

(1) Number of pages 64
(2) Date of repair _____
(3) Initials of the Referencer 1/1

MADRAS RECORD OFFICE.

Government of Madras.

Justice DEPARTMENT.

G.O. No.	<u>1649</u>	Press
		Mis.
Dated	<u>20-5</u>	18

Not to be folded or roughly handled

42

20TH AUGUST 1891, No. 1649, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers:—

G.O., dated 7th January 1891, No. 30, Judicial.
" " 10th April " " 404-R.
" " 25th " " " 802, Judicial.

READ—also the following papers:—

From the Inspector-General of Jails, dated 14th January 1891, No. 14.
" Inspector-General of Police, " 16th " " 260.
" Board of Revenue (Land Revenue), dated 26th January 1891, Mis.
No. 593.
" Postmaster-General, dated 27th February 1891, No. 31416.
" Inspector-General of Police, dated 9th March 1891, No. 1427.
" Revenue Department, dated 1st May 1891, No. 2694.
" Collector of Sea Customs, dated 14th May 1891, No. 10569.

ORDER—dated 20th August 1891, No. 1649, Judicial.

In exercise of the power conferred upon him by clauses (3) and (8), paragraph I, of the notification of the Government of India in the Home Department, No. 518, dated 6th March 1879, as amended by the notification of the same Government, No. 2340, dated 2nd December 1890, the Right Honorable the Governor in Council is pleased to exempt the following classes of persons from the operation of all prohibitions and directions contained in sections 13 to 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:—

- (1) Jail Department—
Superintendents of Jails and Jailers.
- (2) Police Department—
Inspectors of Police of all classes.
- (3) Postal Department—
Superintendents and Inspectors of Post Offices and Mail Overseers.
- (4) Forest Department—
All gazetted officers of the Forest Department, Forest Rangers and Foresters.
- (5) Pensioners—
All pensioned officers of all Civil departments who, when in the service of Government, were entitled by general or special order to carry arms.

2. The Collector of Sea Customs, Madras, will now be authorized to admit the claim to refund of duty put forward by Messrs. Oakes and Co., in respect of a gun and a revolver purchased by I. Jesudasen Pillai, Superintendent of Post Offices, Nellore.

3. A copy of this Proceedings will be furnished to Messrs. R. B. Rodda and Co., Calcutta, with reference to G.O., dated 10th April 1891, No. 404-R.

4. With reference to the question of granting a general exemption in the case of such inferior officers as police constables, jail warders, ghât taliaries, forest guards and such like, the Advocate-General will be requested to give his opinion as regards the correct interpretation of section 1 (b) of the Indian Arms Act, 1878. In that section it is provided that nothing in the Act shall apply to the manufacture, conversion, sale, import, export, transport, bearing or possession of arms, ammunition or military stores by a public servant in the course of his duty as such public servant. It is possible to interpret this section in two ways, either (1) as meaning that all public servants *qua* public servants are entitled when on duty to carry, &c., arms, or (2) as implying merely that a public servant in respect of the performance of whose duty the bearing, &c., of arms is or has been declared by executive order to be necessary is exempted from the operation of the Act. If the former interpretation be correct, no order of exemption will be required in the case of the inferior officers above referred to, but if the latter, then it will be desirable to specify by executive order the classes of inferior officers whose duties compel them to carry arms or the occasions in which the necessity arises, and such public servants in such cases only will be entitled to the concession allowed by section 1 (b).

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Police.
" Inspector-General of Jails.
" Revenue Department.
" Public Department.
" Postmaster-General, Madras.
" Government Solicitor.
" Messrs. R. B. Rodda and Co., Calcu'ta.
Gazette.

Exd. A. Raitt.

Govt. of {1891} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 20th August 1891, No. 1649.

AUGUST.

Arms Act.

Exempting certain classes of persons from the operation of all prohibitions and directions contained in sections 15 and 16 of the Indian —, 1878, and requesting the Advocate-General's opinion as regards the correct interpretation of section 1 (b).

No. 14

Madras
OFFICE OF INSPECTOR-GENERAL OF JAILS,

Dated 14th Janua. 1891.

From

Col. J. McDonald Smith

Inspector-General of Jails,

To

THE CHIEF SECRETARY TO GOVERNMENT.

Fort St. George.

SIR,

Enclosures.

In reply to L.O. No. 30, dated 7th January 1891, I have the honor to submit below a list of officers in the Jail Department who should be exempted under clause (3) of the Government of India Notification

- (1) Superintendents of Jails
- (2) Jailors
- (3) Deputy Jailors
- (4) Paid Warders of all grades.

I have the honor to be,

Sir,

Your most obedient Servant,

J. McDonald Smith
Inspector-General of Jails

Aug. 191

JUDICIAL.

JAIL (189 /) DEPARTMENT.

From Col J. M. Suttle
The Inspector-General of Jails,

To
The Chief Secretary to Government.

Fort St George

Dated 14th January 1891.
Despatched
Received 15



221669-20-02-91

ENCLOSURES.

Subject.

Submits a list showing
reports of jails, jailors
by jailors, and paid
wages of all grades
to the examples under
clause (3) of the Govt. of India
Notification of Govt.

No. 25

Chief Office of the Inspector General of Police,
Madras, 15 January 1891.

From

Colonel H. W. A. Cox,
Inspector General of Police,

To

The Chief Secretary
to Government,
Fort St George.

Sir,

Enclosures.

In reply to G.O. dated 7 January
1891, No. 30, Judicial, I have the honor
to report that I am of opinion that
it is desirable to exempt from the
provisions of the Arms Act all
Police officers not below the rank
of 4th class Inspector and that this
privilege should be continued to
them when they are pensioned.

(b) 2

If clause 6 of Section 1 of Act
of 1848 applies only to Arms the pro-
perty of Government I would ask
further that each grant Salary
be exempted as regards the possession
of

of one gun. These men are employed in assisting the regular Police in guarding roads in some Districts and are not furnished with arms by Government but many of them possess firearms of a more or less ancient pattern which they carry when on duty. Their monthly pay ranges from Rs 3 to Rs 5 and it would be unreasonable to expect them to take out licences for arms which renders them more efficient as public servants.

