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MANUAL
OF
ARMS LAW

MANUAL OF ARMS LAW

52965

by

Y. P. DANGWAL

An officer of the assistant grade of the Central Secretariat Service with experience of working and interpreting the Arms Act and Rules in the Ministry of Home Affairs, Government of India, for about a decade.

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HOME MINISTER
INDIA

New Delhi

October 29 ,1965.

FOREWORD

I have glanced through the book
"The Manual of Arms Law". A great deal
of patient hard work has gone into it.
I hope the general public as well as those
entrusted with the duty of administering
arms law will find it useful.

G.L. Nanda
(G.L. Nanda)

INTRODUCTION

THE ARMS ACT, 1959 and the Arms Rules, 1962 framed thereunder came into force on 1st October 1962 and with this, the earlier Act (11 of 1878) and rules (the Indian Arms Rules, 1951) stood repealed. With the enforcement of an entirely new set of laws, all previous publications on the subject have become obsolete and out of date. The need for a new book seeking to present a clear exposition of the new arms laws in a historical perspective and relating it to the judicial thinking of the past several decades, seemed paramount to me. This Manual is the result, and I hope that it will be of value not only to the public at large but also to the authorities concerned with the day-to-day administration of the arms laws. The Manual should not, however, be taken as a publication of the Government of India and the statements made or communications quoted or referred to therein will not bind the Government of India or any State Government.

While I have endeavoured to place the Manual in the hands of those who need it as expeditiously as possible, I have at the same time tried to make it as up-to-date, comprehensive and fully documented as possible. This being the first authoritative work of its kind in the field, only such material has been included in it as could be considered to be authentic.

The Manual contains, besides the text of the new Arms Act and Rules, various Gazette notifications issued so far under the said Act and Rules, and such of the rules, regulations and orders issued by the Government of India or the State Governments as well as court rulings given under the old law as are consistent with the provisions of the new Act and Rules. The commentaries, notes, interpretations and the case law have been given according to a set pattern below the relevant sections of the Act or the Rules, which, I hope, will make for convenience in consultation.

It is my hope that with the aid of this Manual, the Act and Rules will be better understood and the need for protracted correspondence between the authorities concerned as also

between the public and the Government will be obviated. Although the Manual is intended primarily for the officers of the Government departments concerned with the day-to-day administration of the arms law, it will be of equal value to lawyers, judicial officers, licensed arms holders and dealers, diplomats and foreign tourists wishing to import arms for protection or sport.

For the benefit of lay readers, not interested in the detailed technicalities of the law, a special chapter (chapter IX, Part III) has been added to the book summarising in simple language all the characteristic features of the new law affecting possession, import, export, etc., of arms by individuals in various walks of life.

I cannot discharge my debt to the Honourable Home Minister, Government of India, who has very kindly taken trouble to glance through the book and very gracefully consented to bless it with a Foreword. I also take this opportunity to express my high sense of gratitude to those State Governments, Ministries and departments of the Government of India and other authorities who have very kindly extended their co-operation in supplying material or giving their consent to the inclusion in the Manual of various rules, regulations, etc., concerning them. A debt of gratitude is acknowledged also to a number of friends and colleagues whose constant help and encouragement were always available to me.

Y. P. DANGWAL

New Delhi,
October 29, 1965.

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List of Abbreviations used in this Manual —

- | | |
|----------------------|---|
| 1. "GI" | Government of India. |
| 2. "MHA" | Ministry of Home Affairs, Government of India. |
| 3. "HD" | Late Home Department, Government of India. |
| 4. "Notn" or "Notns" | Notification or notifications issued in the Gazette of India. |
| 5. "App" or "Apps" | Appendix or Appendices to this Manual. |
| 6. "s" or "ss" | Section or sections of the Arms Act. |
| 7. "Sch" or "Schs" | Schedule or Schedules appended to the Arms Rules or to a notification as the case may be. |
| 8. "U.K. Act" | The U.K. Fire-arms Act, 1937. |

In this Manual, unless the context otherwise expressly require —

- (1) "Old Act" means the Indian Arms Act, 1878 (11 of 1878).
- (2) "Old Rules" means the Indian Arms Rules, 1951.
- (3) "Section" means a section of the Indian Arms Act, 1878 or the Arms Act, 1959, as the case may be.
- (4) "Original Bill" means the Arms Bill, 1958 (Bill No. 138 of 1958) as introduced in the Lok Sabha.
- (5) "Joint Committee" means the Committee appointed by both the Houses of Parliament to consider the Arms Bill, 1958.
- (6) "State Governments" includes Administrations of Union Territories.
- (7) "Local Rules and Orders" means the rules, orders or notifications issued by the State Governments relating to the Arms Act and Rules.

PART I

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CHAPTER I

THE ARMS ACT, 1878

1. Historical Background of Arms Legislation in India

THOUGH there had been certain restrictions on the possession and carrying of arms in the areas under British rule since 1841, there was practically no arms law as such in India until the upheaval of 1857. The first comprehensive Arms Act was passed on 11th September, 1857 (Act XXVII of 1857). This Act was a temporary measure intended to regulate the import, manufacture, sale, possession and use of arms and ammunition. Though intended for a duration of two years, it continued in force until October 1860. The object of the Act was:

"to provide, as far as possible, for... the power of the Government to regulate the importation, manufacture and sale of arms and ammunition."

It was then explained that:

"the expediency of disarming the population, with a view to the maintenance of the public peace and to the prevention of crimes of the more violent class, particularly affrays which in this country, from the number of persons engaged in them and from the fierceness of the combatants, so often assumed the character of pitched battles, had for many years previously been under the consideration of the Government, and had been strongly advocated by many old and experienced officers."

The Act of 1857 was continued in force by Act XXIX of 1860 and was eventually replaced by Act XXXI of 1860 passed on 1st July 1860. The latter Act was passed to regulate the manufacture, import and sale of arms and ammunition and the right

to keep and use them. Besides restricting the possession of certain kinds of arms (cannon, howitzers and mortars) and requiring licences for carrying arms, it gave the Government power to disarm any province, district or place and to prohibit the possession without licence of arms of any description. The Act also prohibited the purchase of arms and ammunition from unlicensed persons. It was intended to remain in force for five years in the first instance but was continued until 1878 when it was replaced by the Indian Arms Act, 1878.

The purpose of the 1878 Act was to consolidate and amend the then existing law. Two reasons given for certain new features in the Act were (a) to ensure stricter control over the import of cheap firearms, and (b) to restrict and regulate the transport of firearms so as to prevent their reaching hostile tribes beyond the frontier, or the criminal elements within the country. The Act provided *inter alia* for licences for import and export of arms; sanction of the Government for warehousing of arms; establishment of searching stations along the frontiers; regulation of transport of arms; licences for going armed (with any arms); possession of firearms, ammunition and military stores in all places and for the possession of all arms in certain places to be notified in the official Gazette in addition to the districts disarmed under the earlier Act. It further gave the Government power to make rules for licensing. It originally extended to what was then called British India but was subsequently made applicable to the whole of India.¹ Except for some minor amendments to suit certain changes in the Constitution, the Act continued in force without any substantial change.

2. Circumstances Leading to the Enactment of New Arms Act

"Among the many misdeeds of British rule in India, history will look upon the Act (of 1878) depriving a whole nation of arms as the blackest. If we want the Arms Act to be repealed, if we want to learn the use of arms, here is a golden opportunity. If the middle classes render voluntary service to Government in the hour of its trial, distrust will disappear and the ban on possessing arms will be withdrawn."

— MAHATMA GANDHI

¹ For details see footnotes to S. 1 of the Act. (App. 1).

Though the Act of 1878 continued in force for a long time, it would be erroneous to presume that the people of India accepted it or that there was no demand or agitation for its abrogation.

The opposition to the law which became manifest on many occasions, was based mainly on the following grounds:

- (i) The Act was believed to have been designed to disarm the whole country in order to avoid recurrence of revolt by the people (the fact of the Arms Act, 1860, being passed soon after the great struggle to overthrow British rule in 1857 — led to a strong belief that the two events had a cause and effect relationship);
- (ii) the Act, in effect, emasculated and degraded the people by depriving them of their arms;
- (iii) the Act and the rules and regulations framed thereunder implied a stigma upon the character, respectability and status of the Indian community;
- (iv) law-abiding citizens were deprived of the means to defend property and person and reduced to a condition of helplessness while the Act was unable to prevent effectively dacoits and other anti-social persons from securing arms thus giving an advantage to the lawless persons over the law-abiding and peaceful citizens;
- (v) people deprived of arms became demoralised and were cut off from their traditions of chivalry and valour in war; and
- (vi) people without the right to own arms became incapable of thinking in terms of national defence.

