secretary.

To all District Magistrates.
" the Chief Presidency Magistrate.
" the Inspector-General of Police.

Malacca District Magistrate's Court
Calcutta 16 August 1883.

From

C. H. Galtou Esq.
of District Magistrate of
Malacca.

Is

The Honble E. F. Webster
of Chief Secretary to Govt.
Ootacamund

Sir,

It has come to my notice that there is a marked decrease in the number of applications for licenses to possess arms up to date as compared with the previous year in some Talukhs and I consider a few prosecutions expedient to serve as a warning to those who have not yet applied and have instructed the Superintendent of Police to make enquiry and apply for sanction to proceed under Section 13 (clawing) of the Arms Act a few of the principal defaulters will be necessary, however in some cases to institute searches and the Superintendent of Police has applied for sanction, but under Section 30 of the Arms Act must be conducted in the presence of an officer of rank

2. I would mention that every endeavor has been made to make the requirement in regard to licenses under the Arms Act as little onerous to the people as possible. They can present their applications to the Village Adhikari by whom they are forwarded through the Tahsildar to the District Magistrate's office, whence the license is issued in due course through the same channel. Hence there is no detention from business or other cause for backwardness, the stamp duty is only four annas, and I think that a few provisions should be inserted. Care should be taken that due warning is given in each case and that no other nature are taken.

the licences run should be extended, as he thinks that the only reason for the omission to take out licences is the trouble involved, slight as it is, and I see no reason why the licences should not remain in force for two or three years. The extension will, however, I think require the sanction of the Government of India.

4. Early orders are solicited, as if action is to be taken it should be done soon.

I have the honor Rec^d
Y^r most Obedt. servant

Say:

His Exy m^{ty} shewes that (1)
for the possession of arms not
being fire-arms no license
whatever is required; that
for the possession of fire arms
the Rules prescribe an annual
license, wh^{ch} is granted
to go armed for the purpose
of protection or of de-
fence necessitates an annual
for wh^{ch} a fee of four annas
has been fixed; and that
licenses, valid for a term
years, are granted to all
who require arms & ammunition.

2 It is Sect 13 of the British Arms Act, 1878 we prohibit the young armed with "public" arms, or Sect 14, we prohibit the "unlicensed" possession of fire arms. These Sections still form part of the Act, but both of the Arms Act proposed in the Criminal Justice Bill of 1911, two years ago, regarding this highly restrictive character, being in fact, he could not afford the prosecution of persons who hold unlicensed licenses under former Act on 1911, mainly because they have not been able to be used in the Criminal Justice Bill.

3097

9/11

For orders.

Suggested that it would be sufficient
if Inspectors were empowered
under the act Section 30: Police
H^l constables are too numerous &
inadequate to use their powers
judiciously -

As to the suggestion to lengthen
the term of license The Govt of
India suggested it and the Govt
approved in papers rendered
in G.O. 19 Sept 1901. No 1944.
Order para 8. of India's letter

para 6. of the Govt letter
102 might remind the Govt of India
of that proposal. 15
[Signature] 1/11
[Signature] 2/11
[Signature] 3/11

From, (1103) Dept
District Magistrate, Malabar

To, Chief Secretary to Government,
Cochin.

D/16 Aug 03

Respect
Recd.

3098

No. 3335

Inc. 116



Requests sanction to the prosecution
of persons who have not taken out
licenses to possess arms and suggest
that certain Police Officers be
empowered to conduct searches
under the Arms Act.

Govt. of (1883) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 31st August 1883, No. 2309.

AUGUST.

Arms Act.

Passing orders on letter from the District Magistrate of Malabar regarding the prosecution of persons not applying for licenses to possess arms, and notifying the officers in whose presence searches may be made under Section 20 of the Indian Arms Act, 1878.

21-9-14-57
12-11-57
2-7-10
1-8-22-20
1-8-34-1
23-2-38-1
17-11-49-1

[1]

PRESS.

J. B. S. DEPARTMENT.
G.O. DATED 31st Aug/83
No. 2309.

First copy sent to Press. 3/9

Returned for signature. 8/9

Despatched in print.

[Despatch Abstract.]

Revenue Act - Passing orders on letter from the District Magistrate Malabar regarding the prosecution of persons for ~~not~~ ^{not} applying for licenses to possess arms, and ~~declaring that searches~~ ^{under section 30 of the Indian Arms Act, 1878, may be made} ~~the presence of any Magistrate, Inspector or Sub Inspector~~ ^{or of any head of a} ~~Police Station~~ ^{Police Station} by notifying the persons in whose presence arms may be made under section 30 of the Indian Arms Act, 1878.