

Public Works (1898) Department.

RAILWAY BRANCH.

G.O. No. 1318. Ry.

DATED 25th Oct 1898

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

120

6

[Despatch Abstract.]

Rules for the Importation, &c of
Arms & Ammunition.

Coming to the Ry. Arms Concerned
Memorandum from the Govt of India
forwarding Copies of its Notifies Com
in the Foreign Dept. Code Containing
the ^{at stations} for the Hyderabad State

Indexed

BACK PAPERS.

FURTHER PAPERS.

RAILWAY.

Government (1898) of Madras.
PUBLIC WORKS.

Recd.

Regd.

{ 1898.

Enclosures

Spare copies

G.O., No. 1318 Ry., 25th October 1898.

OCTOBER.

Rules for the Importation, &c., of Arms and Ammunition

Communicating to the Railway Administrations concerned memorandum from the Government of India forwarding copies of its notifications in the Foreign Department containing the — at stations in the Hyderabad State.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following paper :—

From—The Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 8th October 1898, No. 1112 R.T.

The undermentioned papers are forwarded to the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, for information.

ENCLOSURE No. 1.

NOTIFICATION from the Government of India, Foreign Department, dated Fort William, 3rd December 1890, No. 4080 I.

Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied, or may be hereafter occupied, by His Highness the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, and by the Madras Railway, respectively (including the lands occupied as stations, for out-buildings, and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the following rules shall be enforced on the aforesaid Railways within the Hyderabad State :

I. In these rules "cannon" includes also all howitzers, mortars, wallpieces, mitrailleuses, and other ordnance and machine guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting, and serving the same.

"Arms" includes fire-arms, bayonets, swords, daggers, also cannon, and parts of arms, and machinery for manufacturing arms.

"Ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, litho-fracteur, and other explosive or fulminating material, gunflints, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition, but does not include lead, sulphur, or saltpetre.

"Military stores" includes sulphur in quantities above 10 seers.

"Export" means transmission from any station within to any station without the Hyderabad State.

"Import" means transmission from any station without to any station within the Hyderabad State.

"Transport" means transmission from one station to another, both being situate within the Hyderabad State.

Explanation.—Stations on the Great Indian Peninsula Railway in Berar are not, for the purposes of these rules, to be regarded as within the Hyderabad State.

Export.

II. (a) The export, without the special permission of the Resident, of arms, ammunition, or military stores is forbidden.

(b) Stationmasters to whom arms, ammunition, or military stores unaccompanied by evidence of such special permission are tendered for despatch shall detain them and report the matter through the Superintendent of Railway Police for the orders of the Resident.

Import.

III. Arms, ammunition, or military stores imported by rail shall not be delivered to any importer or consignee unless—

- (a) the importer or consignee produces the original license issued by the Secretary to the Government of India, Foreign Department, the Commissioner of Police at Bombay or Madras, the Deputy Commissioner of Police at Calcutta, or other competent authority as the case may be, authorizing the import; and
- (b) the senior police officer at the station to which the consignment is consigned has compared the consignment with the license and authorized the stationmaster to make delivery.

For the purpose of making the comparison required by clause (b) the police officer shall have power to open any package which he thinks suspicious.

IV. Every stationmaster shall give information to the officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition, or military stores.

V. A stationmaster, at whose station a consignment of imported arms, ammunition, or military stores arrives, may after obtaining the sanction of the Superintendent of Railway Police, but not otherwise, forward the consignment, should the owner or consignee desire him to do so, to any other station in the Hyderabad State.

VI. No license shall be necessary in respect of arms and ammunition tendered for despatch from one station to another within the Hyderabad State, but immediate information regarding such consignment shall be given to the senior police officer at the stations of despatch and receipt by the stationmasters concerned.

Transport.

Carrying of arms by passengers.

VII. Arms shall not in ordinary cases be taken from passengers; but if a stationmaster has reasonable ground for apprehending a disturbance from the possession of arms by a passenger, he may refuse to carry the passenger, unless he delivers up his arms. If the passenger gives up his arms, they shall be labelled with the name and description of the owner, entered in the roadway bill, and delivered free of charge to the owner at his journey's end. Provided that no native gentleman, or other person who has a license to carry arms granted by competent authority, shall, except in the case of evident and undoubted necessity, be asked to give up his personal arms under this rule.

Obligation to give information.