3. The British Attitude

In this connection it would be of interest to make a brief mention of the views of the British rulers on the subject. They had their own explanations for the objections raised against the Act. It was said that the habit of carrying arms was 'a surer sign of barbarism'. They argued that going without arms did not necessarily result in cowardice or demoralisation or inability to bear arms when called upon to do so in times of national emergency. Comparisons were drawn between the people in British India and those in the Indian states (who had more facilities

than the former in regard to bearing arms), or the performance during wars of the Indian or British soldiers, though 99 per cent of them were said not to have handled weapons before. It was argued that the past several centuries in India had been marked by agrarian riots, communal feuds and religious affrays which would have resulted in terrible bloodshed and serious increase in lawlessness, had arms been freely available to the parties concerned. In answer to the allegation regarding encouragement to the dacoits and other lawless characters they said that the arms control made it difficult for such characters to obtain arms, and it would worsen matters if they had free access to them. If the controls were relaxed, it would be these elements and not the law-abiding people who would make a bid for obtaining more arms. Furthermore, the arms possessed by peaceful citizens could also be a source from where the lawless characters could manage in their own way to secure appreciable quantities of arms and ammunition. If such forces of lawlessness are allowed to increase, Government would be faced with the necessity of making corresponding increase in the strength of defence and police force required for maintaining law and order; this would mean an unusually vast increase in the demand on the exchequer.

A major step to get this Act repealed was, however, taken for the first time when a resolution was moved in the Imperial Council in September 1918 by Shri Khaparde seeking to modify the Act so as to bring it in line with the English legislation on the subject.² An amendment proposed by Shri Tej Bahadur Sapru was then passed, recommending the appointment of a Committee of official and non-official members of the Council to consider and report to the Governor-General-in-Council as to what extent the Arms Act and Rules made thereunder could be amended. The decisions of the Government of India on the Committee's report were set forth in the Home Department Resolution No. 2125-C, dated 21 March 1919. The significant improvements agreed to were as follows:

- (i) abolition of racial distinctions;
- (ii) declaration of certain classes of persons as of approved

² See—Appendix II for text.

- character and status (used to be called 'entitled class') ordinarily entitled to licences for possession of fire-arms without previous enquiry;
- (iii) exclusion of certain arms from control except in certain states;
- (iv) facilities to agriculturists to obtain licences for protection of crops and cattle; and
- (v) use of other agencies (e.g., magisterial, etc.) in addition to or in substitution for the police.

In order to give effect to these improvements the Indian Arms Rules, 1920, were revised and a new set of rules, called the Indian Arms Rules, 1924, were issued in 1924.² Some minor decisions were carried out by issue of executive instructions.

The Act again came under severe criticism when an amendment Bill was introduced by the Government in the Legislative Council in September 1919 with a view to providing for deposit at a police station or with a licensed dealer of arms and ammunition which had ceased to be exempted or licensed, and for giving the owners an opportunity to dispose of their weapons within a prescribed time-limit. Opposing the motion to introduce the Bill, Pandit Madan Mohan Malaviya observed:

"It has long been a matter of complaint to the Indian public that there is an invidious distinction drawn between Indians and Europeans in the matter of the possession of arms. The Government have now decided to remove that invidiousness, and they have framed certain rules for that purpose. But that was only one point of complaint in relation to the administration of the Arms Act. The second point was that arms should be available more freely to Indians, as freely as to Europeans."

The Act was last amended by the Indian Arms (Amendment) Act, 1949 (Act 47 of 1949) in order to bring within its purview export and import of arms, ammunition and military stores by air. Moving the motion to introduce the Bill in the Constituent Assembly of India (Legislative) on 2 December 1949, Sardar Vallabhbhai Patel said:

² *Vide* H. D. Notn. No. F. 829-1-22—Police, dt. 3-11-1923.

"As the Statement of Objects and Reasons explains, this Bill has been necessitated because the existing Act does not cover the export or import of arms by air. This lacuna in the Act has the effect of excluding from the purview of the Indian Arms Act unauthorised import or export of arms by air, although, under the Indian Aircraft Rules, a person who engages in such import or export can be prosecuted and punished. In the first place, the Indian Aircraft Rules are differently designed. They are intended to cover the safety of the aircraft in flight as well as at the aerodrome. We are, however, concerned from a broader aspect, viz., the security of the State itself and from that point of view a check on illicit traffic in arms is essential. Also, the punishment provided in the Indian Aircraft Rules is not adequate. It is obviously necessary that unauthorised import or export of arms, etc., by air should be dealt with as severely as similar import or export by land or sea. For this purpose, therefore, I feel it necessary that the Indian Arms Act be amended."

Speaking during the debate on the Bill, Shri M. Ananthasayanam Ayyangar, M. P. (now Governor of Bihar) observed:

"I did not want to participate in the Bill as this is a very simple one. This is intended to cover cases of export or import of arms by air. Even if a person is allowed to carry arms by sea or train, if he misbehaves with those arms, the fellow passengers can prevent him from misbehaving. But if a man is allowed to carry arms when travelling by air, there is nothing to prevent him misbehaving with them in mid-air. I would therefore request the hon. Minister to do something to see that passengers by air are not exposed to this danger."

4. Non-Official Bill in Parliament

A Bill (called the Indian Arms [Amendment] Bill, 1953—No. 49 of 1953) to amend the Indian Arms Act was introduced in the Lok Sabha in November 1953 by Shri Uma Charan Patnaik. The main objects of the Bill were:

* Constituent Assembly of India (Legislature) *Debates*, dated 2-12-59.

- (i) to relax certain restrictions so as to bring the arms laws into conformity with the laws of other free countries; and
- (ii) to liberalize the Indian Arms Act and Rules so as to allow certain categories of law abiding citizens (including Members of Parliament and State Legislatures) to keep arms for self-defence without a licence.

Speaking in support of his measure, Shri Patnaik said:⁵

"The Indian Arms Act of 1860 and the later one of 1878 were calculated to disarm the civilian population of India and make another rebellion or mutiny impossible and to kill the fighting spirit in the country. These Acts were very much resented in this country and were called 'Black Acts' intended to hold India perpetually in bondage."

Referring to the attempts made as early as 1918 by Sarvashri Khaparde, S. N. Banerjee and V. J. Patel in demanding a re-orientation of the Act, he added:

"The fact is that the whole of India is demanding a relaxation of the reactionary provisions of the Arms Act. In spite of it, it has not been changed. It continues on the Statute Book as before, with only this change that in 1950 certain classes, including Members of Central and State Legislatures who enjoyed exemption for having arms were deprived of that privilege."

Incidentally, it may be mentioned that the privilege referred to by Shri Patnaik was withdrawn not by effecting any 'change' in the Act, but by amending the Rules made thereunder.

The Bill was also circulated for eliciting public opinion thereon. Among those who responded were the State Governments, legal luminaries, bar associations, judges, collectors, senior police officers and local bodies. During the course of discussions on the Bill in December 1954, Dr. Katju, the then Union Home Minister, made the following significant observation:

"Shri Patnaik's amendment is a limited one and while circulating it for public opinion I would like to have it completely revised. What I want is that in the Bill which may be framed,

⁵ House of the People, *Debates*, part II, vol. III (1954), April 9, 1954.

we should look at it from the Indian citizen's point of view. Every Indian citizen should have an equal right... This is a matter of some importance. It should be done thoroughly. The responsibility for law and order — that hated expression — primarily rests upon the State Governments and the proper procedure should be that this Bill should go nominally before the public at large, which means going to the State Governments and eliciting public opinion. I will write to them and say, do not please confine yourself to the provisions of the Bill we are circulating for your opinion; but do please consider the whole matter, the whole of this topic from A to Z. Take into consideration the existing psychological change, the requirements of the day and send your proposals. I am personally most anxious to develop the feeling in the mind of the commonest man that this is his country, its defence is his prerogative, its defence from external aggression — call it whatever you like — the preservation of internal security is his concern. I want to create a feeling that the public should feel that the administration of justice is their concern and they are responsible for it. It is the people's Raj and people should see to it that every one secures justice. It is from that point of view that I wish to ask the State Governments not to confine themselves to the skeleton of this measure; but to look at it from the broadest aspects and then tell me what, in their opinion, should be done."

In view of the specific assurance given by the Home Minister to review the Indian Arms Act and to introduce a fresh Arms Bill in Parliament, further consideration of Shri Patnaik's Bill was adjourned *sine die*. Towards the end of 1954, the National Rifle Association of India (of which the late Shri G. V. Mavlankar, the then Speaker of the Lok Sabha, was the President) submitted a memorandum to the Government of India stressing various reasons for having a new Act on the pattern of the arms laws of other independent countries, particularly of the U.S.A. and the U.K. They also enclosed with the memorandum a draft Indian Fire-Arms Bill for consideration of the Government of India. In short these are the circumstances which influenced the Government of India to repeal the Indian Arms Act, 1878 and replace it by a new Act.

CHAPTER II

THE ARMS ACT, 1959

PURSUANT to the assurance given in the Union Parliament and the widely expressed popular demand for modernising and liberalising the Arms Act, 1878, which was stigmatised as a "vestige of British rule over India" the then Union Home Minister, the late Shri G. B. Pant introduced a fresh Arms Bill¹ (The Arms Bill, 1958) in the Lok Sabha on 18 December 1958. The Statement of Objects and Reasons and the memorandum regarding Delegated Legislation are given at the end of this chapter. The main purpose of the Bill was to liberalise the licensing provisions while at the same time keeping in view the overall demands of security and the maintenance of public tranquillity. It was felt that while normally control need be exercised only in the case of fire-arms as distinct from other arms (e.g., swords, daggers, etc.) the Government should nevertheless have powers in emergencies and in special circumstances to control the possession of all arms. It was also felt necessary to control, in the public interest, the manufacture, import, export and transport of arms of all descriptions.