I have the honor to be,

Sir,

Your most obedt. servt

Mustafá Colonel,
As. Insp. Genl. of Police

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10-11-19

July 1-91: 30h

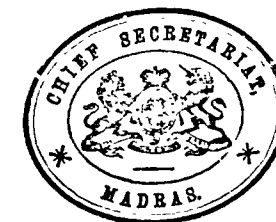
Cuo. 240

[25]

Cuo 39

Judicial Department.

Judicial (1891) DEPARTMENT.



From

Col. H. H. Cox,

Ap. Inspector General

of Police,

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Endorsement of the Government of India
Home Department, dated 2nd December 1890 No. 391.

Copy attached forwarding copy of its letter dated 2nd idem No. 392.
to the Government of Bombay Judicial Department.

No. 240

Dated 1st

Received 7

January 1891.

No.



SUBJECT.

Reports that it is as
desirable to exempt from
the provisions of the Arms
Act all Police officers not
below the rank of 1st Class
Inspector and that this is
privilege should be con-
tinued to them when they
are pensioned &c.

Order: 7th January 1891 No. 30.
The letter of the Government of India
with its enclosures will be communicated to the
Revenue Department, the Public Department
and the Inspector General of Police and Sails
with the request that lists may be furnished
at an early date specifying the Officers in
each department whom it is desirable to
exempt under clause (3) of the Government of
India Notification.

(True Extracts)

Attest
H. G. Under Secretary

To The Public Dept.
The Revenue Dept.
The Inspector General of Police
The Inspector General of Sails.

No. 39 Pub
2344

FROM

C. J. LYALL, Esq., C.I.E.,
Offg. Secretary to the Government of India.

TO

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

Home Department.
Public.

Calcutta, the 2^d December 1890.

SIR,

I AM directed to acknowledge the receipt of your* letter No. 3144, dated the 14th June 1890, requesting that the Government of India should either itself define the term "officer" in clauses (3) and (8), paragraph 1 of Home Department Notification No. 518, dated 6th March 1879, or else give authority to the Government of Bombay to define this term for its own purposes in order to prevent obvious dangers and inconveniences from the unrestricted right to use arms.

2. In reply I am to say that as, in the opinion of the Governor General in Council, it would be difficult to frame a definition of the word "officer" which would meet the requirements of all Provinces, His Excellency in Council considers it preferable to give to each Local Government authority to define the word so as to meet local circumstances. Clauses (3) and (8) of paragraph 1 of Home Department Notification dated 6th March 1879 have accordingly been so amended as to limit the exemption to such officers as the Local Government may by general or special order direct. A copy of the Notification announcing the necessary amendment is enclosed.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. LYALL,

Offg. Secretary to the Government of India.

39 Pub
No. 2345

COPY of correspondence forwarded to other Local Governments and Administrations for information and guidance.

By order,

J. P. HEWETT,

Under Secretary to the Government of India.

Final no 44 307-91
1
10/12/90
6/12/90

No. 2343

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

Calcutta, the 2^d December 1890.

NOTIFICATION.

THE Governor General in Council is pleased, under section 27 of the Indian Arms Act, 1878, to direct that the following clauses shall be substituted for clauses (3) and (8), paragraph 1 of Home Department Notification No. 518, dated the 6th March 1879, as amended by the notifications marginally noted:—

Home Department Notification No. 1168, dated the 23rd July 1880.
Ditto ditto No. 1946, dated the 16th Nov. 1886.
Ditto ditto No. 971, dated the 11th May 1888.

(3) All military and naval officers, all soldiers, sailors, volunteers, and such officers of the Police, Forest, Postal, and Jail Departments as the Local Government by general or special order may direct.

(8) All pensioned officers of the Native Army and such pensioned officers of the Civil Departments as the Local Government by general or special order may direct, except as regards the Punjab, to which Province the following clause applies:—

All commissioned officers of the Native Army, pensioned or on active service, such pensioned officers of the Civil Department as the Local Government by general or special order may direct, and all non-commissioned officers and men of the Native Army under the circumstances provided for and subject to the conditions prescribed in section 12, paragraphs 71, 72, 73, 74 and 77 of the Bengal Army Regulations.

C. J. LYALL,

Offg. Secretary to the Government of India.

1. Secy.
2. Rev.
3. Secy.
4. Secy.

2
Recd no 443 of 91
as
Recd no 443 of 91
622
39/91

3
- 443791

Recd
443791
622

443791
39/91

Q. 39
[6]
Govt. of (18) Madras.

From
The Judicial Dept.

To
The Public Dept.

Transferred to the
Financial Dept.

J.D.B.

for C.S.

9.1.91.

7/17 January 1891

referred to the
Postmaster General
for favour of
remarks.

Proceedings, dated 7 January 1891.
No. 30

Subject.

Communicating with
instructions to the P.W.
and Public Departments
and to the Inspectors
General of Police and Jails
papers received from
the Govt. of India regard-
ing the question of
defining the term "officer"
in regard to the use of
Arms.

11/11
12/11
P.D. (by endorsement)
Dated 17/1/91

Please quote this
No. 314/16
5687
in your reply.

From

C. A. STUART, Esq.,
OFFG. POSTMASTER GENERAL, MADRAS,

To

The Assistant Secretary
to the Govt. of Madras
Financial Department.

SIR,

In returning herewith the
enclosures received with your No. 39 dated
17 January 91, I have the honor to state
for the information of Government
that it is desirable to exempt, under
clause (3) of the Government of India
Statification, the under mentioned
officers of this Department from the
provisions of the Indian Arms Act.

It will be seen from the nature
of their duties which are detailed
against each, that these officers are
required to carry arms in self defence.

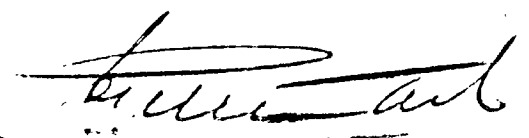
and in the interests of the Department
and I beg, therefore, that the Government
will be pleased to exempt them, from
requiring to obtain a license for
carrying arms when on duty:

i. Superintendents of Post Offices and
Inspectors of Post Offices. - These officers
have to travel constantly during
nights also and sometimes on urgent
duty without sufficient escort.

ii. Mail Overseers. - These officials have
also to go on their lines frequently and
very often in charge of large amounts
of cash for delivery at Post Offices
situated at other than treasury stations
or for disbursement of pay to runners.