VIII. Every person employed upon the railway shall, in the absence of reasonable excuse the burden of proving which shall be upon him, be bound to give information to the nearest police officer regarding any box, packet, or bale in transit which he has reason to believe contains arms, ammunition, or military stores in respect of which an offence against these rules has been, or is being, committed.

Penalties.

IX. (i) Whoever commits any of the following offences (namely) :—

- (a) exports any arms, ammunition, or military stores without obtaining the special permission of the Resident at Hyderabad.
- (b) imports any arms, ammunition, or military stores without obtaining a license, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(ii) Whoever commits any of the following acts in respect of arms, ammunition, or military stores (namely) :—

- (a) imports quantities in excess of the quantities entered in his license;
- (b) causes the articles imported to be brought to a station other than that mentioned in the license;
- (c) imports after the expiration of the period for which the license has been granted;
- (d) omits to give information as required by rule VIII;

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

X. (1) When a Magistrate convicts any person under the last preceding rule, he may direct that the arms, ammunition, or military stores in respect of which the conviction is obtained, or, if the conviction is for importing

Confiscation of arms, &c.

arms, ammunition, or military stores in excess of the quantities entered in a license, that such excess shall be confiscated.

(2) A Magistrate shall have the same power with respect to arms, ammunition and military stores, regarding which there is reasonable ground to believe that they have been imported contrary to these rules, but in respect of which no conviction has been obtained, because the owner or consignee cannot be found. In such cases notice calling upon the owner to appear shall be published for three months at the railway station to which the arms, ammunition, or military stores have been brought, and at such other places as the Magistrate thinks necessary.

XI. When a Magistrate confiscates any arms, ammunition, or military stores, he may also confiscate any boxes, bales, or the like in which they may have been placed, together with their contents.

XII. The orders of the Resident shall be taken regarding the disposal of articles confiscated under these rules, and such orders shall be final.

XIII. (1) A magistrate may award up to one-half the amount of any fine inflicted under these rules, and up to one-half the sale price of any confiscated articles sold under these rules,

Rewards.

to any person, whether in the employ of a Railway Company or not, who has given information leading to a conviction.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Resident.

XIV. These rules supersede the rules made by the Resident at Hyderabad, with the concurrence of His Highness the Nizam's Government, on the 21st May 1883.

ENCLOSURE No. 2.

NOTIFICATION of the Government of India, Foreign Department, dated Simla, 5th August 1898, No. 2136 I.B.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the following shall be substituted for the definitions of "cannon," "arms," "ammunition," and "military stores," contained in the Notification of the Government of India in the Foreign Department, No. 4080 I., dated the 3rd December 1890, viz.:

"'Cannon,' 'arms,' 'ammunition,' and 'military stores' have respectively the meanings assigned to them in the Indian Arms Act, 1878 (XI of 1878), except that the expression 'military stores' includes sulphur when in quantities exceeding ten seers in weight and leaden bird-shot and bullets when possessed in quantities exceeding one hundredweight at any one time."

ORDER—No. 1318 Ry., dated 25th October 1898.

Communicated to the Railway Administrations concerned for information.

(True Extract.)

FRANCIS J. E. SPRING,
Joint Secretary.

To the Agent and Manager, Madras Railway.
Nizam's Guaranteed State Railway.

- " Agent, South Indian Railway.
- " Examiner of Railway Accounts, Madras.
- " Judicial Department.
- " Consulting Engineer for Railways.

Exd. T. K. Narayana Aiyangar,

(Copy)

No. 4080-I.

Government of India.

Foreign Department.

Notification.

Fort William, the 3rd December 1890.

Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied or may be here - after occupied, by His Highness the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, and by the Madras Railway, respectively (including the lands occupied as stations, for out-buildings, and for other railways purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the following rules shall be enforced on the aforesaid Railways within the Hyderabad State:

1.- In these rules "cannon" includes also all howitzers, mortars, wallpieces, mitrallenses, and other ordnance and machine guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting, and serving the same.

"Arms" includes fire-arms, bayonets, swords, daggers, also cannon, and parts of arms, and machinery for manufacturing arms.

"Ammunition" includes also all articles specially designed for torpedo service and sub-marine mining, rockets, gun-cotton, dynamite, litho-fraceur, and other explosive or fulminating material, gunflints, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition, but does

not

IV.-Every Station Master shall give information to the Officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms,ammunition,or military stores.