The motion for reference of the Bill to a Joint Committee of the Houses was moved in the Lok Sabha by Shri B. N. Datar, then Minister of State in the Ministry of Home Affairs, on 23 April 1959 and was discussed² and adopted on the same day. The Rajya Sabha discussed the motion on 28th, 29th and 30th April, 1959 and concurred in the said motion on 30th April, 1959. The message from the Rajya Sabha was read out in the Lok Sabha on 4 May, 1959 and thereafter the Bill stood referred to the Joint Committee of Parliament on the Arms Bill.

The Committee considered and adopted the Report on 4th

¹ Published in the *Gazette of India, Extraordinary*, Part II, Section 2, dated 18-12-1959.

² Extracts of some important speeches are given in Appendix III.

August, 1959. The Report was formally presented in the Lok Sabha by the Chairman of the Committee on 10th August, 1959. Apart from the amendments effected in the Bill the Committee recommended that the Government might:

- (i) consider whether a provision could be made in the rules for allowing a licensee to use temporarily, for purpose of sport, another licensee's fire-arms of the type for which he holds a licence;
- (ii) examine the question of providing in the rules for transport of properly packed fire-arms through an area notified by the Central Government under section 4; and
- (iii) give instructions to State Governments to take a decision on applications for renewal of licences within a specified time.

The Bill, after being passed by both Houses of Parliament on 17 November, 1959, received Presidential assent on 23 December, 1959 and was published on 24 December, 1959.² Though enacted in 1959 the Act was not brought into force until 1 October, 1962, when necessary rules thereunder were issued.

Though detailed explanations of the provisions of each section of the Act are given in the commentaries in Chapter IV, it would be of interest to give here in summary form the main liberalising features of the Act. These are :

- (1) Normally the possession and bearing of fire-arms alone would require a licence and not "going armed" (with any kind of arms) as in the old Act (sec. 3).
- (2) No licence is required for a person to carry any fire-arms or ammunition in the presence or under the written authority of a licensee, for the purposes of repair, renewal of licence or use by the licensee (proviso to sec. 3).
- (3) "Arms" have been more closely defined, so that there is no doubt or confusion, and the term is not all-embarrassing as under the old Act; articles designed solely for domestic or agricultural uses and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons are excluded from the definition (sec. 2).

² *Vide Gazette of India, Extraordinary, Part II, Section 1, dt. 24-12-59.*

- (4) The Act excludes from its scope any weapon of an obsolete pattern or of antiquarian value or in disrepair, which is not capable of being used as a fire-arm either with or without repair; as also the acquisition, possession or carrying of minor parts of arms and ammunition which are not intended to be used along with complementary parts acquired or possessed by him or any other person (sec. 45).
- (5) It is only in exceptional cases that licences will be required for possessing or carrying arms other than fire-arms of specified description in an area to be specified by notification in the official Gazette. This provision has been made to cope with⁴ emergencies or conditions in specially dangerous spots where greater security measures may be necessary in the public interest (sec. 4).
- (6) Licences shall be granted, unless there is any objection, for smooth-bore guns, for M.L. guns (and where necessary B.L. guns) for crop protection to *bona fide* agriculturists, and for .22 bore rifles to members of licensed or recognised rifle clubs and associations. Greater discretion is allowed to licensing authorities with regard to grant of licences for more powerful weapons like revolvers and rifles (sec. 13).
- (7) The duration of a possession licence will normally be three years (sec. 15).
- (8) A licence cannot be refused merely on the ground that the applicant does not have sufficient property (sec. 14).
- (9) The reasons for refusal of licence have to be recorded in writing and a brief statement of the reasons has to be furnished to the applicant on demand, except where it is not in the public interest to disclose the reasons.
- (10) Appeal is allowed against the orders of the licensing authority, and an opportunity of being heard is afforded to the applicant before his application is disposed of.
- (11) Licence for manufacture will be required only in respect of such class or description of arms as may be prescribed and not of any arms as under the old Act (sec. 5).
- (12) Import, export and transport of arms are regulated as before, but relaxations are made in the cases of (a) a person having a possession licence, in respect of reasonable quantities of arms or ammunition for his own use, and (b) a *bona fide* tourist from specified countries, in respect of reasonable quantities of arms and ammunition for sport (sec. 10).
- (13) Arrest and searches for arms will be in accordance with the provisions of the Criminal Procedure Code except in certain specified circumstances (sec. 37).

⁴ Lok Sabha debates, vol. XXXV, Nos. 1-10, pp.388-389, dated 17-11-59. (Extracts at App. III).

- (14) An opportunity has been given to a person carrying arms to produce his licence or to give his name and address. It is only if he refuses the latter or is suspected to be giving false name or address or of intending to abscond, that he will be arrested. Under the repealed Act a person carrying arms without a licence could be immediately disarmed and arrested (sec. 19).
- (15) Arrest of a person carrying arms in suspicious circumstances cannot be made by any person as in the old Act. He can be arrested only by a magistrate, police officer, public servant or person employed on railway, aircraft or other means of conveyance (sec. 20).
- (16) Articles deposited with a dealer or in a police station could be forfeited after the lapse of a prescribed period under the old Act. Under the new Act, before forfeiting such articles, the person concerned or his legal representative will be given a show-cause notice. No such forfeiture shall be ordered during the period of suspension of a licence. The forfeited articles or their value in part or whole can be returned by the Government in deserving cases (sec. 21).
- (17) While boys under 16 years of age are prohibited from bearing arms (as in the U.K. Act), relaxations are made to allow younger persons to have training and target practice (sec. 9).

THE ARMS BILL, 1958

1. Statement of Objects and Reasons

The Indian Arms Act at present in force was enacted eighty years ago (Act 11 of 1878), for consolidating and amending the then existing laws for control of arms and ammunition. Certain amendments have since been made and the Government have since the achievement of independence followed a liberal policy in the administration of the Indian Arms Act and the Rules framed thereunder. The present Bill seeks in the main to liberalise the licensing provisions and to reduce the inconvenience to the public to the minimum, while at the same time keeping in view the overall demands of public security and the maintenance of public order.

*New Delhi,
the 12th December, 1958.*

G. B. PANT

2. Memorandum Regarding Delegated Legislation.

Clause 44 of the Arms Bill, 1958, empowers the Central Govern-

ment to make rules to carry out the purpose of the Act, and the various matters in respect of which such rules may be made have been specified in sub-clause (2) of that clause. They relate *inter alia* to the appointment, jurisdiction, control and functions of licensing authorities; applications for grant or renewal of licences; conditions of granting or refusing, renewing, varying, suspending or revoking licences; fees for licences; the procedure for stamping the identification marks on firearms and their test or proof; conditions for use of a .22 bore rifle or an air rifle by a person between fourteen years and eighteen years of age in the course of training; the appellate authority and its procedure; entry and inspection by any police officer or specially empowered officer of any premises or other place in which arms, ammunition or military stores are manufactured, or stored; and the conditions of depositing arms, ammunition and military stores with a licensed dealer or in a police station or a unit armoury. These are either matters of procedure or matters of administrative detail and rules with respect thereto will be necessary for the day-to-day administration of the Act. Moreover, the rules to be made by the Central Government are to be laid before each House of Parliament as soon as they are made and shall be subject to such modification as Parliament may make during the session in which they are so laid or the session immediately following. The delegation of legislative powers is thus of a normal character.

CHAPTER III
THE ARMS ACT, 1959

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3. Licence for acquisition and possession of firearms and ammunition.
4. Licence for acquisition and possession of arms of specified description in certain cases.
5. Licence for manufacture, sale, etc., of arms and ammunition.
6. Licence for the shortening of guns or conversion of imitation firearms into firearms.
7. Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition.
8. Prohibition of sale or transfer of firearms not bearing identification marks.
9. Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc.
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CHAPTER III

THE ARMS ACT, 1959*

(Text, commentaries, notes and case law.)

THE ARMS ACT, 1959**

(No. 54 of 1959)

AN ACT to consolidate and amend the law relating to the arms and ammunition.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows :

CHAPTER I

Preliminary

1. Short title, extent and commencement: (1) This Act may be called the Arms Act, 1959.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, by notification, in the official Gazette, appoint.***

Commentary

1. Corresponds to sec. 1 of the old Act.

2. No material change except :

* In this Chapter, unless the context otherwise requires or states otherwise, the sections and rules (and Schedules) mentioned in the commentaries, notes and court rulings refer respectively to the sections of the Indian Arms Act, 1878 and the Indian Arms Rules, 1951.

** The Act received the assent of the President on the 23rd December, 1959 and became law on that date.

*** The Act was brought into force with effect from 1st October, 1962 *vide* MHA notn. No. 15/13/59(VII)-PIV, dated 13-7-1962 (G.S.R. No. 992).

