M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 18

(2) Date of repair 20-6-67

(3) Initials of the Referencer 22.1.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	103	Press / Mis.
Dated	13-7-1874	196 .

Not to be folded or roughly handled

Read again the Resolution and Notifications of the Government of India, Home Department (Public), recorded in Proceedings of this Government, dated 7th April 1874, No. 611, and published in the *Fort St. George Gazette* of 14th April 1874.

Read also the following papers:—

No. 187. From A. C. LYALL, Esq., Secretary to the Government of India, to the Secretary to Government of Fort St. George, Department (Public), dated Fort William, 19th December 1873, No. 66-3812.

By the Resolution and Orders marginally cited the revised regulations for the control of the Import and inland Transport of arms and ammunition were declared and published. In regard to the principles upon which these regulations should be administered, especially in the matter of giving or withholding licenses to import or manufacture arms, several references for precise instructions have been received from the Local Governments, with representations that the growth and spread of the trade in arms, and their promiscuous distribution throughout some parts of the country, are matters calling for serious attention. Upon these points, therefore, I am desired by His Excellency the Governor General in Council to communicate the following observations.

Resolution Nos. 3548 to 3558, dated 28th November.
Notifications Nos. 3559 to 3561, dated 28th November.

2. The provisions of the Arms Act (XXXI. of 1860) require that licenses for import of arms from abroad and for transport from one part of India to another shall be given by, or under the authority of, the Government of India. The licensing power has, therefore, been committed to certain specified officers; but it is manifest that the exercise of this power is a matter requiring local knowledge of the character of dealers, the course of trade, the needs of districts, and, generally, discrimination of a kind which would rather be hampered than aided by specific rules. And, therefore, I am to explain that the general control and direction of the proceedings of these officers are still committed to the chief executive authority of the presidency and province into which it is desired to import arms, either by land or by sea, under license. The main object of the machinery for imposing such checks upon the traffic in arms is plain: it is intended to preserve public order and safety, which might be endangered by the uncontrolled distribution of arms throughout India. But the extent or degree to which it may be necessary to interfere for this purpose with the trade or with other importers must be left largely to the discretion of the Local Governments, who are best qualified to judge of the circumstances of each case, or class of case; and the Government of India can only attempt to lay down the general principle that any considerable importation of arms must need special explanation and guarantee that their use is to be inoffensive, before license can possibly be granted.

3. There are two kinds of questions likely to come before the licensing officer, *viz.*, (i) what is a reasonable quantity of arms such as requires no license at all; and (ii) what quantity shall be admitted under a license.

To the first question one answer is supplied by Section 22 of Act VI. of 1863, which exempts "fowling-pieces and sporting-powder for private use." This definition might hold good for sporting firearms of all kinds; and it might also be ruled generally that a man entitled to bear arms may reasonably import arms for his personal

defence (such as a sword or a pistol) as well as for sporting: provided that he does not exceed what may be judged to be reasonably required for his personal use, or for the use of his household. Thus, a man of substance and respectability might reasonably import three guns without a license, and other personal arms suited to his condition; but if he claimed more he would be referred to the licensing authorities, who would demand more detailed explanations of his objects or uses for the arms. instructed to refer to the licensing officer any application for permission to pass through the Custom House more than the quantities here above indicated.

To the second question the reply would be that the granting of a license must depend upon the facts of each case, or upon the general complexion of the explanations obtained. Cheap guns might be imported in moderate quantities to some wild districts where they are wanted to keep down wild beasts or game, but in default of some such good and substantial motive for requiring a quantity of arms the license would ordinarily be refused. Costly guns are much safer than cheap arms, for only the latter can be employed to any extent for military or aggressive purposes, while the former are nearly always used for sport. When arms are of a kind to raise suspicion that they may be possibly meant for warfare or for other illegal purposes, such as pistols, bayonets, or cheap guns, the licensing officer must satisfy himself very carefully as to the object, reasons, and direction of import before he admits them under license. He can do this by testing the references which the applicant will give, by communicating with the Local Government, and (if necessary) with the Supreme Government.

