

(1) Number of pages 20(2) Date of repair 23 - 2 - 42(3) Initials of the Referencer 7**MADRAS RECORD OFFICE.****Government of Madras.***Judicial* **DEPARTMENT.**G.O. No. 2252Press
Mis.

Dated

18

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers:—

G.Os., dated 1st July and 20th August 1891, Nos. 1295 and 1649, Judicial.

READ—also the following papers:—

Proceedings of the Board of Revenue (Separate Revenue), dated 7th August 1891, Mis. No. 2542.

Read—Proceedings of the Madras Government, Revenue Department, dated 30th July 1891, No. 4249.

Resolution—dated 7th August 1891, Mis. No. 2542.

The Board recommends that all Native Assistant Commissioners, Inspectors, Assistant Inspectors and Sub-Inspectors of the Salt and Abkari Department be exempted.

(True Extract.)

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department.

No. 889 R.

Transferred to the Judicial Department.

OOTACAMUND,
31st August 1891.

(Signed) R. C. C. CA
Ag. Under Secret

From the Government Solicitor, dated 1st September 1891.

ABSTRACT.—Forwarding the following copy of the order of the State-General, dated 1st September 1891:—

Order of the State-General, dated 1st September 1891, No. 1000.

OPINION.

1. I do not think the section means that all public servants are required to carry arms. I do not think a postman in Madras under any circumstances would be entitled to the protection of this section if he carried about a revolver in his pocket. Nor do I think that the section requires that an executive order should be issued for a public servant to carry arms, or to give him the right to carry arms. The section excludes from the Act all persons who carry arms by order and part was intended, I think, to exclude public servants whose course of duty not imposed by an order of Government. A soldier's obedience of any order of Government is a duty or right to carry arms even when no order of Government is issued on the subject; e.g.—

2. Suppose an officer ordered his peons to carry arms in an emergency to protect himself or the property of the Government; (b) or suppose a postman was ordered by his superior officer to carry a revolver to protect himself and the mail bags on any particular occasion or

generally in any particular locality; (c) or suppose a road was barred by a mad dog and the post peon borrowed a gun in order to remove the obstruction and so to enable him to carry out his duty.

3. Lastly, I find no power given in the Act to Government, and certainly no duty imposed upon Government, to declare by executive order the classes of persons whose duties compel them to carry arms or the occasion in which the necessity arises to carry arms.

4. Section 27 gives power to exempt classes of persons or arms from the Act. That section was intended in my opinion to apply to cases other than those which fall under section 1 (b).

(Signed) H. G. WEDDERBURN,
Acting Advocate-General.

ORDER—dated 2nd November 1891, No. 2252, Judicial.

In exercise of the power conferred upon him by clauses (3) and (8) of paragraph 1 of the notification of the Government of India, in the Home Department, No. 518, dated the 6th March 1879, as amended by the notifications of the same Government, Nos. 2343 and 996, dated the 2nd December 1890 and the 4th June 1891, and in supersession of the notification of this Government issued under G.O., dated 20th August 1891, No. 1649, Judicial, 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 relating 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 Jailors.
- (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) *Salt and Abkari Department*.—All Assistant Commissioners, Inspectors and Assistant Inspectors of the Salt and Abkari Department.
- (6) *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. In order to avoid all questions to the applicability of section 1 (b) of the Indian Arms Act, 1878, to public servants other than those named above, who may find it necessary to carry arms, the Government considers that it will be advisable to issue an order distinctly specifying the classes of public servants in whose case the carrying of arms is essential for the due performance of their duty. With this object, Heads of Departments concerned will be directed to submit at an early date lists showing to what classes of servants and on what occasions or kinds of duty in each case section 1 (b) should be applied. It will be explained that the word "arms" as used above does not include special arms which are exempted from the operation of the Act in this Presidency.

(True Extract.)

Chief Secretary.

To the Hon. Secy. to Govt. of Madras.
" the Hon. Secy. to Govt. of Madras.
" the Hon. Secy. to Govt. of Madras.
" all Departments of the Government, for communication to the Heads of Departments concerned.
" Messrs. J. Rodda and Co. Secy. to Govt.
Gazette (Paragraph 1).

Exd. A. Raitt.