- (i) saving clause below sec. 1 of the old Act is now a separate section at the end of this Act (sec. 45); and
- (ii) sec. 2 of the old Act relating to the commencement of the Act has been brought under this section.

3. The Act was brought into force with effect from 1st October, 1962.¹

CASE LAW

(1) Where the language of an enactment is not clear, it is legitimate to examine the historical circumstances in which the particular provision was enacted and the defects in the law which it was intended to cure [Heydon's (1584), 3 Co. Rep. 8; *Eastern Photographic Materials Co. v. Comptroller General of Patents, Designs and Trade Marks* (1898) A.C. 571, 575]. But the historical circumstances cannot be used to modify or explain away an interpretation derived from the study of the Act itself. [*Assam Railways and Trading Co. v. Inland Revenue Commissioners* (1925) A.C. 445, 457].²

2. **Definitions and interpretation:** (1) In this Act, unless the context otherwise requires —

(a) "acquisition", with its grammatical variations and cognate expressions, includes hiring, borrowing, or accepting as a gift.

(b) "ammunition" means ammunition for any firearm, and includes —

(i) rockets, bombs, grenades, shells and other like missiles,

(ii) articles designed for torpedo service and submarine mining,

(iii) other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or noxious liquid, gas or other such thing, whether capable of use with firearms or not,

(iv) charges for firearms and accessories for such charges,

¹ MHA notn. No. 15/13/59 (VII)-PIV, dated 13-7-1962 (Copy at Sl. No. 1, Part IV, Ch. 10).

² JENNINGS *Law of Food and Drugs* (second edition), pp. 1-2.

- (v) fuses and friction tubes,
- (vi) parts of, and machinery for manufacturing, ammunition, and
- (vii) such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(c) "arms" means articles of any description designed or adapted as weapons for offence or defence, and includes fire-arms, sharp-edged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;

(d) "district magistrate", in relation to a presidency-town or the city of Hyderabad, means the Commissioner of Police thereof;

(e) "firearms" means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy, and includes—

(i) artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other such thing,

(ii) accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof,

(iii) parts of, and machinery for manufacturing, firearms, and

(iv) carriages, platforms and appliances for mounting, transporting and serving artillery;

(f) "licensing authority" means an officer or authority empowered to grant or renew licences under rules made under this Act, and includes the Government;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "prohibited ammunition" means any ammunition containing, or designed or adapted to contain, any noxious liquid, gas

or other such thing, and includes rockets, bombs, grenades, shells, articles designed for torpedo service and submarine mining and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition;

(i) "prohibited arms" means—

- (i) firearms so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty, or
- (ii) weapons of any description designed or adapted for the discharge of any noxious liquid, gas or other such thing, and includes artillery, anti-aircraft and anti-tank firearms and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms;

(j) "public servant" has the same meaning as in section 21 of the Indian Penal Code;

(k) "transfer", with its grammatical variations and cognate expressions, includes letting on hire, lending, giving and parting with possession.

(2) For the purposes of this Act, the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

Commentary

1. Corresponds to sec. 4 of the old Act with necessary modification.

2. (i) Definitions of some additional terms (viz., acquisition, district magistrate, firearms, prescribed, prohibited ammunition, prohibited arms, public servant and transfer) used in the Act have been added. Definition of 'ammunition' has been amplified showing at a glance the various articles to be covered by this term. A new feature of this section is that certain substances which were formerly covered by the term 'military stores' under the old Act have now been included as 'ingredients of ammunition'. Rest of the 'military stores' have been dropped to be exclusively controlled under other laws, particularly the Explosive Act and Rules. The Central Government have, in virtue of the powers conferred by sec. 2(1)(b)(vii)³ specified certain other articles as following under the term 'ingredients of ammunition'.

(ii) Definition of the expression 'public servant' which occurs in several places in the Act would be helpful both to the authorities administering the Act and to the public.

(iii) The term 'arms', as interpreted in the old Act, had given rise to several disputes and doubts in the past and there were conflicting court rulings in this behalf. A step in the right direction has now, therefore, been taken to define separately the terms 'arms' and 'firearms'. An explanatory note in respect of certain new phrases used in this section is given at the end of these comments.

3. Sub-sections (3) and (4) and the words "such as lathi or an ordinary walking stick"⁴ in sub-section 2(1)(c) are additions made to the original Bill by the Lok Sabha. The Joint Committee also substituted the term 'artillery' in sec. 2(1)(e)(iv) for the term 'firearms' used in the original Bill.

4. Definitions of 'prohibited arms' and 'prohibited ammunition' closely follow the pattern of the U.K. Act. The Joint Committee, however, slightly elaborated them by adding the words 'and includes... prohibited ammunition' and 'and includes... prohibited arms' in s. 2(1)(h) and s. 2(1)(i) respectively.

The Central Government have, in virtue of the powers con-

³ Vide MHA notn. No. 15/13/59(II)-PIV, dated 13-7-1962. (Copy at Sl. No. 2, Part IV-CW-10).

⁴ See Lok Sabha Debates, dated 17-11-1959, Vol. XXXV, Nos. 1-10, (Extracts at App. IV).

ferred on it by this section, specified⁵ certain other articles as prohibited arms and prohibited ammunition. Powers of the Central Government under s. 2(4) have been delegated to the State Governments.

Explanatory Note 1

The definition of 'arms' in the old Act was inclusive and not exhaustive as in the current Act. It resulted in courts holding various articles—from knives with long blades and poles with fittings for blades, battle-axe, etc.—to be arms; the main criterion being whether they were essentially weapons of offence or defence and not merely articles for domestic or agricultural use. A perusal of some of these rulings show that almost every kind of implement could be covered under the definition of 'arms' and there were a number of disputes and varying rulings on the subject. Evidently, with a view to avoiding repetition of this unhappy state of affairs, not only a specific definition of this phrase has been given in the current Act but its scope and extent has also been clarified. The present definition is evidently based on more liberal reading of the court rulings given in the past. Certain new phrases used in s. 2 are of considerable significance. They are explained below (some case law under the old Act which are relevant to the phrase are added at the end of each phrase).

1. Designed or Adapted

The words though looking simple are quite significant. It would be recalled that the courts have laid emphasis on the primary intention or design of the maker (and not on mere use) and have held that the mere fact of use of an article for offence or defence will not make it an arm. But if an article is adapted (i.e. suitably altered) with the intention of making it capable of being used for offence or defence, then it would become an arm. For instance, an ordinary carving knife or kitchen knife is not an arm; but if its end is grooved so that both the edges

⁵ Vide MHA notns. No. 15/13/59(III)-PIV and No. 15/13/59(IV)-PIV, dated 13-7-1962 (Copies at s. Nos. 3 and 4, Part IV).

become sharp and tapering to a point, then it would be an arm like a dagger.

- (1) An ordinary table knife is not an arm, unless it is altered (e.g., by grinding it) so as to make it double edged.

Aung Ba

5 L.B.R. 130

- (2) A table knife, however, carried or intended to be used, is not an arm.

Nga Kya Nyo

8 B.U.R. 207

- (3) Though the exhibit knives were stout and formidable ones they could not from their appearance be said to have been primarily manufactured with the intention of using them for offence or defence. They are useful for domestic use or for cutting stocks.

Me Thin

7 B.U.R.L.T. 165

- (4) Axe or knife does not become arm within s. 4 (Act of 1878) by merely using it for offending or defending on particular occasion.

Mehr Din

A.I.R. 1927, L.A.H. 162

- (5) A battle-axe is an arm.

Gangamma

1 Weir 654

- (6) An instrument consisting of two separate pieces, namely, lathi, 6' 3" long, at one end of which a hollow screw and an axe-like blade, 5" by 4½" having a screw to allow of its being fixed into the long lathi was held to be an arm within the meaning of s. 19(f), Act of 1878, as no instrument like that is ever used for domestic or agricultural purposes.

Puran Singh

A.I.R. 1928, Lah. 295

2. Other Deadly Weapons

For instance, the weapon described as "life preserver" or "zipo" has been treated as an arm within the meaning of s. 4 of the old Act. Another instance is a mace made of iron.

[H.D. letter No. F. 21/XXXI/30, dated 8-5-1930].

3. Articles Designed Solely for Domestic or Agricultural Uses

Some implements which facially look like domestic or agricultural tools might really be meant for offence or defence; it is quite possible to use some weapons of offence or defence also for domestic or agricultural purposes. The possibility of a weapon having a dual purpose cannot, therefore, be precluded. However, as these weapons are not meant to be used solely for domestic or agricultural purposes, they would not come under the excepted category. A knife with sharp edges near an end tapering to a point is really a dagger, though it could also be used as carving knife. Similarly a battle-axe is really an arm though somebody might use it for chopping meat or cutting fire-wood, stocks, etc., etc. An ordinary pole-axe used for chopping leaves for goats is primarily a domestic article, but if the fitting and blade are such that they are really designed for offence or defence, then it would become an arm.

- (1) Dagger-shaped knives known as clasp knives fall within the definition of arms.