4. As to the *manufacture* of arms, I am to observe that Magistrates have, under the Act, complete power to grant licenses and re-call them, and can therefore effectively impose any condition they desire, because if the condition is not fulfilled the Magistrate rescinds the license at the end of the year. In this way, though perhaps in no other, could a limit be placed upon the quantity of arms and ammunition which a manufacturer might under license turn out; but it will be necessary for the police to keep themselves well informed as to his actual stock, and to take means for testing the correctness of the stock book entries under Section 14. Moreover, the manufacturer cannot sell without his customers bringing themselves under the rules of inland transport in the process of taking away their purchases.

5. Upon the subject of permitting the possession, transport, or carrying of arms within the limits of any particular administrative province, I am only to remark that, so far as these things are controlled by law, the control of them lies entirely with the Local Governments. Whether the law should be altered to place the bearing of arms under greater executive restraint, is a question which is under separate deliberation.

6. It will thus be observed that the machinery now in force under the Act makes necessary a license (i) for Import, (ii) for inland Transport from one province into another, and (iii) for Carrying arms within the jurisdiction of any one Government. In some territories also a license is necessary for Possession. There is besides needed an annual license for manufacture, and a record of sales, with a heavy penalty on concealing sales. And His Excellency in Council trusts that these checks now systematically established will, under the powers and discretion already possessed by Local Governments, be found sufficient for keeping the whole import trade and inland dealings in arms under effective restraint, if the magistracy and the police are alert to uphold and enforce them.

Proceedings of the Madras Government, Judicial Department,
27th *June* 1874.

188. From A. C. LYALL, Esq., Secretary to the Government of India, Home Department (Public), to the Secretary to the Government of Fort St. George, dated Fort William, 23rd December 1873, No. 67-3864.

In continuation of my letter, No. 66—3812, dated the 19th instant, I am directed to forward Forms* of Licenses which, according to the provisions of Act XXXI. of 1860, are granted under the authority of the Government of India.

For importation of arms.
Pass by Collector of Customs.
Pass for transit from one province to another.
License to manufacture. (*Cancelled—see amended form appended to letter dated 12th June* 1874.)
License to carry arms.
Ditto for possession of arms.

FORM I.

License for the Importation of Arms and Ammunition into the Port of *granted by*

Name and address of applicant.	Description of arms.	Number.	Description of ammunition.	Quantity.	Purpose for which required.	Value.	Port in which to be landed.	Place of deposit to be conveyed to after importation.	Remarks.

FORM II.

Pass for the delivery of Arms and Ammunition by the Collector of Customs.

Name of consignee.	Place of business.	Date of issue of pass.	Description of arms.	Number.	Description of ammunition.	Quantity.	Ship by which imported.	Arms, &c., by whom shipped.	License for importation by whom granted, and date thereof.	Remarks.

(Fee Five Rupees.)

FORM III.

Pass for the Transit of Arms and Ammunition from
under the Government of
to

Name of holder.	Place of business.	Description of arms.	Number.	Description of ammunition.	Quantity.	Mode of transit.	Up to what date pass is valid.	Remarks.

N.B.—This pass must be delivered at the Magistrate's Office at within six days after arrival of the arms, &c., which it covers.

Proceedings of the Madras Government, Judicial Department,
27th June 1874.

FORM V.

LICENSE.

Is hereby granted to under
of
authority of Act XXXI. of 1860, Section 28,
to carry arms and to go armed.

Insert these words where a license for followers is applied for and granted, but omit them in other cases.

[*This license extends to the followers* to the
of and the number
number of
and description of arms to be carried by each follower may be]

Dated at
this day of 18 .

FORM VI.

LICENSE

Is hereby granted under the authority of Act XXXI. of 1860, Clause 3 of Section 32, to
of
to have in his possession the arms and ammunition hereunder specified :

	Number or quantity of each.	
Firearms		
Bayonets		
Swords		
Daggers		
Spears		
Spear-heads		
Percussion caps		
Gunpowder		
Sulphur		
Other ammunition		

Dated at
this day of 18 .

No. 189. Notification from the Government of India, Home Department (Public), dated Fort William, 2nd April 1874, No. 1,001.