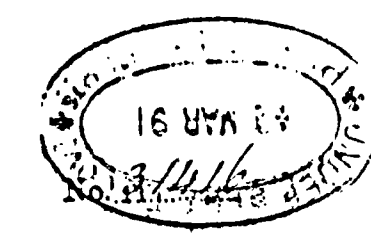
I have the honor to be
Sir,

Your most obedient servant.


W. T. Williams, Esq.

See C. 102
Public
~~*first C. 102 to 23*~~
Final C. 443

From
 The Postmaster General,
 MADRAS.



Dated 27th } February 1891.
 Received }
 Read for rectifying } 14th May 1891.
 in the District }
 No. of Enclosures 3.

SUBJECT.

*Postal employees who
 may be exempted from
 Arms act provisions.*

*Transferred to the
 Judicial department.*

Form No. *10*
med.

Reference on Current No. *656* of 1890.
 DATED *5* May 1890.
 No. *7*

In replying, the above should be quoted.

ENCLOSURES

From *L. J. Swell Esquire*
District Collector of Cuddapah.

To
 THE SECRETARY TO THE
 COMMISSIONERS OF
 LAND REVENUE,
 MADRAS.

SIR,
 With reference to Board's Resolution
 of 28th dated 15 May 1890 I have the honor
 to report that as there are numerous
 hill and jungle tracts in this District
 through which the roads pass it has always
 been customary to have specially selected
 places on such roads watched and searched
 by Ghaut Police who are paid from
 the Village service fund but are controlled
 by the Superintendent of Police who submits
 the bills for their pay.

There are nearly all armed. Some
 carry swords some match locks and others

Cuddapah Collector's Office,
July 1890

Muskets - They carry these weapons solely in performance of their official duties and it is, I consider, very undesirable that they should cease to do so.

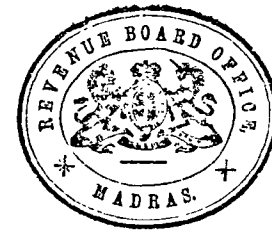
If they are considered to be rural police it appears that a notification of Government is required to the effect that these arms are (as they certainly are) necessary for the discharge of their police duties.

If on the other hand they are considered to be revenue officials they may perhaps be exempted by an order from "their superior departmental officers" vide No 15 of the exceptions in Government of India Notification of the 6th March 1879.

It seems to me that they are rural police and I therefore request that Government may be moved to exempt all Grant Talukars in Cundabek from the operation of

of the Arms Act as regards Muskets, Match locks & Swords carried and used by them on police duty.

I have the honor to be
Sir,
Your most obedient Servant
Harwin away
For Col. G. G. G. G.
Major.



Proceedings of the Board of Revenue

(Land Revenue).

Dated 26 January 1891

No. 593. Miscellaneous.

READ the following

1. Letter from E. J. Sewell Esquire, Collector of
Buddappah dated 5th July 1890 No ⁶⁵⁶_{mag} of 1890, and
the reference thereon dated 25th July 1890.

The collector is requested to report who appoints
and who dismisses the ghat taluaries and in what way they
differ from the ordinary village taluaries, other than in
being specially posted to ghat work.

2. Letter from the above officer dated 21st November
1890 No ⁶⁵⁶_{mag}

In reply to your reference on General Register
No 2201 of 1890, I have the honor to state that ghat
taluaris, are appointed and dismissed by the
Superintendent of Police. They have nothing in
common with the village taluaris. They are
Police men in a ^{less} degree.

23

Per Secy 441/71

3. Proceedings of the Government dated

16 December 1890 No R. 1323.

Resolution

Submitted to Government in the judicial department.

The Board considers that ghat talukies are rural police and that they do not come within the class "Revenue officials" in clause 15 of Rule I of the Government of India notification dated 6 March 1879. A notification of the local government exempting them will therefore be necessary.

The question was touched ^{on} in some of the replies, though not in that form Buddappah under disposal in G. O. dated 20 July 1887 No 1586. Judicial and no arms were then considered necessary, for ghat work however, on lonely roads liable to be frequented by dacoits, the Board considers that Swords and match lock or muskets may well be allowed.

(True copy and extract)

Ag Secretary.

To The Chief Secretary to Government Judicial Department with G. R. No 2201 of 1890 in original to be returned and with 22 Enclosures in Gt R. No 284 of 1890 returned.
Copy to the Collector of Buddappah

Judicial ~~C.O.~~ No 441

1891.

Board of Revenue

(Land Revenue),

MADRAS.

To 20.7.87: 1586 L.
16.12.87: 1323 R.
16.3.87: 578
28.1.79: 163
To 4.8.83: 2046

The Chief Secretary to Government

Judicial department



Rep 28.1.91

Proceedings, dated 26 January 1891,
No. 593. Mis. Enclosures.
Routine.

Subject. 23 Mar.

Submitting to Govt in
the Judicial Deptt.
recommendation of
the Bd. to exempt
Shat Taluqars from
the operation of the
Arms Act

Reference of 25 Feb 1891

Referred to the Insp. Genl of
Police for remarks with reference
to G.O. of 7 Jan. 1891 No. 30 Dis.

(Requires)

15th. Alkuttur
of under secretary.

To the Insp. Genl of Police, Madras.

No. 1427

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
Madras, dated 9th March 1891.

FROM

Colonel C. B. Parsons

Off. INSPECTOR GENERAL OF POLICE,

TO

THE Chief Secretary

to Government,

Fort St George

SIR,

Enclosures.

The grade of Assistant
Superintendent and
wards.

In returning the accompanying Proceedings
of the Board of Revenue forwarded to me for re-
marks under your endorsement dated 25th
February 1891, I have the honor to state that
I am of opinion that the word "Officers" should
apply only to superior Officers of Police and
that Inspectors of Police, who are supplied by
Government with such arms as are necessary
for the purposes of their duty, should not be
exempted from paying for licences for any
private arms which they choose to possess
themselves of.