Govt. of {1891} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 2nd November 1891, No. 2252.

NOVEMBER.

Indian Arms Act, 1878.

Exempting, in supersession of notification issued under G.O., dated 20th August 1891, No. 1649, certain classes of persons from the operation of all prohibitions and directions contained in sections 13 to 16 of the —, and directing Heads of Departments concerned to submit lists showing to what classes of public servants and on what occasions or kinds of duty in each case section 1 (b) should be applied.

Proceedings of the Board of Revenue
(Separate Revenue) 5

Dated 7th August 1891

at 2642 miles

1. G.O. No. 1297 C.G.

Read Proceedings of the Madras
Government Revenue Department
dated 30th July 1891, at 4269.

Resolution

The Board recommends
that all Native Assistant Commis-
sioners, Assistant Inspectors
Sub-Inspectors of the Salt and
Department be exempted.

True Extract

W. D. Elms

11/11/91
G.O. 2252
11/11/91

(189 / .)

REVENUE DEPARTMENT.

No. 6379

ABSTRACT.

Endorsement 8: 889 B

*Transferred to the
Judicial Department.*

From

*The Board of Revenue
(Separate Revenue)*

*Recd
Ch. Under Secretary*

*Colacamed
31 August 1891*



Received

Enclosures

No. 1522

SUBJECT

Recom...

called for...

under the...

under the...

under the...

under the...

under the...

under the...

under the...

In re G O dated 20th August 1891 No 1649, Judicial.

O p i n i o n.

*ng
7*

1 I do not think the Section means that all public servants as such are entitled when on duty to carry arms- e.g. I do not think a postman in Madras under ordinary circumstances would be entitled to the protection of this section if he carried about a revolver in his pocket. Nor do I think that the section requires that an executive order of Government should be first made to render it necessary for a public servant to carry arms, or to give him the right to carry arms in the course of his duty.

2. The first part of the section excludes from the Act all persons who carry arms by order of Government, and the second part was intended, I think, to exclude also all public servants who may carry arms in the course of duty not imposed by an order of Government. A soldier's duty to carry arms is independent of any order of Government. The duty or right to carry arms might arise accidentally even when no order of Government existed on the subject- e. g.

(a) Suppose a Collector ordered his peons to carry arms in an emergency to protect himself or public property from dacoits, (b) or suppose a postman was ordered by his superior officer to carry a revolver to protect himself and the mail bags on any particular occasion or generally in any particular locality, (c) or suppose a road was barred by a mad dog and the post peon borrowed a gun in order to remove the obstruction and so to enable him to carry out his duty.

3 Lastly I find no power given in the Act to Government and -
certainly

certainly no duty imposed upon Government to declare by executive order the classes of persons whose duties compel them to carry arms or the occasion in which the necessity arises to carry arms.

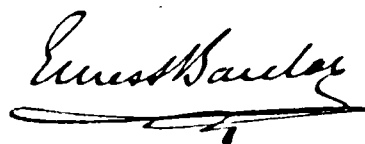
4. Section 27 gives power to exempt classes of persons or arms from the Act. That Section was intended in my opinion to apply to cases other than those which fall under Section 1(b).

Madras 9th
September }
1891

(Signed) H. G. Wedderburn

Acting Advocate General

(True Copy)



Government Solicitor.

From Ernest Barclay
Government School
Madras

To
The Chief Secretary to
Government
Judicial Department
Cotacambund

N^o 406

Noted 10 September 1891
Read 10 September 1891

Forwarded with reference to
the Order of Government dated
20 August 1891 H 1649. Indians

Ernest Barclay
Government Scholar

9/12/94

Chas. DEPARTMENT

C. No. $\frac{3978}{7.8.91}$ & $\frac{4118}{10.8.91}$

From

Dated

189

FOR ORDERS.

[illegible]

This is quite clear, and is the
 proper course in the case of the
 large bodies ~~of~~ of inferior
 servants in quarters. I think that
 an order of Genl. ~~Wells~~ would be quite
 effectual under the second, ~~of~~
 of the section: but it does not
 work ^{with reference to} ~~reference to~~
 in other ~~cases~~ ^{cases} where it is necessary.