Nca Lu Gule

A.I.R. 1928, Rang. 49=5 Rang. 710

- (2) The accused imported certain knives described as hunting knives and kept with him. One edge was sharp up to the guard, the other only at the point. The knife could be used for stabbing and thrusting. Held, that the instrument fell within the category of arms.

Bishan Singh

A.I.R. 1924, Cal. 714=51 Cal. 573.

- (3) A dashe-upyat of the usual type is primarily intended for

domestic or agricultural purposes and is not an arm within the meaning of the Arms Act.

Hanyit

5 B.L.B. 207=3 Bur. L.T. 91.

- (4) Chhavi, may be arms within the meaning of the Arms Act, 1878 and as the word "arms" in s. 4 thereof includes parts of arms and the possession of a chhavi-head may amount to possession of arms. Everything is chhavi which has a large axe-like blade curved or otherwise with an arrangement of ring or rings for binding it to the handle of considerable length.

Kesar Singh

20 P.R. 1890 CR.

Santa Singh

16 P.R. 1900 CR.

Gahna

33 P.L.R. 1914 CR.

Jinda

10 P.L.R. 1916 CR.

- (5) Appellant was found carrying a bamboo dang 5'x7" long, which had an iron attachment at the thick end, and hidden in the fold of his loin cloth was a blade 8" long which fitted the end of the dang. Held, that taking into consideration the nature of the instrument, the fact that the blade could be readily slipped on and off the stick and the fact that it was found detached from the stick and hidden in the appellant's loin cloth showed that it was possessed by him not for ordinary domestic purposes but for purposes of offence and defence and that it was included in the term "arms" used in the Arms Act, 1878.

Mangal Singh

A.I.R. 1923, Lah. 138, 2 Lah. 133

- (6) A clasp-knife is not an arm; but one which has a blade five and a half inches long, a pointed end and fitted to a long handle which turns over into the handle is an arm.

Methun

25 L.C. 337=15 Cr. L.J. 585.

Ngalu Gale

A.I.R. 1928, Rang. 49=29 Cr. L.J. 115.

- (7) Dah or Doshi-u-Pyat which is an implement usually intended for domestic and agricultural purposes is not an arm; but Dahs having sufficiently long blades are arms.

Pome

8 I.C. 972=5 L.B.R. 207 A.I.R. 1923
Rang. 23=Cr. L.J. 594.

- (8) Knife including cook's knife, an implement of ordinary domestic use is not an arm even if carried about in a sheath but if the character of the knife is altered say by grounding and making it double-edged it will become an arm.

Dhan Singh

5 Cr. L.J. 435.

- (9) Lathi, even though it has a detachable blade thus constituting a sort of pole-axe commonly used for cutting branches of trees for feeding goats and other animals is not an arm; but if it is converted into a chhavi it becomes an arm within the meaning of the Arms Act, 1878.

Gajja

26 I.C. 132=15 Cr. L.J. 685.

4. Toys

These are excluded. For instance, certain air-guns* are considered as harmless and consequently no licence is required in respect of them. There are, however, more powerful air-weapons which are quite dangerous to handle since they have a long range and accurate aim. The latter cannot, therefore, be treated as toys and excluded from licensing requirement:

- (1) Air-gun not adapted for use with explosive substances and classed as toys for the purposes of the Tariff Act, was a toy and did not come within the definition of arms.

Maung Shwe Thet

4 Cr. L.J. 239=12 Bur. L.R. 201.

* *Vide* Entry 3 of Schedule II to MHA Notn. No. 15/13/59(V) P. IV, dated 13-7-1962 (Copy at S. No. 5, Para IV, Ch. 10).

- (2) Air guns which are not worked with explosives and which are classed as toys under the Indian Tariff Act, but every type of air-gun or air pistol is not so excluded.

Abani Mohan Bhattacharjee I.L.R. 60 Cal. 1477=A.I.R.
1934, Cal. 368=35 Cr. L.J. 766.

5. Serviceable Weapons

There have been disputes in the past as to whether weapons in disrepair and are not in a serviceable condition would require licence or not. The main criterion in such cases would be whether it retains the specific character of the particular arm and whether it can with a certain amount of repair be effectively used as an arm. (Attention is invited to saving clause (c) of s. 45 of the Arms Act, 1959.)

- (1) Whether in a particular instance an instrument is a fire-arm or not is a question to be determined according to the facts of each case and the circumstance that it is in an unserviceable condition is not sufficient to take it out of the category of fire-arm.

Azu Walad Bangar I.S.L.R. 18;
Harshanath Chatterji 42 Cal. 1153.
Abani Mohan Bhattacharjee 60 Cal. 1477=A.I.R. 1934,
Cal. 368.

- (2) A revolver with a broken trigger is within the definition of arms. In such cases the question is not so much whether the particular weapon is serviceable as a fire-arm but whether it has lost its specific character and has so ceased to be a fire-arm.

Jayaram Reddi 21 Mad. 360.

- (3) A gun rendered unserviceable by the loss of trigger does not come within the definition of arms. A broken and unserviceable gun does not fall under the description of "parts of arms". A fire-arm which is defective and other-

wise unserviceable is not an arm within the meaning of the Arms Act, 1878 and consequently not one for which a licence need be taken out, even though it might be capable of being rendered serviceable by being repaired. The unserviceable remains of a gun could not be fairly described as a fire-arm within the meaning of s. 14 of the said Act and do not require to be protected by a licence under that section. A pistol which is out of repairs cannot be regarded as a weapon for offence or defence.

Sidappa

6 Mad. 60.

Rasool Sahib and Kulappa Cramani

1 Weir, 658. 12

Chaitoo Gond and Harpal Rai

C.P.L.R. Cr. 8 24 All. 454.

- (4) A revolver, even if it is out of repair or is clogged from disuse, is an arm and a person in possession of it without a licence is guilty of an offence.

Sahiullah

6 P.R. 1908 CR.

Jayaram Reddi

21 Mad. 360.

- (5) A rifle barrel complete with a trigger and other fixed part but without bolt and stock, retains the specific character of the fire-arm designated as rifle and its possession without a licence is punishable. It is a matter of fact in such case whether an alleged arm retains its specific and essential character as an arm or has lost such character. The matter is in each case largely one of observation for the court concerned. If the weapon can with certain amount of repair be used as an arm, it can be considered as an arm for which licence is needed. The handle of pistol was partly rotten and both its triggers were out of order and a string was tied to the barrel in two places. It was held to be an arm.

Lu Khant DB.

1949 Bur. L.R. 131.

Misri Lal

1942 A.M.L.J. 34.

Swami Dayal

D.L.R. 1953 All. 10.

6. Parts of Arms

These come within the purview of the definition of 'arms'. They were subject to control in the old Act also [s. 4 of that Act]. Obviously, if control on arms is to be effective, it must also extend to their constituent parts; otherwise parts of weapons can be manufactured, imported, exported or possessed and later on when occasion demands assembled into a complete arm. The only safe-guard which may be considered necessary should be against prosecutions for possessing minor or odd parts like a trigger or a rusty barrel not intended to be used along with complementary parts. The Act provides for such safeguard [saving clause (d) of sec. 45].

- (1) A gun-barrel so long as it can be used as a gun-barrel, is an arm within the definition of sec. 4 of the Arms Act, 1878, because it is a part of fire-arm. But it is not a fire-arm within the meaning of sec. 14 of that Act, nor is it one of the other articles mentioned in the section. A gun-barrel and nipple in serviceable condition are arms within the meaning of sec. 4 referred to.

Barwar Teli
Vyapuri Kangani

12 C.P.L.R. 10.
7 Mad. 70.

- (2) An old fashioned muzzle-loading gun-barrel in good condition and with the touch-hole in good order is a fire-arm within the meaning of s. 14 of the 1878 Act. There is nothing in s. 14 inconsistent with s. 4 of that Act. Fire-arms in s. 14 include parts of fire-arms.

Dhan Singh

3 N.L.R. 58.

- (3) Accused were convicted for having in their possession sword hilts bought from time to time at sales of old stores. They contended that sword hilts were not arms within the meaning of the Arms Act, 1878. Held that the expression arms included 'parts of arms' and that the hilts being parts of swords were arms.

Nur Din and Nizam Din

38 P.R. 1889 CR.

- (4) Bolts and bars of rifles are arms within the meaning of s. 4 of the 1878 Act. In order to fall within this section the weapon need not be in serviceable condition.

Karm Din

A.I.R. 1923, Lah. 617.

- (5) The legislature sought to prevent the importation and retention of arms in parts which might be put together any moment and used as "arms".

Sidhapad (F.B.)

I.L.R. 6 Mad. 60.

- (6) Loose parts of a revolver which could be used though in a rusty condition when cleaned and oiled have been held to be arms.

