

(1) Number of pages _____

(2) Date of repair 12-1-37(3) Initials of the Referencer G.

MADRAS RECORD OFFICE.

Government of Madras.

Income DEPARTMENT.

G.O. No.	1861	Press
		Mis:
Dated	1. 8. 37	13 58.

Not to be folded or roughly handled*Arms Act - Exemption from fire
for license.*

6th August 1963, No. 1661, Jernigan.

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[illegible]

11 12

No further action is warranted.

J. R. HUNTER

N. G. 1800

6TH AUGUST 1888, No. 1661, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. P. MacDONNELL, Esq., c.s.i., Secretary to the Government of India,
Home Department (Public), to the Chief Secretary to the Government of
Madras, dated Simla, 25th July 1888, No. 28—2001.

I am directed to acknowledge the receipt of your letter No. 677, dated the 17th March last, pointing out (1) that while under section 15 of the Indian Explosives Act, 1884, and the rules framed thereunder, a license granted under that Act may be ordered to have the effect of a like license under the Indian Arms Act, 1878, the latter Act and the rules framed thereunder do not provide for any reciprocal arrangement; and (2) that whereas under the Arms Act rules exemption from payment of fee for licenses has been sanctioned in cases of possession and transport of certain explosives *bond fide* required for blasting purposes, no similar exemption has been sanctioned in the case of corresponding licenses in the rules framed under the Explosives Act.

2. With regard to the first point, I am to explain that though the Arms Act and the Explosives Act deal to a certain extent with the same subject-matter, the object which each Act seeks to attain is different. The object of the former Act is restrictive, and that of the latter protective. The Arms Act places restrictions on the importation, sale, possession, &c., of arms and ammunition; the Explosives Act seeks to protect the public from the risks they run in dealing with substances of a dangerous nature. It was because the Arms Act was purely restrictive, and that under its provisions protective rules could not be made, that the Explosives Act was passed; and this fact explains the omission from the Explosives Act of any provision that a license under the Arms Act should be equivalent to a license under that Act. But though a purely restrictive enactment was not deemed sufficient for a protective purpose, it was considered that a protective enactment might be sufficient for a restrictive purpose; and hence the proviso to section 15 of the Explosives Act was enacted. A reference to the corresponding forms of license under the Arms Act and the Explosives Act will show the distinction between the nature of the two Acts, and how a license under the provisions of the former Act cannot possibly be sufficient for the purposes of the latter Act; while one under the latter Act may fulfil the purposes of both Acts. These considerations will make it clear to the Madras Government that it is impossible to carry out reciprocity between the provisions of the two Acts by making licenses under the Arms Act equivalent to licenses under the Explosives Act.

3. As regards the second point brought to notice in your letter, I am to say that the Governor-General in Council has, on the representation therein contained, framed a rule exempting from fee all licenses under the Explosives Act granted for the

No. 1311, dated the 1st September 1882.

No. 1448, „ the 15th „ „

possession of explosives required *bond fide* for blasting purposes, corresponding to the rules issued under the Arms Act XI of 1878, and published in the notifications of this department noted in the margin. A copy of the notification is enclosed for the information of the Government of Madras.

Govt. of 1888 Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 6th August 1888, No. 1661.

AUGUST.

Acts.

Communicating Government of India's letter explaining why it is impossible to carry out reciprocity between the provisions of the Arms Act and the Explosives Act, but stating that a rule has been framed under the latter exempting from fee licenses granted in certain cases.

*Jud. G. O. No. 1661
of 6th August 1888*

The Collectors of

The District Magistrates of

Anantapur.

North Arcot, Chittoor.

South Arcot, Cuddalore.

Bellary.

South Canara, Mangalore.

Chingleput, Saidapet.

Coimbatore.

Cuddapah.

Ganjam, Chatrapur.

Godavari, Cocanada.

Kistna, Masulipatam.

Kurnool.

~~Madras (when necessary)~~

Madura.

Malabar, Calicut.

Nilgiris, Ootacamund.

Nellore.

Salem.

Tanjore.

Tipnevelly.

Trichinopoly.

Vizagapatam.

*each 8 Cpi
Despt 18/8/88.*

210/10
27/2
No. 1959.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

Simla, the 25th July 1888.

NOTIFICATION.

IN exercise of the powers conferred by section 5, sub-section (1), clause (b), of the Indian Explosives Act, IV of 1884, and in modification of the rules made by the various Local Governments thereunder, the Governor General in Council is pleased to make the following rule as to the fee to be charged for licenses to possess explosives granted to contractors, cultivators, and other persons:—

RULE.

No fee shall be charged for licenses granted to contractors, cultivators, and other persons to possess gunpowder and fuses in reasonable quantities when the same are found to the satisfaction of the officer granting the license to be required bonâ fide, in the case of licenses granted to contractors, for blasting purposes and, in the case of licenses granted to cultivators and other persons, for blasting purposes in connection with agricultural works or works of public utility.

