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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

Bill No. 36 of 1870.

#### THE INDIAN ARMS BILL.

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*A Bill to Consolidate the law relating to Cannon, Arms, and Ammunition.*

WHEREAS it is expedient to consolidate the law relating to the manufacture, importation, and sale of cannon, arms and ammunition, and the right to keep and use the same; It is hereby enacted as follows:—

Preamble.

*I.—Preliminary.*

Short title.

1. This Act may be called "The Indian Arms Act, 1871."

Local extent.

2. This Act extends to the whole of British India.

Exclusions.

But nothing in this Act applies to:—

(a.) Cannons, howitzers or mortars forming part of the ordinary armament of a vessel, or

(b.) Sulphur kept or sold in reasonable quantities for medicinal purposes.

This Act shall come into operation on the passing thereof, and shall remain in force until the Governor General in Council, by notification in the *Gazette of India*, otherwise orders.

Repeal of Acts.

3. The Acts mentioned in the schedule hereto annexed shall be repealed.

But all permissions given, licenses granted, orders made, and notifications published under any Act hereby repealed shall be deemed to be respectively given, granted, made and published under this Act.

Interpretation-clause.

4. In this Act—

"cannon" includes howitzers and mortars:

"arms" includes fire-arms, bayonets, swords, daggers, spears and spearheads; and

"ammunition" includes percussion caps, sulphur, grapeshot, cartridges and gunpowder.

*II.—Manufacture and Possession of Cannon.*

Manufacture of cannon, without authority of Government, prohibited.

5. No person, unless authorized by Government, shall manufacture any cannon.

6. No person shall, without the permission of the Local Government, have in his possession any cannon except in the course of his duty as a public officer of Government.

7. Whenever the Local Government permits any person to possess any cannon, such permission shall be in writing signed by a Secretary to the Government, and shall specify the number of cannon which such person is permitted to possess.

A fee of fifty rupees shall be paid on the delivery of such written permission.

*III.—Manufacture and Sale of Arms.*

Manufacturing or dealing in arms and ammunition without license prohibited.

8. No person shall manufacture, repair, or sell, or keep or expose for sale, any arms,

or shall manufacture or sell, or keep or expose for sale, any ammunition,

except under a license to manufacture or deal in arms or ammunition, as the case may be.

9. Licenses to manufacture or deal in arms or ammunition may be granted by a Magistrate, or by an Officer authorized by the Governor General of India in Council or by the Executive Government to grant such licenses.

10. Licenses granted under section nine shall be in the form prescribed by the Governor General of India in Council, and shall be engrossed on a stamped paper of the value of ten rupees.

The stamped paper shall be furnished by the person applying for the license.

A separate license shall be taken out for the sale of sulphur.

11. Every person to whom such license is granted shall put up a board in a conspicuous part of his shop or usual place of business, and cause to be painted thereon in large letters in the vernacular of the District the words "Licensed to manufacture or deal in arms or ammunition," as the case may be.

12. Licenses granted under section nine shall be in force for one year from the date thereof and no longer.

13. Every person licensed to manufacture or deal in arms, or ammunition, shall enter in a book to be kept by him for that purpose,

(a.) an account of all the stock-in-trade from time to time in his possession or under his control,

(b.) the name and address of every purchaser of arms or ammunition sold by him, and

(c.) the nature, description and quantity of such arms or ammunition.

Such book shall be open at all times to inspection by the Magistrate or other Officer duly authorized by Government in that behalf, and he may take copies of all entries therein contained.

14. The Magistrate or other Officer authorized as aforesaid may at any time enter any premises in which arms or ammunition are manufactured or kept by any licensed manufacturer or dealer in arms or ammunition, in order to inspect his stock-in-trade.

15. Any license granted under section nine may be granted subject to such conditions as are thought necessary, and may be revoked or suspended by the Officer authorized to grant such licenses whenever he thinks fit.