In modification of that part of Home Department Resolution, dated 28th November last, and published in the *Gazette of India*, dated the 29th November, which contained a list of places of import of Arms and Ammunition by sea and of the officers authorized to grant licenses, His Excellency the Governor-General in Council, in the exercise of the power vested in him by Section 17 of Act XXXI. of 1860, has been pleased to authorize the under-mentioned officers to grant licenses for the importation into British India by sea of Arms and Ammunition at the ports mentioned opposite their names, and for importation into British India by land at the places specified below:—

Officers authorized to grant licenses.	Names of Ports.
	MADRAS.
Chief Secretary to the Government of Madras	Bimlipatam. Cocanada. Tuticorin. Calicut. Mangalore. Negapatam.
Commissioner of Police	Madras.
	BOMBAY.
Commissioner of Police, Bombay	Bombay
Commissioner in Sindh	Kurrachee.
The Resident at Aden	Aden.
	BENGAL.
Commissioner of Police, Calcutta...	Calcutta.
	BRITISH BURMA.
Chief Commissioner of British Burma	Rangoon. Bassein. Akyab. Moulmein. Tavoy. Mergui.

IMPORT BY LAND.

The officers authorized to grant licenses to import Arms and Ammunition by land into any part of the territories under the Government of India, are—the Secretary to the Government of India, Foreign Department, or such officers as he may appoint; the Secretaries to the Governments of Bengal, North-Western Provinces, and the Punjab; and such officers as the Governments of Madras and Bombay shall appoint for those Presidencies respectively.

A. C. LYALL,
Secretary to the Government of India.

No. 26—1002.

Copy forwarded to the Local Governments in continuation of Resolution No. 62—3548, dated 28th November 1873.

(Signed) T. J. C. PLOWDEN,
Offg. Under Secy. to the Govt. of India.

No. 190. From T. J. C. PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department (Public), to the Secretary to the Government of Fort St. George, dated Fort William, 10th April 1874, No. 31—1105.

With reference to the Resolution of the 28th November, and in continuation of my letter, dated the 23rd December 1873, I am directed to enclose for use Forms of License.

(1.) For importation of Arms, &c., by land under Section 17, Act XXXI. of 1860.

(2 & 3.) For exportation of Arms, &c., by land and sea, under Section 1 of Act XVIII. of 1841.

(FEE FIVE RUPEES.)

No. 1.

License for the importation of Arms and Ammunition by land granted by *

Name and Address of Applicant.	Description of Arms.	Number.	Description of Ammunition.	Quantity.	Purpose for which required.	Place from and route by which to be imported.	Place of deposit to be conveyed to after importation.	Remarks.

NOTE.—This Pass is granted subject, as far as may be, to the Rules for the transport of Arms within British India, and must be delivered to within six days of the arrival at of the articles covered by it.

* Official designation of licensing officer to be stated in full.

The 187 .

Signature of licensing officer

(FEE FIVE RUPEES.)

No. 2.

License for the exportation of Arms and Ammunition by land granted by *

Name and Address of Applicant.	Description of Arms.	Number.	Description of Ammunition.	Quantity.	Purpose for which required.	Place from and to which to be exported.	Route by which to be exported.	Name of Consignee.	Remarks.

NOTE.—This Pass is granted subject, as far as may be, to the Rules for the transport of Arms within British India, and must be delivered to within six days of the arrival at of the articles covered by it.

* Official designation of licensing officer to be stated in full.

The 187 .

Signature of licensing officer

Proceedings of the Madras Government, Judicial Department, 27th June 1874.

No. 191. From T. J. C. PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department (Public,) to the Secretary to Government, Fort St. George, dated Fort William, 12th June 1874, No. 46—1689.

In continuation of the letter from this office, No. 67-3364, dated 23rd December 1873, I am directed to request that Form IV. which accompanied that letter may be cancelled, and to forward copy of an amended Form in which licenses to manufacture or deal in Arms and Ammunition should be granted.

2. I am to take this opportunity to invite attention to Section 14 of Act XXXI. of 1860, and to observe that the proper maintenance and inspection of the books therein referred to, which are essential at all times to effective control over the traffic in Arms, have become very much more important now that the checks on importation are likely to stimulate home manufacture :—

—

(ON STAMP PAPER OF THE VALUE OF TEN RUPEES.)

FORM IV.

License to manufacture or deal in Arms and Ammunition for one year from the date hereof.

Name of holder and Place of residence.		
Place of business, that is, manufactory or shop.		
To be manufactured.	Description of Arms	
To be dealt in.		
To be manufactured.	Description of Ammunition	
To be dealt in.		
Probable estimated outturn of each description of Arms and Ammunition per month.		
Estimate of probable purchase and sale of Arms and Ammunition per month.		
Actual reported outturn of each description of Arms and Ammunition per month during the currency of the last preceding license, if any.		
Actual reported purchase and sale of each description of Arms and Ammunition per month during the currency of the last preceding license, if any.		
Remarks.		