I am quite in accord with the Board of
Revenue that Shat Taluqars are rural Police,
that they do not come within the class of
Revenue officers mentioned in Government

1/8.11.79

India Notification of March 6th, 1849 -
and that they should be exempted by
Special Notification of Government from
taking out licences for such arms as they
carry for the purposes of their duty.

I have the honor to be,
Sir,

Your most obedt. servt.

Wm. R. Notland Colonel,
Reg. Dep. Genl. of Police

1723
 No. 1178
 Judicial (1881) DEPARTMENT.
 2016-3-87: 5785c
 20-7-87: 1586 cc
 16-12-90: 1222 R
 4-8-83: 2046 areh
 28-1-77: 162-4
 19-1-87: 105-cc
 7-4-87: 72A Rev
 26-9-87: 2198-cc
 FROM
Col. A. S. S. S.
 AG. INSPECTOR GENERAL
 of Police.

No. 1427

Dated 9th March 1891.
 Received 10

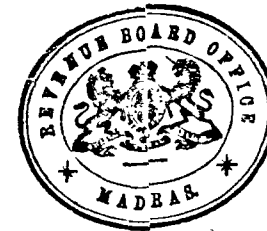


No. 441 with 1 Enc. retd.

SUBJECT.

Submit report on the
 exemption of shot Taliares
 from the operation of the
 Arms Act.

To be sent for the
 reply to the Hon. Secy to
 Govt. - 1-9-91



Proceedings of the Board of Revenue

(Land Revenue),

Dated 27th April 1891.

Forest No. 362 Miscellaneous.

The Hon. H. W. S. S.

READ G. O., dated 21st January 1891, no. 495, and the
 following reference thereat, dated 19 February 1891.
 Referred to both Conservators for early report.
 The Conservator of Forest, Northern Circle, should say
 if he wishes to add anything to his endorsement
 no. 2792 dated 10 February 1891.

Read also the following letter from the Collector of
 Shikhar, dated 22nd January 1891, no. 69, and
 endorsement of the Conservator of Forest, Northern Circle,
 thereat, dated 10 February 1891, no. 2792.

Referring to Home Department notification
 (Public) dated 2nd December 1890, no. 2343 pub-
 lished at page 1861 of the North Indian Gazette
 dated 16 December 1890, they leave
 to recommend that officers of the Forest Depart-
 ment of and above the rank of a Crosser may
 be exempted from the operation of the prohibi-
 tions contained in the Indian Arms Act
 (Sections 13, 14, 15 & 16).

2. These officers have constantly to travel
 through

through trails where they are exposed to risk of danger from wild beasts and they are occasionally threatened with violence in isolated spots when dealing with infringements of the law.

In forwarding I have the honor strongly to recommend the proposed exemption.

Read also the following letter from the Conservator of Forests, Northern Circle, dated 28th Feb^y 1891, No 2925.

Subject - Exemptions under Arms Act.

Reference - Board's Reference dated 19 Feb^y 1891, No 164 & 319 of 1891.

In answer to Board's Reference above quoted I would add to my remarks in the endorsement already submitted that the exemption might well go one step lower and include Forest Guards. There are forests where Forest Guards should and almost must be armed, and I think that a general exemption might be made to include Sub-Assistant Conservators, Rangers, Foresters and Forest Guards.

There are some forests where arms are not necessary for protection. In order to check an unnecessary carrying of arms, and perhaps prevent poaching, I would suggest that

the

the permission to carry arms should be subject to the consent of the officer in charge of the forests of the District.

Read also O. O. from Government, R. D., dated 7th March 1891, R. No 28, & reference therein, dated 13th March 1891.

Read also the following letter from the Conservator of Forests, D. C., dated 25th March 1891, No 3269.

In reply to reference on Forest Register Nos 164 and 319 of 19th February, I have the honor to recommend that Forest Officers of and above the class of Forest Guard (permanent staff) and watchmen and firepatrols (temporary staff) may be exempted from the operation of the prohibitions contained in the Indian Arms Act under Section 27 thereof, such exemption to apply only when on duty and wearing their uniform or badges of office and be subject to the sanction of the District Forest Officer, or their superiors.

2. I should like to have restricted the exemption to officers of the permanent staff not below the class of Forest Guards but watchmen and firepatrols have to perform similar or analogous duties in the forests in many of which it is absolutely necessary that they should carry fire-arms when on their beats to give them confidence and enable them to ^{scare} away wild elephants &c.

As the exemption will be subject to the
District Forest Officers orders in each case
I do not apprehend any abuse or undue extension
of it.

Resolution.

Submitted to Government in reply
to G.O. dated 21st January 1891, No 495 m.

2. The Board would exempt

- 1- generally, - all Officers of and above
the grade of forester;
- 2- exceptionally, i.e., when specially sanc-
tioned by the Collector, Guards
& watchers.

(True Copies and Extract)

L. S. S. S.

Ag. Secretary

To

The Secretary to Govt. R.D.

The Conservator of Forests, R.C.,

The Conservator of Forests, S.C.,

cc
10

(189/ .)

REVENUE DEPARTMENT.

ABSTRACT.

Endorsement No. 2694

Transferred to the
Judicial Department.

No. 3361.

625.4-91.822 ✓
10.4-91.404 R ✓
16.12.90.1373 ✓
26.9-87.2198 ✓
20.7-87.1586 ✓
16.3-87.578 ✓

From The Board of Rev

Land Revenue

Orlacamund

1st May 89

Calcutta

Asst Secretary

Recd 5-8-91

Dated 27.4.91

Received 29.4.91

Enclosures

Forest No. 362 Ins

SUBJECT.

Submitting to Government
Conservators' reports
on the class of Forest
officers that may be
exempted when on duty
from the operations of
the prohibitions in the
Indian Arms Act
under Sec. 27.

11-12/5

13-14/5

Read Application from J. Jendased Pillay,
Superintendent, Post offices, Kellore District
for permission to possess a gun

Under Clause 3 Rule I of the Revised
Notifications and Rules made under the
Indian Arms Act 1878, Postal officers
are exempted from the operations of the
said Act. The applicant therefore
requires no permission from the Commission
of Police to purchase a gun.