A. P. MACDONNELL,

Secretary to the Government of India.

²⁸
No. 1990 @ 1998

COPY forwarded to Local Governments and Administrations (except Madras), for information.

No. 1999 @ 2000

COPY forwarded to the Foreign and Public Works Department, for information.

By order,

J. P. HEWETT,

Under-Secretary to the Government of India.

112
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CHIEF SECRETARY
GOVERNMENT OF INDIA

No. 2601.

RENT NO. 32

FROM

A. P. MACDONNELL, Esq., C.S.I.,
Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Home Department
Public.

Simla, the 26 July 1888.

SIR,

I AM directed to acknowledge the receipt of your letter No. 677, dated the 17th March last, pointing out (1) that while under section 15 of the Indian Explosives Act, 1884, and the rules framed thereunder, a license granted under that Act may be ordered to have the effect of a like license under the Indian Arms Act, 1878, the latter Act and the rules framed thereunder do not provide for any reciprocal arrangement; and (2) that whereas under the Arms Act rules exemption from payment of fee for licenses has been sanctioned in cases of possession and transport of certain explosives bona fide required for blasting purposes, no similar exemption has been sanctioned in the case of corresponding licenses in the rules framed under the Explosives Act.

2. With regard to the first point, I am to explain that though the Arms Act and the Explosives Act deal to a certain extent with the same subject-matter, the object which each Act seeks to attain is different. The object of the former Act is restrictive, and that of the latter protective. The Arms Act places restrictions on the importation, sale, possession, &c., of arms and ammunition; the Explosives Act seeks to protect the public from the risks they run in dealing with substances of a dangerous nature. It was because the Arms Act was purely restrictive, and that under its provisions protective rules could not be made, that the Explosives Act was passed; and this fact explains the omission from the Explosives Act of any provision that a license under the Arms Act should be equivalent to a license under that Act. But though a purely restrictive enactment was not deemed sufficient for a protective purpose, it was considered that a protective enactment might be sufficient for a restrictive purpose; and hence the proviso to section 15 of the Explosives Act was enacted. A reference to the corresponding forms of license under the Arms Act and the Explosives Act will show the distinction between the nature of the two Acts, and how a license under the provisions of the former Act cannot possibly be sufficient for the purposes of the latter Act; while one under the latter Act may fulfil the purposes of both Acts. These considerations will make it clear to the Madras Government

2
that it is impossible to carry out reciprocity between the provisions of the two Acts by making licenses under the Arms Act equivalent to licenses under the Explosives Act.

3. As regards the second point brought to notice in your letter, I am to say that the Governor General in Council has, on the representation therein contained, framed a rule exempting from fee all licenses under the Explosives Act granted for the possession of explosives required bonâ fide for blasting purposes, corresponding to the rules issued under the Arms Act, XI of 1878, and published in the Notifications of this Department noted in the margin. A copy of the Notification is enclosed for the information of the Government of Madras.

No. 1311, dated the 1st September 1882.

No. 1448, dated the 15th September 1882.

I have the honour to be,

SIR,

Your most obedient Servant,

A. P. Macdonnell
Secretary to the Government of India.

No 676-777 17-3-1881
 1812-6-10-1882
 1381-22-9-1881
 4m

Judicial Dept
 GOVERNMENT NO. 370

Order
 Recorded
 The notification of the Govt of India
 No 1389-1881, dated 25 July 1881, will be
 commd. to all D.C. Mag. & the Commr
 of Police with reference
 of G.O. No 1388,
 dated 1882, 15/12, 6th Oct 1882.
 Order 6 Aug 1881 No 1381
 Commr to all D.C. Mag. & the Commr
 of Police, Madras.

From
 The G.O.

No 28-2007

18 Aug 1881
 3 Aug 1881

25 July
 15th August
 Inc. no.

All D.C. Mag. 1881
 Commr of Police
 18/8/81

stating that the
 licenses granted under the Indian
 Opium Act are not sufficient for the purposes of
 the Indian Explosives
 Act

GOVERNMENT OF INDIA
 1881, No.

REPORT NO.

330

STATEMENT WITH DUTY.

GOVERNMENT - A.

THE TEXT OF FILE FOR DEBATCH IN ORIGINAL
 (not pagel).

ORDER OF DUTY
 (not pagel)
 Order complete with Letter.

N.B. -

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.
- R = Print, but not for monthly release.

75

ORDINARY, PRINTED.

Indl.
DEPARTMENT.
G.O., DATED *6 August 18*
No. *1661*

First copy sent to Press. *10/8*

Returned for signature. *17/8*

Despatched in print. *18/8*

[Despatch Abstract.]

Note. - *Coning:* G.O. letter explaining why it is impossible to carry out responsibility under the provisions of the *Amendment* & the *Explosives Act*, but stating that a rule has been framed under the letter exempting from fee licenses granted in certain cases.