*IV.—Importation of Cannon and Arms.*

16. Except for the public service, no cannon, arms, ammunition or salt-petre shall be imported, either by sea or by land, into India except under a license

from the Governor General in Council, or from some Officer authorized in that behalf by the Governor General in Council.

17. The provisions of section sixteen do not importation of arms extend to arms or ammunition imported by any person in reasonable quantities for his own private use; but the Collector of Customs may at any time detain such arms or ammunition until he receives the orders of Government thereon.

#### V.—Transport of Arms.

18. The Governor General in Council may Power to prohibit from time to time by order transport of arms, and prohibit the transport of ammunition. any arms, ammunition, lead, saltpetre, or military stores, or of any particular description of arms, ammunition, or military stores, from one part of India to another,

or the transport thereof in any particular direction to be specified in the order,

or prohibit the transport thereof except according to such rules and conditions as may be specified in the order.

and the Local Government shall have the like power within the territories under its government or administration.

Every such order may be cancelled by the authority by which it was made.

19. Nothing in section eighteen extends to Arms and ammunition arms and ammunition transported for private use. transported by any person in reasonable quantities for his own private use in any District or place not ordered or liable to be disarmed under this Act.

#### VI.—Carrying Arms.

20. Any person found carrying or conveying any arms, ammunition, or military stores, in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose dangerous to the public peace, may be apprehended without warrant by any other person, and detained in custody in order that he may be dealt with according to law.

Any person apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, shall be delivered over as soon as possible to a Police Officer.

All persons apprehended by or delivered to a Police Officer under the provisions of this section shall be carried before a Magistrate or other Officer competent by law to punish them for the offence or to commit them for trial.

21. Any person going armed with or carrying any arms without having obtained a license from a Magistrate or other Officer authorized by the Governor General in Council or the Local Government authorizing him to carry arms, shall be liable to be disarmed by any Magistrate, Joint Magistrate,

or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if, in the judgment of such Magistrate or other Officer as aforesaid, it is dangerous to the public peace to allow such person to go armed or to carry arms.

22. The provisions of the sections twenty and twenty-one do not apply to—

Exemptions. (a.) Officers, Non-Commissioned Officers, Commissioned, Non-Commissioned, and Warrant Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service:

(b.) Members of Volunteer Corps, in respect of such arms and ammunition:

(c.) Police and Revenue Officers and other persons, in respect of arms and ammunition furnished by Government for use in the public service or provided by themselves with the sanction of Government for such use; or

(d.) such other persons, classes of persons, Districts or parts of Districts, as the Local Government by notification in the official Gazette, from time to time exempts from such provisions.

23. Licenses to carry arms may be granted by any Magistrate or other Officer specially authorized by the Governor-General in Council or the Local Government to grant such licenses, and may be revoked or suspended by any person authorized to grant such license whenever he thinks fit.

24. The license shall be in the form prescribed in this behalf by the Governor-General in Council.

25. The license shall state whether its operation is limited to the licensee or whether it extends to any of his followers.

In the latter case the number of the licensee's followers, and the number and description of arms to be carried by each of such followers shall be specified.

Every such license may be granted subject to such conditions (if any) as the grantor thinks fit; and on breach of any such condition, or on failure to comply therewith, the license shall become void.

26. Whenever a Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose,

or that such person cannot, in the judgment of the Magistrate, be left in the possession of any such arms or ammunition, without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which the Magistrate has reason to

believe such arms or ammunition, are or is to be found, and may seize and detain the same in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by or in the presence of the Magistrate, or by or in the presence of a Joint or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military, to be specially empowered by Government.

#### VII.—Disarmament.

27. The Governor General in Council or the Local Government may, whenever it appears necessary for the public safety, order that any Province, District, or place shall be disarmed.

28. In such Province, District, or place, as well as in any Province, District, or place in which an order for a general search for arms has been issued under Act No. XXVIII. of 1857, it shall not be lawful for any person to have in his possession without a license any arms or ammunition.