Commissioner's office
Madras City Police
Madras 29th December 1890

(Signed) M. Vinayapachandran
Asst Commissioner of Police

(True Copy)

Sea Customs House
Madras 15 May 1891

Washed
By Collector, Sea Customs

No. 10564

SEA CUSTOM HOUSE,
Madras, 14th May 1887.

FROM

W. P. Austin Esqre
Collector of Sea Customs,
Madras,

TO

The Honble J. F. Price C.S.
Chief Secretary to Government
Judicial Department
Ootacamund

SIR,

Messrs. Baker & Co have submitted a claim for refund of duty, under proviso 2, schedule II, of the Tariff Act of 1882, on a gun and revolver purchased from them by J. Josudassen Pillay, Superintendent of Post Offices, Vellore, and have forwarded in support of their claim a memo from the Assistant Commissioners of Police, Madras (copy enclosed) declaring that all Postal Officers are exempt from the restrictions of the Arms Act. I do not see how this can be in the face of the recent notification of the Government of India noted in the margin. It seems to me that either a notification by Govt. some what similar to that recently issued in the case of Police Officers, or a special order, should issue before the purchases can be held

Encl: 1

No 2243 republished at page 1061
of the Fort St. George Gazette
dated 16th December 1890

* Vide G. O. No 502 Judicial
dated 25th October

held to be lawfully entitled to possess
arms for private use without a license.

2. While on this subject, I have the
honor to request that orders may also be
passed with reference to Jail and Forest
officers under the Govt of India Notification
above quoted, as cases are likely to arise
where similar claims in respect of purchases
made by such officers may be preferred.

I am the honor to be
your most obed^t servant

Waucho

By Collector of sea Customs

W.S.

1. General Principles of the Law of the United States of America
 2. General Principles of the Law of the United States of America
 3. General Principles of the Law of the United States of America
 4. General Principles of the Law of the United States of America
 5. General Principles of the Law of the United States of America
 6. General Principles of the Law of the United States of America
 7. General Principles of the Law of the United States of America
 8. General Principles of the Law of the United States of America
 9. General Principles of the Law of the United States of America
 10. General Principles of the Law of the United States of America

425
219

cy

Wm. Co.
1. 1880.

After some time, I was informed by
a friend that there were some
in the vicinity of the bridge, and
that they were in the same
position as the others were before
the war. He had been to the
place, and had seen the only

1/2³ perhaps better
672 small, ~~thinner~~, ~~more~~
faint are heavier.

1/200, 600, 1000, 1500, 2000, 2500, 3000, 3500, 4000, 4500, 5000, 5500, 6000, 6500, 7000, 7500, 8000, 8500, 9000, 9500, 10000, 10500, 11000, 11500, 12000, 12500, 13000, 13500, 14000, 14500, 15000, 15500, 16000, 16500, 17000, 17500, 18000, 18500, 19000, 19500, 20000, 20500, 21000, 21500, 22000, 22500, 23000, 23500, 24000, 24500, 25000, 25500, 26000, 26500, 27000, 27500, 28000, 28500, 29000, 29500, 30000, 30500, 31000, 31500, 32000, 32500, 33000, 33500, 34000, 34500, 35000, 35500, 36000, 36500, 37000, 37500, 38000, 38500, 39000, 39500, 40000, 40500, 41000, 41500, 42000, 42500, 43000, 43500, 44000, 44500, 45000, 45500, 46000, 46500, 47000, 47500, 48000, 48500, 49000, 49500, 50000, 50500, 51000, 51500, 52000, 52500, 53000, 53500, 54000, 54500, 55000, 55500, 56000, 56500, 57000, 57500, 58000, 58500, 59000, 59500, 60000, 60500, 61000, 61500, 62000, 62500, 63000, 63500, 64000, 64500, 65000, 65500, 66000, 66500, 67000, 67500, 68000, 68500, 69000, 69500, 70000, 70500, 71000, 71500, 72000, 72500, 73000, 73500, 74000, 74500, 75000, 75500, 76000, 76500, 77000, 77500, 78000, 78500, 79000, 79500, 80000, 80500, 81000, 81500, 82000, 82500, 83000, 83500, 84000, 84500, 85000, 85500, 86000, 86500, 87000, 87500, 88000, 88500, 89000, 89500, 90000, 90500, 91000, 91500, 92000, 92500, 93000, 93500, 94000, 94500, 95000, 95500, 96000, 96500, 97000, 97500, 98000, 98500, 99000, 99500, 100000, 100500, 101000, 101500, 102000, 102500, 103000, 103500, 104000, 104500, 105000, 105500, 106000, 106500, 107000, 107500, 108000, 108500, 109000, 109500, 110000, 110500, 111000, 111500, 112000, 112500, 113000, 113500, 114000, 114500, 115000, 115500, 116000, 116500, 117000, 117500, 118000, 118500, 119000, 119500, 120000, 120500, 121000, 121500, 122000, 122500, 123000, 123500, 124000, 124500, 125000, 125500, 126000, 126500, 127000, 127500, 128000, 128500, 129000, 129500, 130000, 130500, 131000, 131500, 132000, 132500, 133000, 133500, 134000, 134500, 135000, 135500, 136000, 136500, 137000, 137500, 138000, 138500, 139000, 139500, 140000, 140500, 141000, 141500, 142000, 142500, 143000, 143500, 144000, 144500, 145000, 145500, 146000, 146500, 147000, 147500, 148000, 148500, 149000, 149500, 150000, 150500, 151000, 151500, 152000, 152500, 153000, 153500, 154000, 154500, 155000, 155500, 156000, 156500, 157000, 157500, 158000, 158500, 159000, 159500, 160000, 160500, 161000, 161500, 162000, 162500, 163000, 163500, 164000, 164500, 165000, 165500, 166000, 166500, 167000, 167500, 168000, 168500, 169000, 169500, 170000, 170500, 171000, 171500, 172000, 172500, 173000, 173500, 174000, 174500, 175000, 175500, 176000, 176500, 177000, 177500, 178000, 178500, 179000, 179500, 180000, 180500, 181000, 181500, 182000, 182500, 183000, 183500, 184000, 184500, 185000, 185500, 186000, 186500, 187000, 187500, 188000, 188500, 189000, 189500, 190000, 190500, 191000, 191500, 192000, 192500, 193000, 193500, 194000, 194500, 195000, 195500, 196000, 196500, 197000, 197500, 198000, 198500, 199000, 199500, 200000, 200500, 201000, 201500, 202000, 202500, 203000, 203500, 204000, 204500, 205000, 205500, 206000, 206500, 207000, 207500, 208000, 208500, 209000, 209500, 210000, 210500, 211000, 211500, 212000, 212500, 213000, 213500, 214000, 214500, 215000, 215500, 216000, 216500, 217000, 217500, 218000, 218500, 219000, 219500, 220000, 220500, 221000, 221500, 222000, 222500, 223000, 223500, 224000, 224500, 225000, 225500, 226000, 226500, 227000, 227500, 228000, 228500, 229000, 229500, 230000, 230500, 231000, 231500, 232000, 232500, 233000, 233500, 234000, 234500, 235000, 235500, 236000, 236500, 237000, 237500, 238000, 238500, 239000, 239500, 240000, 240500, 241000, 241500, 242000, 242500, 243000, 243500, 244000, 244500, 245000, 245500, 246000, 246500, 247000, 247500, 248000, 248500, 249000, 249500, 250000, 250500, 251000, 251500, 252000, 252500, 253000, 253500, 254000, 254500, 255000, 255500, 256000, 256500, 257000, 257500, 258000, 258500, 259000, 259500, 260000, 260500, 261000, 261500, 262000, 262500, 263000, 263500, 264000, 264500, 265000, 265500, 266000, 266500, 267000, 267500, 268000, 268500, 269000, 26