Dated at
this day of 18 .

D

No. 3

License for the exportation of Arms and Ammunition by sea granted by

Name and Address of Applicant.	Description of Arms.	Number.	Description of Ammunition.	Quantity.	Purpose for which required.	Place from and to which to be exported.	Port of Exportation.	Name of Consignee.	Remarks.

Note.—This Pass is granted subject, as far as may be, to the Rules for the transport of Arms within British India, and must be delivered to within six days of the arrival at of the articles covered by it.

* Official designation of licensing officer to be stated in full.

The 187

Signature of licensing officer

No. 192. ORDER THEREON, 27th June 1874, No. 1176.

The papers above recorded will be communicated to all Magistrates of Districts, to the Inspector-General of Police, and to the Commissioner of Police, Madras, for information and guidance.

2. Adverting to importation from foreign territory by land into any part of this Presidency, the Governor in Council resolves to authorize the Magistrates of the marginally noted districts to grant licenses to import arms and ammunition *by land* into their respective districts; a return of such licenses being submitted quarterly for the information of Government in a tabular form under six heads, viz., "whence admitted; description of arms; number; name of importer; whether for sale or private use; remarks." A similar return will be furnished by the Commissioner of Police, Madras. The column of "Remarks" will give particulars of any proposed importation that has been prohibited.

North Arcot (Mysore).
South Arcot (French).
Bellary (Hyderabad, Mysore and Sundoor).
South Canara (Mysore).
Coimbatore (Travancore and Mysore).
Cuddapah (Mysore).
Godavery (French and Hyderabad).
Kistna (Hyderabad).
Kurnool (Hyderabad and Banganapalli).
Madura (Poodoocottah and Travancore).
Malabar (French, Cochin, Travancore, and Mysore).
Nilgiris (Mysore).
Salem (Do.).
Tanjore (French and Poodoocottah).
Tinnevelly (Travancore).
Trichinopoly (Poodoocottah).

3. In any case where the previous sanction of Government may appear necessary, Magistrates will apply for it. The Government will expect every officer to exercise a sound discretion in the general authority now conveyed.

4. It is to be understood, in conformity with Section 19 of Act XXXI. of 1860, the operation of which is expressly recognized by the Government of India in the correspondence that has passed on the subject, that arms imported by any person in reasonable quantities for his own private use do not require a license. When a license is given, it will be in the form now laid down by the Supreme Government. The fee in each case, it is observed, is five Rupees.

Proceedings of Government, 19th September 1873, No. 1514.

License for import by land, Form No. 1.

5. *Secondly.*—Importation from abroad *by sea*. This is allowable at Madras, and at the six ports marginally noted only; at Madras under license from the Commissioner of Police, and at other places under license from the Chief Secretary. The license will be given in the Form I. referred to in the letter from the Government of India of 23rd December 1873. In forwarding applications the District Magistrates concerned will state their opinion in each case.

Bimlipatam.
Cocanada.
Tuticorin.
Calicut.
Mangalore.
Negapatam.

6. The license, as the authority for importation, should pass into the hands of the Custom-house authorities when application is made to them for permission to land and pass the articles specified in it, and should be retained by the Custom officers until the importation is completed, and be then returned by them to the licensing officer, with a note of the articles actually imported under it, and the date

Proceedings of the Madras Government, Judicial Department,
27th June 1874.

of each being passed through the Custom-house. The pass should be granted in Form II.

7. With reference to the last sentence in clause 2 of paragraph 3 of the letter of the 19th December 1873 from the Government of India, the Governor in Council directs that in every case of importation from abroad of fowling-pieces and sporting-powder for private use, in which it may appear to the officers of Sea Customs that the quantity imported is not a reasonable quantity within the meaning of Section 22, Act VI. of 1863, they shall detain the articles and refer the case for the orders of Government, as required by Section 19 of the Arms Act.

8. *Thirdly.*—The transhipment of arms, &c., will be illegal, except under a license from one or other (as the case may be) of the two officers abovenamed, who are charged to grant licenses to import from abroad.

9. *Fourthly.*—Inland transport of arms, &c., (except in reasonable quantities for private use) from any place in the Madras Presidency to any place in British India within the jurisdiction of another local Government or Administration. This is also regulated by licenses.