29. Licenses to have in possession any arms or ammunition may be granted by any Magistrate or other Officer specially authorized by the Governor General in Council or the Local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such licenses, whenever he thinks fit.

The license shall be in the form prescribed in this behalf by the Governor General in Council or by the Local Government.

30. When any person has a license from the Magistrate of the District or place at which he resides, or may be, to carry on a journey such arms as the Magistrate considers reasonable for his private use, and obtains from such Magistrate a license stating—

the name and address of such person,  
the route by which he intends to proceed,  
the time which such journey is expected to occupy, and  
the arms which he is permitted to carry,

such license shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

31. In every Province, District, or place which the Governor General in Council or the Local Government orders to be disarmed, such order shall be published in the *Gazette of India* or in the Local Gazette, and shall also be made public in such other manner as the Governor General in Council or the Local Government directs.

32. The Magistrate or other Officer mentioned in the order may search or cause to be searched any house or premises occupied by any person reasonably suspected of having in his possession or custody any arms or ammu-

nition without such license as aforesaid, or in which the Magistrate has reason to believe that any such arms or ammunition are or is concealed.

33. The search shall be conducted by or in the presence of the Magistrate, or by or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, appointed by Government to conduct such searches.

All arms and ammunition found on such search shall be confiscated.

34. Nothing in this Part applies to any person or persons exempted by the authority of the Governor General in Council or of the Local Government of the proclaimed District, or by any European Officer serving in such District duly authorized by the Local Government on that behalf.

#### VIII.—Penalties.

35. Whoever, not being authorized by Government, manufactures any cannon, shall be liable to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding three years, or to both.

36. Whoever, without the permission of the Local Government, has in his possession any cannon, except in the course of his duty as a public Officer, shall be liable to a fine not exceeding five hundred rupees for every such cannon.

37. Whoever manufactures, repairs, sells, or keeps or exposes for sale, any arms or ammunition without such license as is mentioned in section nine, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding two years, or to both.

All arms and ammunition belonging to the offender shall be forfeited if the convicting Court or Officer so directs.

38. Any person to whom such license has been granted omitting to put up in a conspicuous part of his shop or usual place of business, a board inscribed as is mentioned in section eleven, shall be liable to a fine not exceeding one hundred rupees.

39. Any person, to whom such license has not been granted in the manner prescribed, putting up such board as aforesaid in his shop or usual place of business, shall be liable to a fine not exceeding one hundred rupees.

40. Any person knowingly purchasing any arms or ammunition from any person not licensed to sell the same, shall be liable to a fine not exceeding one hundred rupees.

41. Any person omitting or failing duly to keep such book as is mentioned in section thirteen, or for failing to keep book required by section 13. to make therein all such entries as are hereby required,

and any person preventing or obstructing the inspection of such book, or making a false entry therein,

shall be liable for every such offence to a fine not exceeding five hundred rupees, in addition to double the value of any arms or ammunition sold of which he fails to make such entry, or respecting which he makes a false entry.

If the offender be licensed to manufacture or deal in arms or ammunition, he shall also forfeit his license if the convicting Magistrate so directs.

42. Any manufacturer or dealer intentionally concealing from a Magistrate by wilful concealment by manufacturer or other Officer, entering his premises under section fourteen, any part of his stock-in-trade, or wilfully refusing to point out where the same is kept, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment,

and any arms or ammunition belonging to such person may be seized and shall be confiscated if the convicting Magistrate so directs.

43. Any person importing or attempting to import either by sea or land into India without such license as is mentioned in section sixteen any cannon, arms, ammunition, or saltpetre,

or knowingly concealing any cannon, arms, ammunition, or saltpetre imported without such license,

shall be liable to imprisonment for a term not exceeding three years, or to fine not exceeding one thousand rupees, or to both;

and the articles so imported shall be confiscated if the convicting Magistrate so directs.