no reason
for drop
HJ

1. C. ac. 2256 is from the Postmaster General. He would exempt

- (1) Superintendents of Post Offices
- & Inspectors of Post Offices,
- (2) Mail carriers.

There seems no objection to this.

of duty.
In the case of a forest officer however who is not supplied with arms by the State, it would probably be merely a source of difficulty to grant exemption only for arms used in the discharge of duty & a general exemption seems necessary. The Board would grant this general exemption to all officers of various grades of Foresters & as regards the grades of Forest guards & Watchmen suggests that they should be exempted when their exemption is specially approved by the Collector.

It is however questionable whether an exemption so restricted would come within the meaning of "every special order," the words applied in the new rules. But, apart from the possible technical objection,

There remains the case of pensioned
officers. A brief note on this subject
was written on the current in Feb.
27th Jan. 1891 & p. 50 Ind. & was approved
by the Hon. Sec. Bliss.

1. Die erste Gruppe der (alten) Menschen
 2. Die zweite Gruppe der (alten) Menschen
 3. Die dritte Gruppe der (alten) Menschen

attention might be called to this. But
honestly expressed notes would have
been "checked" and under a good account
kept.

11. 11. 11.

A. J. G. The servant is sometimes
 to be found for carrying down
 in the carriage, but is not
 a police servant. The woman
 must be a lady, shown as
 a servant of the family, the
 wife of the master of the
 carriage, police constable, the
 on duty. A special

41-10 is fine to the
substantive species and
the 1161 type is all the way
down into the same
the whole day in the same
the is repeated.

Heire? & the Hon. Mr. Stokes
into reference of the Hon. Mr.
Larson's remarks.

L
30 May.

I advise you, on the
subject to differ from my dear
Colleague. The Law
(Sec. 261 of the Home Act
of 1781) expressly, clearly
distinguishes in its absolutely
to the carrying of arms by a
public servant in the course
of his duty as such, public
servant, & the sale of arms
here for the exemption from
all the restrictions imposed
on ordinary persons by Sec.
13 & 16 of the Act all
public servants of certain Dep^{ts}
where the local Gov^t may
by special or special order direct
even when they are not on duty -

even when they are in
a fort and cannot limit
a right conferred by law on
every public servant has a
legal right to go about his duty armed
if he please - a Dist. Commr.

if he please -
in instances, may go to court
with a revolver & may carry it
when not discharging his
duties - but a Rev.
Inspector, though he too might
carry a revolver, which no duty
would not be legally entitled
to possess it when off duty unless
he got a license - because the
Govt of India Federal Executive
only authorizes Police, Forest,
Postal & Jail officers (under
certain conditions & regulations)
when off duty - ^{not} the officers
of the Prov. Dist.

18/7/91. 

(See on back)

With reference to my letter to the College, my statement
it is quite true that a public servant in
the course of his duty as such is exempted from
the operation of the arms act. But the whole
question is, what public servants have to carry
arms & in the course of what duty. It is not a
very settle thing. Without it, the courts might
raise questions in every case. I have, on the
subject I have written. H.C.
28 June

These papers are recirculated & the Hon. Mr. Estlin with reference to the Hon. Mr. Parson's remarks, has raised the question whether approved rules in regard to the bearing of arms by salt officers & persons are in existence. To ascertain whether this was the case the original of G.O. 26, 1. 86 22230 had been got & it & G.O. 2 11 Apr. 1879 22333 Rev. being in circ. were only received on the 20th inst. Here appears to be no approved rules, but the matter is of no importance for in the linked current the G.O. of I. has addressed the Salt & Excise Dept. in clause (3) para. 1 of Home G.O. 22575 d. 6 Mar. 1879. The question of exemption of salt officers can be dealt with on receipt of reply to the the draft order on 23 June. the linked current.

25 June.

Sept 18 1864. The 1st

Resubmitted to the Hon. J. S.
Purton with reference to the
note of the Hon. J. S. Stokes, Sep. 18.
L. 2 July

I

I take it that the ^{ordinary} rank and file
 serving in the Police - Forest - Postal and
 Jail departments come under the general
 exemption in sec 1 (b) - of the Arms Act -
 and are not affected by the notification
 of Dec. 2. 1890. In any case that may arise
 the merits of each particular case will be decided
~~on such merits~~ on such merits - i.e. as to whether
 they are on duty, or not.
 But as regards the higher officers in these
 departments, this Govt. has to decide which
 officers are to receive a general exemption,
 whether on or off duty - that is to say, to be
 put on the same footing as military and
 naval officers etc. As regards these exemptions,
 I agree with the recommendations sent up by
 the heads of the respective departments, and
 do not think it necessary to issue any
 order under sec 1 (b) exempting inferior
 officers.