(*a.*) If the arms are being transported to any place in British India belonging to another Presidency or Administration from any frontier town of this Presidency adjoining any foreign territory (such, *e.g.*, as Cuddalore or Kurnool), the Magistrate of the district will act under Notification No. 3560; in all other cases (*b*) the transporter must obtain the Chief Secretary's license.

License Form III., fee 5 Rupees.

10. *Fifthly.*—With regard to the transport of arms, &c., either by land or sea, from one place within this Presidency to another place within this Presidency, the Governor in Council directs, under the authority vested in him by Section 22 of Act XXXI. of 1860, and in supersession of all previous orders* on the subject, that applications for licenses for such transport shall be made at Madras to the Commissioner of Police, and in the Mofussil to the Magistrate of the district. All such licenses shall be granted subject, as far as may be, to the rules for the transport of arms within British India. The license shall be granted in the same form as that prescribed by the Government of India (Form III.), but without fee. A reasonable quantity of arms, &c., intended for the private use of the transporter need not be covered by a license.

* G.O., 14th January 1861, No. 55.
" 18th Sept. 1860, No. 1198, para. 9.

11. *Sixthly.*—As to the exportation of arms, either by land or by sea, from the Madras Presidency, *i.e.*, to foreign territory, either by land or sea, and to any British Indian port (not being a Madras port) by sea, under Section 1 of Act XVIII. of 1841, the Governor in Council directs, with reference to Clause 4, paragraph 4 of the Resolution of the Government of India read at the head of these Proceedings, and in supersession of the orders contained in Extract Minutes of Consultation, dated 24th November 1857, No. 1540, that licenses† for these purposes shall be issued for the present at Madras by the Commissioner of Police, and for all other places by the Chief Secretary. As in all other cases, small quantities for private use need not be covered by a pass.

† Form No. 2, fee 5 Rupees, & Form No. 3.

12. *Seventhly.*—In respect to the manufacture of arms and ammunition or the dealing therein, it is observed, with reference to paragraph 4 of the letter from the Government of India, dated 19th December, that, in their Proceedings of the 31st October 1864, No. 1574, this Government, "considering how extensive the Magistracy is, and how important it is that the manufacturing of and dealing in arms and ammunition should be brought under proper control," directed "that in the Mofussil licenses under Section 7 (of the Arms Act) shall be issued only by the Magistrate of the district." In this respect, therefore, the orders contained in the Proceedings above quoted will continue to be observed.

13. Adverting to the remark of the Government of India that it will be necessary for the Police to keep themselves well informed as to the actual stock of the licensed manufacture and to take means for testing the correctness of the stock book entries under Section 14, the Governor in Council observes that the power of inspecting books and premises under Sections 14 and 15 of the Act has already been conferred* by Government "on Superintendents of Mofussil Police within their respective districts—also on the Inspector-General of Police for all districts, and on the Commissioner of Police and his Deputies for the Presidency Town of Madras."

* Procs., of Govt., 18th September 1860, No. 1198, paragraph 6.

14. Licenses (valid for one year) for the manufacture of arms and ammunition or for dealing therein will be issued according to the amended Form IV. enclosed in the letter from the Government of India, dated 12th June 1874.

15. Form V. of the forms laid down by the Government of India being identical with the form of license to carry arms and to go armed, furnished with G.O., 28th September 1860, No. 1252 (paragraph 4), no remark thereon is called for.

16. Form VI. is the form of license to be issued under clause 3, Section 32 of the Arms Act for the possession of firearms, &c., *e.g.*, by respectable Zemindars and others.

(True Extract.)

Bruce Campbell
Ag. Under Secretary
for Acting Chief Secretary.

To all Magistrates of Districts.
To the Inspector-General of Police.
,, Commissioner of Police, Madras.
,, Revenue Department.
,, Resident of Travancore and Cochin.

Exd. W. H. French and F. R. Bantleman.

No. 2273.

Revenue Department.

Govt. of 1874 Madras.

JUDICIAL.

To

ALL MAGISTRATES OF DISTRICTS,

&c., &c., &c.

Dated June, 27th.

Recd. July 1st. Encl.

G.O., 27th June 1874, No. 1176.

JUNE.

Nos. 187—192.

Arms and Ammunition.—Orders issued in regard to the administration of the provisions of the Arms Act.

No. 193 Communicated to the Bd of Revenue 13 July 74.