

- (1) பக்கங்களின் எண்ணிக்கை 4
 (2) புதுக்கித் திருப்பிய நாள் 12.90
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 603

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

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அரசாணை எண். <u>3085</u> மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : <u>17-11-1891</u>	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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2ND NOVEMBER 1891, No. 2252, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

3085/1

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. CARR,
Ag. Under Secretary to Govt.

From the Government Solicitor, Madras, dated 10th September 1891, No. 406.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated the 9th September 1891:—

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

OPINION.

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 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 question as 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 spears, which are exempted from the operation of the Act in this Presidency.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Police.
 „ the „ of Jails.
 „ the Commissioner of Police, Madras.
 „ the Postmaster-General, Madras.
 „ all Departments of the Secretariat, for communication
 to the Heads of Departments concerned.
 „ Messrs. R. B. Rodda and Co., Calcutta.
 Gazette (paragraph 1).

Edw. A. Raitt.

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Gobt. of {1891} Madras.
JUDICIAL.

NR 3085 Wd/17th Nov/91

Issued

Recd.

Encl.

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

NOVEMBER.

Communicated to officers
of the Public Works Department
for report on the subject of
Para 2.

1/24 Oct 91
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(2)

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.

C.E. for J
C.E. for P.W.
Enr. P.W. Dept.
Supdtg. Engineer
Commr. of the Public Works Dept.
Supdtg. by Works Branch