W
 20 July

Ho.
 H.C.

⊗ No such order is proposed.

Arms Act & the Govt:

The subject of disagreement between
 the Hon. Members is this: -

Sec 1 (b) of the Arms Act,
 1875, lays down that nothing
 in the Act applies to the bearing
 of arms by public servants
 in the course of their duty as
 such public servants. And
 the Govt. of India has further
 under sec. 27 of the Act given
 the local Govt. power to declare
 certain classes of public
 servants to be entitled to carry
 arms whether on duty or
 not.

The question has now come
 up that public servants
 shall be declared to be
 exempted from the restrictions
 of the Act whether on or off
 duty, & in this connection
 the Hon. Mr. Stokes wishes to
 issue two notifications, one
 declaring certain classes
 to be entitled to carry arms
 whether on or off duty &
 the other declaring certain
 classes to be so entitled when
 on duty only.

The Hon. Mr. Jackson observes
 that such a course would
 arrogate power to modify

C137
 1897

in a f.d. the general provision
 of sec. 1(b) : under that
 Sec. the Hon. Member says,
 all classes of public servants
 are free to carry arms when
 on duty & it is therefore
 improper to issue an order
 declaring that certain classes
 of public servants shall be
 entitled to carry arms when
 on duty.

This I deny.
 They are only so entitled
 in the course of their duties
 as such.

In
 17 July 1871

my point has been entirely mis understood
 & misrepresented. I never intended to issue
 a notification under sec 1(b). What I suggested
 was a G.O. only, defining the duties of certain
 classes of public servants which Govt. as
 their employer has a complete right to do.
 I did not say that whenever a public servant
 is on duty he has a legal right
 to go about his duty armed if he pleases.
 No such right is implied by sec 1(b).
 which says that nothing in the act shall
 apply to a public servant in the
 course of his duty as such public servant.
 It is not a question whether he is on
 duty or not, as supposed by H.R. the
 Govt. - though no doubt even in the case
 of public servants who carry arms in the
 course of their duty, that would be a question
 of fact for the courts. There would be a further
 question whether the public servant charged
 with arms in the course of his duty without
 which the exemption in sec 1(b) would not apply.
 A Dist. Mag. going to court with a watchman
 would certainly not be doing so, in the course
 of his duty, though a District Magistrate
 might be if he is ordered to go armed on such
 duty. There is a difference, surely, between
 doing a thing in the course of his duty
 & at the time of performing it. Orders have
 already been issued in the case of certain
 classes defining the cases in which officers
 on duty are to be armed, but I did not
 want orders of the same character in the case
 of other public servants, whose cases are not
 covered by the same provisions.

certainly
 these are

added by Hon. Mr. Justice
 H.R. concerning

Production of these orders would satisfy the
 courts on the question of whether the carrying
 of arms was in the course of the officer's duty
 but the force of the orders would not be

Again 12-8-1871 April 1871 no 404/8
 27 Jan 1871 2.30
 28 April 1871 2.30
 C. 2. 191 7 14 Jan 1871 from C.P. Jails.
 C. 2. 240 - 16 Jan 1871 - H.P. of Police.
 C. 2. 2286 - 27 Feb 1871 - Port Arthur Island.
 C. 2. 1078 - 9 March 1871 - H.P. of Police.
 C. 2. 2143 - 1 May 1871 - Rev. Dept.
 C. 2. 2350 - 14 May 1871 - C.P. of the Customs.

In exercise of the power
 conferred upon him by clauses
 (3) paragraph I, of the ¹⁸⁷¹ of the ¹⁸⁷¹
 Indian Act of 1857, dated
 in the Home Dept. no 515, dated
 6 March 1871, as amended
 by the Act of the same date
 dated 23rd Dec. 1870,
 the Governor in
 Council is pleased to exempt
 the following classes of officers
 from the operation of all prohibitions
 & directions contained in Sec.
 13 & 16 of the Indian Arms
 Act, 1870, other than those
 referring to cannon, articles
 designed for torpedo service,
 & rockets & machinery for
 the manufacture of arms
 & ammunition: -

- (1) Superintendent of Jails &
 Tailors;
 Police Dept.
- (2) Inspectors of Police of
 all classes;
 Police Dept.
- (3) Superintendents & Inspectors
 of Post Office & Mail
 Forest Dept.
- (4) All gazetted officers of the
 Forest Dept., Forester Range
 & Foresters.

(See also the following)

power conferred upon him by clause (D) of paragraph I, of the same Dept. Notification above referred to, to the Gov. in Council is please to exempt

(D) Pensioned officers.

All pensioned officers of all ^{civil} depts. who, when in the service of Govt., were entitled by general or special order to carry arms.

2. If Govt. has no necessity to grant a general exemption in the case of such inferior officers as Police constables, jail wardens, postmen, forest guards & the like when off duty, then actually engaged in the performance of their duty they are already entitled to carry arms under sec. 11(b) of the Arms Act.

3. The Collector of Sea Customs, Madras, will now be authorized to admit the claim & refund of duty put forward by him, Oakes & Co. in respect of a gun & a revolver purchased by S. Desudason Pillai, Supd. of Post-offices, Madras.

4. A copy of these Proceedings will be furnished to Messrs R. B. Rodda & Co., Calcutta, with reference to G.O. 27 10 ap. 1881 at 404.R.

(From orders)

- Off. of Police. 23 July.
- Tails. 24 July.
- Rev. Dept.
- Public Dept.
- Messrs R. B. Rodda & Co. Agents.

Let for Govt.

As the Govt. has incurred with the Govt. the Govt. the issue of a notice under sec. 11(b) of the Act is unnecessary.

23 July.

Presumption under the Act - that is given by sec. 11(b) - but a definition of the duty. I cannot be a party to para 2 of the Draft, I would suggest that before Govt. commits itself to it, that the Advocate General be consulted.

