

ORDINARY, MS.

Public DEPARTMENT	
G.O., DATED	10. 9. 91
No.	774 ✓

INDEXED.

When given for copying

[Despatch Abstract.]

*Exemption of certain
classes of persons
from the operation
of all prohibition
directions of section
15 & 16 of the Indian
Opium Act-1878.*

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 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) 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.)

over a duty
Major R.E.
Under Secretary P.W.D.
for 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., Calcutta.
 Gazette.

Public Department

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Gobt. of {1891} Madras.
JUDICIAL.

Order 10th Sept. 91 No 774

Recorded.

for B.

for C.S.

9/9

Issued

Recd.

2/9

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).

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FURTHER PAPER, No. *3327/71*

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READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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