The p.o. of 20/7/71 12/049 in place of the
the 12/11/71 - 12/049 - which is a
conveyance - 12/049 - 12/049 - 12/049
the entire 12/049 - 12/049 - 12/049

immediate
 now :
 It is simply
 taking care
 public health
 have expected
 those duty
 business it is
 to carry on
 under 200
 operations -

! Large variation due to
consistent incubator. But
incubators are too low. They
are hard on the birds to
keep constant, by using
I think an R 30.

17/9/41

In Feb. of 20 Aug. 1891, at 1649
 Invol. the opinion of the Advocate
 General was sought as to the
 correct interpretation of Sec. 116,
 of the Indian Arms Act, 1878.

C. 20 7118 is the Advocate-
General's Opinion; he seems to
hold the same view ~~as~~ ^{of} the
Hon. Mr. Stokess though his method
of interpretation is not very
clear.

The thing at all events seems
certain viz that if the Govt.
issues an order declaring, *concord*

That the duty of a jail-warden, for example, requires for its efficient performance, the carrying of arms. Then jail-wardens will fall within the meaning of sec. 116, of the Act & will be protected from prosecution.

C. No 3978 Contains a request by the Board of Revenue, that Native Asst. Commissioners, Inspectors Asst. Inspectors & Sub-Inspectors of Salt & Abkari be exempted under the rules framed under Sec. 27 of the Act in the same way as Police Inspectors have been exempted by G.O. of 10 Aug. 1891 No 1649 Indl.

This can be done under the revised Certification read in G.O. of 1 July 1891 No 1295 Indl.

There seems no objection to granting
the Board's request & if the
members agree a revised list
of exemptions will be issued
in lieu of that appearing in
G.O. 20 Aug. 1891 & 1899
No. after a decision has
been arrived at as to the
proper meaning of sec. 118.

L. 12 Sept.
to file

[6]

Ind. DEPARTMENT. 13

Papers to be read in Proceedings:—

Again G.O., dated 1 July 1891, No. 1295 Ind.
Again G.O., dated 20 Aug. 1891, No. 1679 Ind.
Current No. 3978 of 1891, dated 7 Aug. from B. of N. S.

Current No. 7118 of 1891, dated 10 Sept. from Genl. Solicitor.

I don't understand why para
1 is inserted & being merely
a repetition of G.O. 20 Aug.
No. 1679 already issued.

As to the inclusion of Foresters
I am not clear that Mr. the Genl.
agrees to it. The pencil mark
appended to his initials on the
note, may as well exclude the
Hon. Mr. Justice's personal as in
line it. These officers are
very inferior grade, drawing
not more than 1100 Rs. a
month. They are not
to be compared with the
other officers who are expressly
mentioned.

ORDER

In exercise of the power conferred
upon him by clauses (3) & (5)
paragraph I of the Act of
J. of S. in the Home Dept.
510, dated 6th March 1877 &
by the Act of the same date
No. 2373 & 996 dated the 2nd Dec. 1877
& the 4th June 1891 & in pursuance
of the Act of this Govt.
with G.O. 20th Aug. 1891
1679 Ind. the Hon. Mr.

C. is pleased to exempt
following classes of persons
from the operation of all prohibitions
& restrictions contained in Sections
13 to 16 of the Indian Arms Act,
1878, & the rules relating to
cannon, arms, cartridges for
torpedoes, & other weapons &
machinery for the manufacture of
ammunition.

- (1) Jail Dept. —
Superintendent of Jails & Prisons.
- (2) Police Dept. —
Inspector of Police of all
classes.
- (3) Postal Dept. —
Superintendent of Inspectors of
Post Offices & Mail Overseers.
- (4) Forest Dept. —
All gazetted officers of the

Forest Dept., Forest Rangers
& Foresters.

(15) Salt & Abkari Dept. —
All Assistant Commissioners, Inspectors
& Assistant Inspectors of the
Salt & Abkari Dept.

(16) Pensioners —
All pensioned officers of all
Civil Dept. who, when in the service
of Govt., were entitled by general
or special order to carry
arms.

The J. in C. is further pleased
to declare that the following
persons are ~~entitled~~ to carry
arms in the execution of their
duties within the meaning of
Section 110 of the Indian Arms Act,

(1) Jail Dept. —
Jail Tailors & paid Wardens
of all ~~prisons~~ grades.