Santo Singh

A.I.R. 1933 Cal. 495=145 I.C. 177=34

Cr. L.J. 916

7. Such as Lathi or an Ordinary Walking Stick

It may be argued that there was hardly any need for placing restrictions on 'walking-stick' by prefixing the word 'ordinary'. It may be recalled that sword-stick generally used as a walking-stick has been held to be an arm and in fact has been considered to be more dangerous than a sword when the blade is concealed in it. There are also sticks with dagger-like attachments concealed. Though designed to be used as walking sticks, they are obviously arms and can be used effectively as such when required. The use of the word is, therefore, necessary. This clarificatory phrase was not in the original Bill but subsequently added by the Parliament.⁷

- (1) A sword-stick is a sword within the meaning of s. 4 of the Act of 1878. A sword-stick is a weapon different from a kirpan. The two expressions cannot be regarded as synonymous and so the possession of a sword-stick by a Sikh is not exempted by s. 27 of that Act.

Satish Chandra Roy

34 Cal. 749.

Randhir Singh

A.I.R. 1928 Lah. 239.

⁷ Lok Sabha Debates, dated 17-11-1959 (Vol. XXXV, Nos. 1-10, pp. 401-404), Extracts at App. IV.

8. Other Forms of Energy

Nuclear (and fission, fusion, etc.) is already being harnessed. Grenade-throwing machine is worked by a compressed spring; air-rifles and air-pistols are also worked by compressed air. Certain types of guns are worked by liquid carbondioxide cartridges. All these articles are dangerous enough and that is why Parliament did not accept a proposal^{*} to delete this phrase from the definition of fire-arms. On the same analogy, another proposal to exclude air-weapons and muzzle-loading guns from the purview of the Arms Act was also turned down.

Gas hand-grenades, and riot pistol etc. which discharge gas and render helpless for the time being a mob or individual without causing permanent injury are arms; gun barrel and nipple being parts of arms. (33 P.L.R. 1914; HD letter No. F. 21-LV-28-Police, dated 28.2.1929.)

Explanatory Note 2

Types of weapons which can be regarded as comparatively safe

The bore or calibre by itself is now-a-days not a complete indication of the dangerousness of a barrelled weapon, as it was at a time when only balls were being used as ammunition, and bores were specified with reference to weight of the ball. For rifles, for instance, a more scientific specification of comparative dangerousness would be a mention of the bore as well as the length of the cartridge case.

Rifles: It is considered that the following categories of rifles can be regarded as quasi-lethal, i.e. not ordinarily lethal but not incapable of killing human beings under certain normal circumstances:—

- (a) Air rifles of .22 bore;
- (b) other rifles of .22 bore which are capable of taking only low-powered cartridges (e.g. standard long and short cartridges) or, alternatively, cartridges not exceeding 1" in over-all length.

^{*} See Lok Sabha Debates, dated 17-11-1959, Vol. XXXV, 1-10; (extracts at App. IV).

Shot guns: Shot guns can be deadly at close range; but there are certain types of shot guns which can be deemed as quasi-lethal, for example —

shot guns capable of using only No. 4 and smaller shot, with calibres of No. 16 and smaller bores (e.g. 20 bore).

Pistol and revolvers: The usefulness of hand weapons of this type lies in the fact that they are confined to short ranges. Secondly, they are very easily carried and even more easily concealed. That is why these weapons are mostly employed by dacoits and other lawless persons. However, weapons of .22 bore capable of using only low-powered ammunition are relatively ineffective; such weapons are, therefore, liberally allowed to be possessed for purposes of training, target practice, etc.

Notes: (1) *Life Preserver* and weapons of similar nature are arms for the purposes of s. 4 of the Indian Arms Act, 1878 inasmuch as they are effective weapons both for offence and defence and are neither intended nor adapted for use otherwise than as weapons. (H.D. letter No. F. 21-XXXI-30 Police, dated 8.5.30.)

(2) *Humane cattle killers and their ammunition* are not arms for the purpose of the Indian Arms Act, 1878. (H.D. notn. No. F. 21-XX-32, dated 25.5.1933.)

(3) *Prohibited bore weapons* in the case of weapons of which the calibre is described by two figures such, as .450/400, .577/450, .500/450, etc., the former of the two figures indicates the size of the chamber and the latter figure the size of the bore. Consequently, while a rifle described as of .450/400 calibre is not of a prohibited bore, weapons described as .577/450 or .500/450 and ammunition to fit in them are subject to the restrictions imposed on weapons and ammunition of the prohibited bores. (C.I. letter No. 1343, dated 9.6.1911.)

(4) *Double-barrel fire-arm* can only be regarded as one single weapon and the fact that the bores of the two barrels are of the same or different sizes cannot make any difference in counting the number of weapons.

(5) *Remington Industrial gun* and shot shells used therein do not come within the purview of the Arms Act and consequently no licence is required for their possession etc.

(6) *Very Light (Signal) Pistol* since capable of being used for offensive or defensive purposes, would fall under the purview of the Arms Act and Rules and therefore would require licence.

(7) *Fire-arms rifled in any way are rifles:* All fire-arms which are in any way rifled are to be treated as rifles and must not be possessed by or

sold to any person who is not in possession of a licence expressly authorizing him to possess a rifle or rifles.

Examples: Explora, the Fanneta and the Paradox ball and shot guns, the barrels of which although for the greater part of smooth bore, are rifled towards or at the muzzle. (H.D. No. F-21/XI-23-Police, dt. 22.5.23.)

(8) *Weapons classed as pistols:* The firearms known by the names and of the descriptions specified below and all similar weapons, should be classed as pistols and are subject to all the restrictions in force in regard to ordinary pistols and revolvers:

(i) *Ithaca Auto and Burglar Gun:* made in America, hammerless, 20 bore, double barrel, breech-loading, pistol grip, barrel ten inches, total length about eighteen inches, takes either shot or ball cartridges.

(ii) *H. and R. Handy Gun:* made in America, single barrel, .410 (12 mm.) bore, breech-loading central fire-barrel eight inches, total length twelve and three-quarter inches, takes either shot or ball cartridges. (H.D. letter No. F. 21/58/27-Police, dt. 20.10.27 and No. F. 21/34-Police, dt. 9.7.29.)

(9) *Burglar alarm known as "Stop"* by which an alarm is given by the explosion of a .12 bore cartridge loaded with gun-powder is an arm within the meaning of section 4 of the Indian Arms Act, 1878 and subject to all the prohibitions and directions contained in the Act and in the rules framed thereunder. (H.D. letter No. F. 21-LXXIII-30-Police, dt. 27.11.30.)

CASE LAW

(On cases under the Act of 1878)

(1) "Ammunition" — Old Rusty and dirty cartridges and bullets — Possession without licence — Offence.

[ILLR. (1947) Kar. 49.]

(2) "Arms" — Meaning of:

Weapons resembling more a dagger than an ordinary knife — Blade and handle 6½" long each — weapon fitted with spring to prevent blade from going back into handle at the time of attack — Blade curved and having a pointed end — Weapon fell within S. 4.

[AIR 1955 NUC (Punjab) 5389 (V 42).]

(3) 'Arms' — Every type of air gun, if excluded :

It cannot be said that every type of air gun or air pistol must be excluded from the definition.

[AIR (Vol. 21) 1934 Cal. 368 (369) = 38 C.W.N. 84 = 60 Cal. 1477 = 35 Cr. L.J. 706 = 6 RC 488 = 1934 Cr. Cas. 470 = 148 IC 925.]

(4) 'Patakhas':

As 'patakhas' are quite useless for any military purpose or in particular for fire-arms or torpedos or war-rockets, or for mining and blasting they are not "ammunition" within the meaning of the Act.

[AIR (Vol. 18) 1931 All. 17 (17) = 32 Cr. L.J. 564 = 1930 ALJ 1467 = LR 12A 42 Cr. = Ind. Rul. (1931) All. 290 = 53 All. 226 = 1931 Cr. Cas. 33 = 130 IC 626.]

(5) Part of arms, all arms :

Bolts and bars of rifles are arms within s. 4 of the Act of 1878. In order to fall within that section, the weapon need not be in a serviceable condition.

[25 Cr. L.J. 539 = 77 Ind. Cas. 1003 = A.I.R. 1923 Lah. 617.]

(6) Arms, Definition of :

The word "arms" includes also parts of arms. The word "arms" includes also fire-arms. Therefore, the words "fire arms" include also parts of fire arms. Possession of fire arms is prohibited.

[42 Cal. 1153 = 16 Cr. L.J. 9 = 21 C.L.J. 201 = 26 Ind. Cas. 313 19 C.W.N. 706 = AIR 1915 Cal. 719 (DB.)]

(7) Takwas.

It is always the purpose for which an implement is primarily used which determines the question whether it does or does not

fall within the definition of arms. Implements or articles primarily intended for domestic or agricultural use are not arms under the Arms Act and takwas fall under the former category.

[AIR (Vol. 27) 1940 Lah. 468 (469-470) 42 Cr. LJ 144 = 42 PLR 815 = 191 IC 323.]

(8) Arms — Definition of :

The definition of "Arms" in the Arms Act of 1878 is not exhaustive. The true meaning must be arrived at by a consideration of the circumstances in each case. Neither the length, breadth nor the form of the blade of a weapon, nor the handle affords any certain test of its classification as "arms"; whatever can be used as an instrument of attack or defence and is not an ordinary implement of domestic purposes, falls within the Act.