V. A Station Master,at whose station a consignment of imported arms,ammunition,or military stores arrives,may after obtaining the sanction of the Superintendent of Railway Police,not otherwise,forwarded the consignment,should the owner or consignee desire him to do so,to any other station in the Hyderabad State.

IX. No license shall be necessary in respect of arms and ammunition tendered for despatch from one station to another within the Hyderabad State,but immediate information regarding such consignment shall be given to the senior police officer at the stations of despatch and receipt by the Station Masters concerned.

Transport. VII.-Arms shall not in ordinary cases be taken from passengers;but if a Station Master has reasonable ground for apprehending a disturbance from the possession of arms by a passenger,he may refuse to carry the passenger,unless he delivers up his arms. If the passenger gives up his arms,they shall be labelled with the name and description of the owner,entered in the bill,and delivered to him on that behalf.Provided that no native or other person who has obtained a license to carry arms in respect of arms,shall,except by direction granted by competent authority,be asked to give up his personal arms under this rule.

Carrying of arms by passengers.

VIII.-Every person employed upon the Railway shall, in the absence of reasonable excuse,be asked to give up his personal arms under this rule.

not include lead,explosive,or saltpetre.

"Export" means transmission from any station within to any station without the Hyderabad State.

"Import" means transmission from any station within to any station within the Hyderabad State.

"Transport" means transmission from one station to another,both being situated within the Hyderabad State.

Explanation.- Stations on the Great Indian Peninsula Railway in Berar are not,for the purposes of these rules,to be regarded as within the Hyderabad State.

II-(a) The export,without the special permission of the Resident,of arms,ammunition,or military stores is forbidden.

(b) Station Masters to whom arms,ammunition,or military stores unaccompanied by evidence of such special permission are tendered for despatch shall detain them and report the matter through the Superintendent of Railway Police for the orders of the Resident.

III.Arms,ammunition,or military stores imported by rail shall not be delivered to any importer or consignee unless-

(a) the importer or consignee produces the original license issued by the Secretary to the Government of India,Foreign Department,the Commissioner of Police at Bombay or Madras, the Deputy Commissioner of Police at Calcutta,or other competent authority as the case may be,authorising the import, and

(b) the senior police officer at the station to which the consignment is consigned has compared the consignment with the license and authorised the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the police officer shall have power to open any package which he thinks

IV.

(2) A Magistrate shall have the same power with respect to arms, ammunition, and military stores, regarding which there is reasonable ground to believe that they have been imported contrary to these rules, but in respect of which no conviction has been obtained, because the owner or consignee cannot be found. In such cases notice calling upon the owner to appear shall be published for three months at the railway station to which the arms, ammunition, or military stores have been brought, and at such other places as the Magistrate thinks necessary.

XI.-When a Magistrate confiscates any arms, ammunition, or military stores, he may also confiscate any boxes, bales, or the like in which they may have been placed, together with their contents.

XII.-The orders of the Resident shall be taken regarding the disposal of articles confiscated under these rules, and such orders shall be final.

XIII.-(1) A Magistrate may award up to one-half the amount of any fine inflicted under these rules, and up to one-half the sale price of any confiscated articles sold under these rules, to any person, whether in the employ of a Railway Company or not, who has given information leading to a conviction.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Resident.

XIV. These rules supersede the rules made by the Resident at Hyderabad, with the concurrence of His Highness the Nizam's Government, on the 21st May 1883.

(Sd.) H. S. Barnes,

Offg. Deputy Secretary to the Govt. of India.

Obligation to give information.

Penalties.

Confiscation of arms, &c.

IX.-(1) Whoever commits any of the following offences against these rules has been, or is being, committed (namely):-
(a) exports any arms, ammunition, or military stores without obtaining the special permission of the Resident at Hyderabad.
(b) imports any arms, ammunition, or military stores without obtaining a license, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.
(ii) Whoever commits any of the following acts in respect of arms, ammunition, or military stores (namely):-
(a) imports quantities in excess of the quantities entered in his license,
(b) causes the articles imported to be brought to a station other than that mentioned in the license,
(c) imports after the expiration of the period for which the license has been granted,
(d) omits to give information as required by rule VIII.
VIII. Whoever commits any of the following offences shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both, or may extend to five hundred rupees, or with both.
X.-(1) When a Magistrate convicts any person under the last preceding rule, he may direct that the arms, ammunition, or military stores in respect of which the conviction is obtained, or, if the conviction is for importing arms, ammunition, or military stores in excess of the quantities entered in a license, that such excess shall be confiscated.