Nothing in the former part of this section applies to arms or ammunition imported by any person in reasonable quantities for his own private use.

44. Any person transporting or causing to be transported, or attempting to transport, or cause to be transported, any arms, ammunition, lead, saltpetre, or military stores contrary to any order made under section eighteen, or to the rules and conditions specified therein, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three years, or to both,

and the articles transported or attempted to be transported shall be confiscated.

Any person by concealment or other device transporting or causing to be transported, or attempting to transport or cause to be transported, such arms, ammunition, lead, saltpetre, or military stores, shall, in addition to the fine hereby provided, be liable, upon conviction, to imprisonment for a term not exceeding seven years.

Nothing in the former part of this section applies to arms or ammunition transported by any person in reasonable quantities for his private use in any District or place not ordered to be disarmed.

45. Whoever, after the expiration of the time mentioned in any order published under section thirty-one in any Province, District, or place to which that section applies,

or who in any Province, District, or place in which an order for a general search for arms has been issued, and is still in operation,

has in his possession or custody any arms or ammunition without such license as is mentioned in section twenty-nine,

shall be liable to be imprisoned for a term not exceeding two years, or to fine not exceeding one thousand rupees, or to both.

46. If on any such search being made under the provisions of section twenty-six or thirty-two any person, having in his possession or power any such arms

or ammunition, or knowing where such arms or ammunition are concealed, refuse to produce or point out the same to the Officer making the search,

or if any person intentionally conceals or attempts to conceal any such arms or ammunition,

such person may be apprehended without warrant, and shall be liable to imprisonment for a term not exceeding two years, or to fine not exceeding one thousand rupees, or to both.

47. Whoever assaults or resists any person in the execution of any power vested in him by this Act, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months, or to both.

48. Whoever abets within the meaning of the Indian Penal Code any offence under this Act shall be liable to the punishment hereby provided for such offence.

49. If any offence which by this Act is made punishable with fine, or with fine and imprisonment not exceeding six months, is committed by any person within the local limits of the ordinary original criminal jurisdiction of the High Courts at Fort William, Madras, or Bombay, such offence shall be punishable upon summary conviction by any Police Magistrate.

50. No conviction, order, or judgment under the last preceding section shall be quashed for error of form or procedure, but only on the merits;

and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds,

but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment in obedience to any writ of *certiorari*,

and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

51. All other offences punishable under this Act which are committed within the local limits of the ordinary original criminal jurisdiction of the High Courts at Fort William, Madras, and Bombay, shall be punishable by such Court.

## SCHEDULE.

52. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of those towns in force for the time being.

53. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction takes place.

## IX.—Miscellaneous.

54. The Governor General in Council or the Local Government may at any time seize all sulphur in the possession of any person, and detain the same for such time as may be deemed necessary for the public safety.

55. No suit or other proceeding shall be commenced or prosecuted against any person for any thing done in pursuance of this Act, without giving him a month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

56. The Governor General in Council or the Local Government may from time to time withdraw from the operation of all or any of the provisions of this Act, any part or parts of any District or place; and may in like manner, as occasion requires, subject the same again to the operation of all or any of such provisions.

57. Nothing in this Act alters or affects any law for the time being in force relating to licenses.

58. All licenses which may by this Act be granted by a Magistrate, may in the Presidency Towns be granted by a Commissioner of Police.

| Number and year. | TITLE.  |
|------------------|---|
| XXXI. of 1860.   | An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.   |
| VI. of 1865.     | An Act to continue Act No. XXXI. of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases).                         |
| VI. of 1866.     | An Act to continue Act No. XXXI. of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), and for other purposes. |

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is merely to consolidate the three Acts in which the law relating to Arms and Ammunition is now contained.

The wording and arrangement of the law have been improved, but no alteration has been made in its substance.

(Signed) W. ROBINSON.

The 16th December 1870.

WHITLEY STOKES,

Secretary to the Government of India.