[48 Ind. Cas. 486 (L) = 32 P.R. 1918 Cr. = 20 Cr. L.J. 11 = AIR 1919 Lah. 211.]

(9) Spear-head — U.P. Notification No. 10-N-VIII, dated May 9, 1934 — Person in possession of spear-head :

The word "spear" used in the Notification must be interpreted in the sense in which that word is used in s. 4 of the Act of 1878 and as a spear is used in that section in contradistinction to spear-head, a spear cannot be held to include a spear-head.

[AIR (Vol. 24) 1937 All. 228 (229) — 1937 AIR 285 = 1937 ALJ 41 = 38 Cr. LJ 511 = 167 IC 935.]

(10) Chhavi

Everything is a Chhavi which has a large axe-like blade curved or otherwise with an arrangement of ring or rings for fastening it to the handle and a handle of considerable length.

[I.P.W. 1914 Cr. 33 P.L.R. 1914 — 24 Ind. Cas. 594 = 15 Cr. LJ 506 = A.I.R. 1914 Lah. 230.]

(11) Sword-stick is not a kirpan:

A sword-stick is a weapon different from Kirpan. The two

expressions cannot be regarded as synonymous.

[29 Cr. L.J. 425 = 108 Ind. Cas. 596 = 10 A.I.R. Cr. R. 81 = AIR 1928 Lah. 239 (DB).]

(12) Unserviceable Gun :

A gun rendered unserviceable by the loss of trigger does not come within the definition of arms. A broken and unserviceable gun does not fall under the description of "parts of arms. A fire-arm which is defective and otherwise unserviceable is not an arm within the meaning of the Act, and consequently not one for which a licence need be taken out, even though, it might be capable of being rendered serviceable by being repaired. The unserviceable remains of a gun could not be fairly described as a fire-arm within the meaning of s. 14, and do not require to be protected by a licence under that section. A pistol which is out of repairs cannot be regarded as a weapon for offence or defence.

Sidappa	6 Mad. 60
Rasool Sahib and Kulappa Cramani	1 Weir. 658
Chaitoo Gond	12 C.P.L.R. Cr. 8
Harpal Rai	24 All. 454

(13) The expression "all parts of ammunition" as used in section 4 of the Indian Arms Act, 1878, includes empty cartridge cases.

Emperor vs. Ebrahim Alibhoy	7 (Bom.) L.R. 474
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CHAPTER II

Acquisition, possession, manufacture, sale, import, export and transport of arms and ammunition

3. Licence for aquisition and possession of fire-arms and ammunition: No person shall acquire, have in his possession, or carry any fire-arm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that a person may, without himself holding a

licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.

Commentary

1. Corresponds to s. 13 of the old Act.

2. The prohibition in s. 13 of the old Act of 'going armed' with any arms has been dropped. (It would be noticed that while there was a separate provision in the old Act in respect of 'going armed', no separate licence was prescribed in the Rules framed thereunder for the exclusive purpose.) Another noteworthy feature of this section is that besides 'possession' and 'carrying', a licence is necessary for 'acquisition' of a fire-arm. This follows the pattern of the U.K. Act.

3. The proviso to this section is a new provision and is definitely one of the important liberalizing features of the new Act. The provision appears to have been made after taking into account some court decisions in the past. The U.K. Act also provides for this.

4. In the original Bill, the words "for purpose of sport" occurred at the end of the proviso; these were dropped by the Joint Committee as it felt that the proviso should cover all *bona fide* use of fire-arms including sport. See also the explanatory note below.

Note: Under proviso to s. 3, a person may, without himself holding a licence, carry any fire-arm or ammunition in the presence or under the written authority of the holder of the licence for repair or for renewal of the licence or for use by such holder. A question may be raised whether an agent or servant can purchase on behalf of his master ammunition on his master's licence for the use of his master and whether the dealer can sell and deliver the ammunition to such agent or servant against valid licence of the master.

According to a view, proviso to s. 3 does not admit of the liberal interpretation so as to cover cases of 'purchase and sale.' In support of this view, it is argued that though s. 3 applies to (i) acquisition, (ii) possession and (iii) carrying of fire-arms or ammunition, the operation of the proviso is limited to 'carrying' of the same and therefore, the servant or agent cannot acquire and possess the ammunition purchased against the valid licence of his master.

The question involved here does not appear to relate so much to

'purchase and sale' as it relates to 'possession and carrying' for, as far as one can see, the licensee still remains the purchaser in such case though the delivery of the articles is being effected through a third party. It may be observed that according to the rules in force, a licence holder need not necessarily go to the premises of an arms dealer to purchase arms and ammunition but he can as well ask the dealer to send the same to his address by placing an order with him for the supply of the articles in reasonable quantities for his own use, the dealer being entitled to despatch such articles to the licence-holder subject to certain conditions (*vide* rule 37(2)(e)(ii) of the Arms Rules, 1962). Now the question arises whether, besides transporting the articles direct to the licensee, the licensed dealer can as well deliver the same to a person if he has been duly authorized by the licensee (of course under a written authority) to receive the articles on his behalf and if he is also authorized to carry the arms etc. for the use of the licensee under proviso to s. 3.

The provisions of the Act do not appear to prevent the dealer from making delivery of the articles to a person in the circumstances explained. In support of this view, it may be recalled that according to one of the conditions of the existing dealer's licence (condition 7 of licence Form XII) a dealer is required at the time of purchase of any arms or ammunition, to endorse upon the licence of every purchaser holding a licence in Form III, etc., the name, description and residence of the person who takes delivery of the articles sold. It would further be noticed that in so far as the licensee is concerned, these particulars are already given on the licence itself. This gives ample support to the view that the dealer is permitted to deliver the arms or ammunition covered by the licence to an authorized person besides the licensee. It may be recalled in this context that there are court rulings to the effect that a servant's possession of arms belonging to his master on his master's behalf within the scope of his authority and to the exclusion of any unlawful or private purpose of the servant does not make the servant liable for such possession. What is required to be kept in mind in such cases is firstly, how far the servant or the agent is acting within the scope of authority given to him and secondly, how far the purpose for which such authority is given is lawful.¹

CASE LAW

(On cases under the Act of 1878)

(1) Both licences and exemptions are granted by virtue of the Act and Rules. Any licence or exemption not so granted would be invalid and no protection to an accused person charged with contravening the Act. The fact that a person had been treated

¹ R. N. Saxena's, *The Law of Arms and Explosives in India*, pp. 19 and 23.

as one entitled e.g. to an exemption to any one year or for any period would not prevent the matter from being re-opened in any succeeding year or period.

B. R. Vettannes

34 Cr. L.J. 112 = A.I.R. 1934 Rang. 180

(2) The offence of going armed with fire-arms is considerably more narrow than the offence of being in possession merely of fire-arms. The expression "going armed" clearly indicates two things, namely, first an intention to use it as a firearm and, secondly the possibility of using it.

Sonai Mathu Ambalam

26 CR. L.J. 1025 = AIR 1925 Mad. 585.

(3) Where proceedings are instituted against any person for secret possession of arms in contravention of sections 14 and 15, the accused should be discharged under section 20 if the intention to conceal the possession is not made out. Offences created by sec. 20 are distinct from those under section 19.

Nga Po Chin

8 B.L.R. 452.

(4) In a prosecution for possession of fire-arms in contravention of sections 14 and 15 of the Arms Act it is incumbent on the prosecution to prove that the fire-arms were possessed in contravention of sections 14 and 15 of the Act, in other words, that they were possessed without licence or other legal authority. It is incumbent on the prosecution to lead some evidence which would justify an inference that the possession was against the provisions of the Arms Act. The fact that the fire-arms have been possessed in furtherance of tourist movement is not in itself an offence under the Arms Act.

It may be that there is a conspiracy to commit terrorist crimes, and, it may be that there is a conspiracy to possess fire-arms in contravention of the provisions of the Arms Act. But the two things are not the same. From the fact of being members of an organization the object of which is to commit terroristic offences, it would not follow, in the absence of other evidence, that the accused were also parties to a criminal conspiracy for the specific and definite purpose of possessing fire-arms in contravention of the Arms Act. It is a fallacy to suppose that merely because

one was a member of the larger organization although the objects of the two were not one and the same.

Bimal Krishna Biswas

62 Cal. 819 = 39 C.W.N. 761 = 37
CR. L.J. 840.

(5) A man who possesses an arm for which he holds an expired licence does not do so "under that licence and in the manner and to the extent permitted thereby." Consequently he commits an offence under s. 19(f) and is not punishable under s. 23 of the Act of 1878.

Zainulabidin

38 Cr. L.J. 396 = A.I.R. 1937 Pesh. 30.

(6) Section 13 prohibits an unlicensed person from going armed with any kind of arms, that is to say, a person going armed with either a knife or a revolver comes within the provisions of the section. But with regard to fire-arms a further offence may be committed, namely, having them in possession or under control, without a licence. Section 14 covers this offence, and if this offence is committed with the intention referred to in s. 20, then a heavier punishment may be inflicted than for the simple offence under sec. 14, the penalty for which is provided in s. 19(f). To be in possession or control of arms other than those mentioned in s. 14 is not an offence, though it is an offence to go armed with them, as provided in s. 13 an unlicensed person going armed with a revolver may be convicted under either s. 13 or s. 14 of the Arms Act, and consequently may be convicted under s. 20.