Print

72P

No. 2136-I. B.
GOVERNMENT OF INDIA.
FOREIGN DEPARTMENT.
NOTIFICATION.

Simla, the 5th August 1898.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the following shall be substituted for the definitions of "cannon," "arms," "ammunition," and "military stores," contained in the Notification of the Government of India in the Foreign Department, No. 4080-I., dated the 3rd December, 1890, *viz.* :

"'Cannon' 'arms,' 'ammunition,' and 'military stores' have respectively the meanings assigned to them in the Indian Arms Act, 1878 (XI of 1878), except that the expression 'military stores' includes sulphur when in quantities exceeding ten sers in weight and leaden bird-shot and bullets when possessed in quantities exceeding one hundredweight at any one time."

(Sd.) W. J. CUNINGHAM,

Secretary to the Government of India.

No. 2137-I. B.

A copy of the foregoing notification is forwarded to the Resident at Hyderabad, in continuation of the endorsement from the Government of India in the Foreign Department, No. 4081-I., dated the 3rd December, 1890.

FOREIGN DEPARTMENT,
SIMLA;
The 5th August 1898.

By order, etc.,
(Sd.) O. V. BOSANQUET,
Offg. Under-Secy. to the Government of India.

No. 2138-I. B.

A copy of the foregoing Notification, together with a copy of the Notification referred to, is forwarded to the Home Department Public Works Department for information.

FOREIGN DEPARTMENT,
SIMLA;
The 5th August 1898.

By order, etc.,
(Sd.) O. V. BOSANQUET,
Offg. Under-Secy. to the Government of India.

Rewards.

89/702/1207/98

1898.

(Sd.) H. S. BARNES,

Offg. Deputy Secretary to the Govt. of India.

XIV. These rules supersede the rules made by the Resident at Hyderabad, with the concurrence of His Highness the Nizam's Government, on the 21st May 1893.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Resident.

who has given information leading to a conviction, whether in the employ of a Railway Company or not, articles sold under these rules to any person, up to one-half the sale price of any confiscated amount of any fine inflicted under these rules, and XII.-(1) A Magistrate may award up to one-half the these rules, and such orders shall be final. regarding the disposal of articles confiscated under XII.-(1) The orders of the Resident shall be taken res- been placed, together with their contents. any boxes, pales, or the like in which they may have tion, or military stores, he may also confiscate XI.-(1) When a Magistrate confiscates any arms, ammuni- thinks necessary. brought, and at such other places as the Magistrate arms, ammunition, or military stores have been three months at the railway station to which the upon the owner to appear shall be published for cannot be found. In such cases notice calling has been obtained, because the owner or consignee these rules, but in respect of which no conviction lieve that they have been imported contrary to be- regarding which there is reasonable ground to be- spect to arms, ammunition, and military stores, re- (2) A Magistrate shall have the same power with res-

No.1112 R.T.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

All communications
should be addressed
to the Secretary.



Simla, the 8th October 1898.

The under-mentioned papers are forwarded to the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, for information.

By order,

W. J. McCreary

Captain, R.E.,

Offg. Under-Secretary.

Alm.

Documents referred to :-

Copies of Government of India, Foreign Department, Notifications Nos. 4080 I. and 2136 I.B., dated respectively, the 3rd December 1890, and 5th August 1898.

His Highness the Nizam's Guaranteed State, Great Indian Peninsula and Madras Railways.

Rules for the importation, etc., of arms and ammunition at stations in the Hyderabad State.

S.S.S.

22
P.W.D. No. 1207/98

Public Works (1898) Department.

Railway
CURRENT No. 1207

A/ A
Print 9/

From The Govt of India
Order - No. 1318. Dated 25/10/98
Communicated to the Railway
Administration for information
No. 1112 RT

Jd.
BR

Dated 8th October 1898
Received
Registered } 17-10-98
Enclosures 2
Spare copies

SUBJECT.

Rules for the importation
of arms and ammunition
at stations in the Hyderabad
State.

- The Agent & Manager M.R.
- do N.G.S.R.
- P.G.R.
- Examiner of R.R. Accs.
- Judicial Dept.
- Cons. Eng. for R.R.

Despatched on 12/11/98

Forwarding for
information - copies of
Govt of India Foreign
Department Notifications
re: —

12/10/98

BACK PAPERS.

FURTHER PAPERS.

[illegible]