(2) Police Dept. —
Officers below the grade of
Inspector.

(3) Range officers —
Tahsildars.

(4) Forest Dept. —
Forest Wardens.

The above is a summary of the
provisions of the order. It is
intended to be a guide only and
not a substitute for the original
order. The order is a long and
detailed document which covers
many points which cannot be
fully dealt with in this summary.

Order for orders

The above is a summary of the
provisions of the order. It is
intended to be a guide only and
not a substitute for the original
order. The order is a long and
detailed document which covers
many points which cannot be
fully dealt with in this summary.

Forest fire-patrols have been added because
the Conservator S.C. says they have to
perform duties similar to those of Forest
guards. Mr. H. Stokes says these should
be shown for superior forest servants, their
position in the present list is therefore
not a consideration of the 1881 Act.

Exemption from
Arms Act

Am. Mr. Garstin

From 1881

Consider that
the order of 1881
is a long and
detailed document
which covers many
points which cannot
be fully dealt with
in this summary.
The order is a long
and detailed document
which covers many
points which cannot
be fully dealt with
in this summary.

Order for orders 15

The order of H.E. to Govt.
solicited as to the exemption of
"Foresters". This inclusion was
suggested by the Hon. Mr. Garstin
against para. 7 of the order
in G.O. of 20 Aug. 1871
1879 and it was understood
that H.E. the Govt. agreed on this
point with the Hon. Mr. Garstin;
they were accordingly exempted
in that G.O.

The Hon. Mr. Stokes expresses a
doubt however whether H.E.
intended to agree with the
Hon. Mr. Garstin.

As regards the form in which
this order has been drawn it
has been considered advisable
to incorporate with it the
previous G.O. of 20 Aug. 1871
1879 inasmuch as it is
more convenient to issue
both including all exemptions
than to have two separate
ones, referring solely to
the Salt & Abkari Dept. and
referring to officers of
the Forest Dept.

Order

NT. 8

Current No. *410* of 18*71*, dated *10.2.71* from *Int. Officer*

Page 2 Nov 91 K 225

to exercise of the power conferred upon him by clause (1) of paragraph I of the Notification of the P. of S. in the No. 20510 dated the 6th March 1891 amended by the Notification of the same P. of S. No. 2575 dated the 2nd Dec. 1891 and the 4th June 1891 & in of the 1st of of issued under Co. No. 1649 dated

[Faint handwritten notes, possibly "C. W." and "containing"]

- 2-11-91

C.15/12
R.24/10

(4) Forest Dept. -

All gazetted officers of the
Forest Dept. Forest Range
Officers.

W. B. & A. K. R. Dept. -

take out brackets

18 Oct.

All Dist. Commissioners, District
& Dist. Inspectors of the
Law & Order Dept.

Magistrates -

All seasoned officers of all
Depts who were in the service
of Govt. were entitled to
carry arms.

carry arms.

In order to avoid all
ambiguity as to the applicability
of Section 1(3) of the Indian
Arms Act, 1918, to public
servants, other than those
named above,

it is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

It is necessary to carry
out the Dist. Commissioners that
it is advisable to issue
orders distinctly specifying
the nature of public servants
in whose
service of arms
may be carried.

6024834

478/93

355
15.2.93

ORDINARY, PRINTED.

Judicial DEPARTMENT.
G.O., DATED 2-11-91.
No. 2252

INDEXED.

Not sent to Press. 3-11-91

Not sent for signature. 13-11-91.

Not sent to press. 15-11-91.

[Despatch Abstract.]

Indian Arms Act 1870

Regulating, in supersession of the notification issued on 10th August 91, the following clauses of the Act for the operation of all provisions & clauses contained in sections 12 & 16 of the — and — section 16 of the — submit lists of the — which clauses of the Act are to be applied in each case section 16 of the Act be applied.

28/5/700

14/5/102

1-3-04

2570 06

1-12-06

10-10-07

2-5-08

17-11-09

1/11/10

3-10-12

11-1-13

1-2-14

5-12-17

15-6-28. Re

2-10-31

7-9-32

25-1-35