26/7
25 July.

*(vide para 2350)

Guards & the like when off duty, then actually engaged in the performance of their duty they are already entitled to carry arms under sec. 11(b) of the Arms Act.

C. 11/191-240 &c
26 Arms Act & Exemption from its provisions

I did not understand Mr. [unclear] to a [unclear] collection to a [unclear]

the issue of a Notice under sec. 11(b) - He argues that ~~that~~ if it is necessary for officers of the classes of police constables, jail wardens, postmen & forest guards to go armed when on duty an order of Govt. is not required which would authorize them going armed when on duty - undoubtedly. Do they ~~stook~~ exception pointing out that by sec. 11(b) they are entitled, as public servants, when on duty, to go armed. I agreed with him that they should not be authorized by a general exemption from liability to the Arms Act to go armed when off duty. He then argues that the meaning of sec. 11(b) of the Act is that only public officers who are compelled to carry arms in the discharge of their duty are exempted from liability to the provisions of the Act relating to the carrying or possession of arms, when on duty - I answer to me that the actual words of the

C 26-7
11 27-7

Section, name, "by ~~such~~^a
"public servant" & in the
"course of his duty as such
"public servant" are wide
enough to cover the view ^{that}
the Govt & I have taken - but
out of deference to my hon
colleagues suggestion that
the Hon. Sec. of the Govt be consulted
on the point I have no
objection to a referendum
made to him on the point -

6/8/91
HJ

As I have on another occasion
pointed out, I have no objection
to my hon. colleagues getting any
reference they require for clearing
up any point they may not be
able to clear up - from officers of
the Govt.

W
6/8/91

Read - again - the following papers.

DEPARTMENT.

Papers to be read in Proceedings: -

[5]

Again G.O., dated 7 Jan. 1891, No. 30 Ind?
 Again G.O., dated 10 ap. 1891, No. 404 Ind.
 25 ap. 1891, No. 802 Ind.
 Current No. 191 of 1891, dated 14 Jan. from J. of Tail.
 240 — — 16 — — J. of Police.
 2286 — — 27 Feb. — — J. of Police.
 1178 — — 9 Mar. — — J. of Police.
 2173 — — 1 May — — Rev. Dept.
 Current No. 2350 of 1891, dated 14 May from Col. S.C.

Read also the following papers.

ORDER 20th Aug. 91 No. 1649
 In exercise of the power conferred upon him by clauses (3) & (5) para. I of the Act of the J. of S. in the Home Dept., No. 515, dated 6 March 1874, as amended by the Act of 1875, No. 2370, dated 2nd Dec. 1870, the R. H. Hon. the J. in C. is pleased to exempt the following classes of persons from the operation of all prohibitions & directions contained in sec. 13 to 16 of the Indian Arms Act 1875, other than those referring to cannon, articles designed for torpedo service, war-rockets machinery for the manufacture of arms & ammunition: -

- (1) Tail Dept.
Superintendents of Tails & Tailors.
- (2) Police Dept.
Inspectors of Police of all classes.
- (3) Postal Dept.
Superintendents & Insps. of Post Offices & Mail Overseers.
- (4) Forest Dept.
All gazetted officers of Forest Dept., Forest Rangers & Foresters.
- (5) Miscellaneous.
All pensioned officers of Civil Dept. who, when in service of Govt., were entitled by general or special

Recirc. ? to the Com. Mr. Jackson & Mr. S. The Governor with reference to the Com. Mr. Stokes' remarks.

29 July 28 Ind.

order to carry arms.

2. The Collector of S.C., Madras, will now be authorized to admit the claim to refund of duty put forward by Messrs Baker, & Co. in respect of a gun & a revolver purchased by J. Sundaram Pillai, Capt. of Post Office, Bellary.

3. A copy of this Proct. will be furnished to Messrs R. B. Nodda & Co., Calcutta, with reference to J.O. D. 10 ap. 1891 & 404 R.

4. ^{with reference to} ~~the question of~~ the question of granting a general exemption in the case of such inferior officers as Police Constables, Tail Wardens, ghats-tahanes, forest guards & such like ~~inferior officers~~ the Adv. Genl. will be requested to give his opinion as regards the correct interpretation of Sec. 118 of the Indian Arms Act, 1878. In that section it is provided, that "nothing in the Act shall apply to the manufacture, conversion, sale, import, export, transport, bearing or possession of arms, ammunition or military stores by a public servant in the course of his duties as such public servant." It is possible to interpret this section in two ways, either (1) as meaning that all public servants ^{when on duty} are entitled to carry etc. arms, or (2) as implying merely that a public servant in respect of the performance of whose duty the bearing etc. of arms ^{is or} has been declared by Executive order to be necessary is exempted from the operation of the Act.

If the former interpretation be correct the order of exemption will be necessary in the case of the inferior officers above referred to, but if the latter be it will be ^{unnecessary} to specify by Executive order the inferior officers whose duties compel them to carry arms. ~~It will be~~ It will be entitled to the exemption provided by Sec. 118.

(From order)
18 Aug 91

File 100

Subm. for the approval of
the Hon. Mr. Stokes.

1st
19 Aug 91

Secy of Police, Co. Tail.

Rev. Dept. of Pub. Dept.

General Reading, Messrs R. B. Nodda & Co.

18 Aug 91

Sept 31/8/91

Such public servant in such cases only

ORDINARY, PRINTED.

✓

Indicial DEPARTMENT

G.O., DATED 20. 02. 91

No. 1649.

First copy sent to Press. 26-0-91

Revised for signature.

Despatched in print: 31/8

[Despatch Abstract]

Home Act

Exempting certain classes of persons from the operation of all prohibitions & directions contained in sections 15 & 16 of the Indian Act 1078, and requesting the advice of the General's opinion as regards the correct interpretation of section 1(6) —

24/5/00 ✓
14/5/01 ✓
1-12-06 ✓
13-5-08 ✓
17-11-09 ✓
3-6-12 ✓
3-10-12 ✓
11-1-13 ✓
4-2-14 ✓
5-12-17 ✓
27-8-18 ✓
15-6-28 ✓
25-1-35 ✓