Sachindra Kar Gupta

35 Cr. L.J. 125.

(7) The accused, who was not a licensee, borrowed a gun from his cousin who held a licence, and fired some shots while proceeding in a marriage procession through streets. The licensee forbade the taking of the gun in a public assemblage. Held, that the accused in handling and firing the gun had committed offence, punishable under section 19 of the Indian Arms Act, 1878, since the marriage procession, as soon as it emerged into a public road, was a public assemblage.

Emperor vs. Kalyanchand

24 Bom. L.R. 487.

(8) M, who was licensed to keep a gun, and his servant left Broach and went to a neighbouring village. They returned forgetting the gun behind them. M sent his servant to fetch the gun and the latter while so returning with it was arrested by the police at Broach for going armed in contravention of the provisions of section 13 of the Indian Arms Act. The servant was convicted and sentenced under section 19 of the Act.

Held, acquitting the servant, that the mere temporary possession without a licence of arms for purposes other than their use as such, was not an offence within the meaning of section 19 of the Indian Arms Act.

Emperor vs. Koya Hansji 14 Bom. L.R. 964, 37 I.L.R. (Bom.) 181.

(9) The accused kept a gun as the servant of C, who was licensed to bear it. After C's death, the accused, continued in the employ of C's undivided brother V, who succeeded C in the management of the property. The accused was convicted under section 19(f) of the Indian Arms Act for having been in possession of an unlicensed gun. On appeal, it was contended that the liability, if any was that of V, who had neglected to renew the licence.

Held, that the accused was rightly convicted, for he was the only person who had the possession and the control of the weapon.

Emperor vs. Jafu Bapu

14 Bom. L.R. 501 = 15 Ind.
Cas. 797 — 13. Cr. L.J. 525 (DB).

(10) The phrase "going armed"^{1a} in secs. 13 and 19(c) necessarily implies that the person carrying the arms must have the intention of using the arms when the occasion or opportunity arises. It does not necessarily imply motion on the part of the person.

Where a person, during the time when riots had broken out came out with two dharias in his hands and took his seat on

^{1a} In the Arms Act, 1959, section 3, the words "going armed" have been replaced by the words "carrying arms".

the atta of his house: Held that he was guilty of "going armed" within section 13 and 19(c) of the Arms Act.

Emperor vs. Abdul Hafiz Hasan

49 Bom. L.R. 807=AIR 1948,
Bom. 173=49 Cr. L.J. 208 (DB).

(11) Taking blunt spear, capable of being sharpened, to parade ground for gymnastic purposes is "going armed": A spear would not cease to be spear by reason of its points and edges becoming blunt if they are capable of being sharpened at any time, and taking of such spear to the parade ground for gymnastic purposes amounts to "going armed" within the meaning of s. 13.

[32 B.L.R. 571=AIR 1930 Bom. 174 (DB).]

(12) Servant carrying or using gun of master. The servant of a person exempted from the operation of the Arms Act commits no offence by carrying his master's gun and shooting game with it with his master's permission.

[17 A.L.J. 758=51 I.C. 208=1 P.U.L.R. 61=20 Cr. L.J. 432=AIR 1919 All. 160.]

(13) Licence for a full-sized gun — Possessing half-barrel gun is an offence. Where a licence granted relates to a full-sized gun, the person holding such a licence cannot keep a half-barrel gun under it.

[10 A.I. Cr. R. 206=29 Cr. L.J. 472=109 Ind. Cas. 120=10 L.L.J. 302=AIR 1928 Lah. 759.]

(14) To acquire, hold or dispose of arms is a right and not privilege — Constitution of India, Art. 19(1)(f).

A.L.R. 1954 Raj. 264 (Vol. 41, C.N. 81).

(15) Where a person is found to have kept a gun for sometime and then made it over to another to keep for him, he cannot be convicted under s. 19(f).

15 C.W.N. 440-10 Ind. Cas. 688-12 Cr. L.J. 197 (DB).

(16) Unless a man carries unlicensed arms with the intention of using them, he is not guilty under s. 13 of the Arms Act, 1878.

When a person carries hand-bag in which he had kept an unlicensed pistol, he cannot be said to have "gone armed" as he had no present intention of using the pistol.

1950 A.L.J. 811=A.I.R. 1950 All. 386=51 Cr. L.J. 1064.

(17) Holder of a licence to kill wild beasts is not bound to take out a licence if he uses his gun for shooting purposes.

Bombay Chetty

5 Mad. 26.

(18) Section 13 prohibits a person from "going armed" except under a licence but the licensee is not bound to take his licence with him whenever he goes armed.

Koraga

1 Weir 661.

Kishunwa

20 Cal. 444.

Muhamad Ibrahim

22 Cr. L.J. 755.

(19) When a licence to go armed is granted for protection only, the licensee cannot use it for sport or display.

Venkatarayadu

1 Weir 663.

(20) The accused was found in another man's house wearing a dagger. He did not allege that the dagger was not his or that he had not brought it to the house. On the contrary he specified the purpose for which the dagger was used. *Held*, that in the above circumstances the accused has committed the offence of going armed with a dagger in contravention of s. 13, of the Act of 1878.

Nga Tha Baung

U.B.R. 1827-1901 Vol. 14.

(21) Possession of a Jambia is not an offence under s. 13 of the Act of 1878.

Balaji Manaji Patel

12 Bom. L.R. 350=AIR 1934 Bom. 159.

(22) A man who is found going about with a pistol, gun, sword or other weapon within the definition of arms must, in the absence of proof to the contrary, be presumed to be carrying it with the purpose of using it, should an opportunity for using it arise.

Gajraj Singh

38 Cr. L.J. 639.

4. Licence for acquisition and possession of arms of specified description in certain cases. If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than fire-arms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry in that area, arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Commentary

1. Corresponds to parts of s. 15 of the old Act.

2. Under s. 32, clause 2, of Act No. 31 of 1860 referred to in s. 15 of the old Act, unlicensed possession of fire-arms, bayonet, sword dagger, etc. was forbidden in (a) any disarmed area (i.e. a province, district or place) ordered to be disarmed "whenever it shall appear necessary for public safety" and (b) any place in which an order for a general search for arms under Act XXVIII of 1857 was in force. These discriminatory and antiquated provisions have since been dropped.

3. A somewhat strong feeling was expressed in Parliament during the course of discussion on the Arms Bill against placing any restrictions on the possession, etc., of arms other than fire-arms. The main argument advanced in justification of this feeling was that to bear and carry arms for self-protection is a fundamental right (some described it as 'birth-right') of every free citizen. This argument was, however, refuted pointing out that the Constituent Assembly of India had discussed² this point but did not find it fit to be included in the list of Fundamental Rights. It was further explained that as during the times of riot, disturbances or civil commotion, swords, spears, etc., are employed more often than fire-arms, it was necessary for Govern-

² Extracts from Constituent Assembly Debates at App. III.

ment to have power to control the use of those weapons during such emergencies, or other extraordinary circumstances.³

4. The provision for specifying the class or description of arms in the notification that may be issued under this section aims at avoiding unnecessary hardship or inconvenience that may otherwise be caused to the people affected by such notification. (From rule 18 of the Arms Rules, 1962 read with item 3 of Schedule II appended thereto, it appears that the scope of the notification would be limited to the arms covered by category V.)

5. Powers of the Central Government under this section have been delegated to State Governments.

Note: As regards licensing requirements for possession of sharp-edged weapons in some districts (where incidence of crime is high), attention is invited to section 3 and 4 of the new Arms Act of 1959: a licence will be required under section 3 for the acquisition and possession of *only* fire-arms, while in respect of other arms, licensing requirement for their possession, etc., can be enforced only under section 4, if the Central Government is of the opinion that having regard to the circumstances prevailing in any area, it is necessary or expedient *in the public interest* that acquisition, possession or carrying of arms other than fire-arms should also be regulated by directing by notification in the official Gazette, that section 4 shall apply to such area in respect of arms of such class or description as may be specified therein.⁴

5. Licence for manufacture, sale, etc., of arms and ammunition. No person shall—

- (a) manufacture, sell, transfer, convert, repair, test or prove, or
- (b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof,

any firearm or any other arms of such class or description as may be prescribed or any ammunition, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

³ Extracts from Lok Sabha Debates at App. IV.

⁴ Power of the Central Government under sec. 4 have been delegated to State Governments.

Provided that a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession, such arms or ammunition; but the person who has sold or transferred any firearm or ammunition in respect of which a licence is required under section 3 or any arms in respect of which a licence is required under section 4, shall, immediately after the sale or transfer, inform in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station, of such sale or transfer and the name and address of the other person to whom the firearm, ammunition or other arms has or have been sold or transferred.

Commentary

1. Corresponds to s. 5 of the old Act.
2. Requirement of licence for repair, test, prove or transfer is an additional provision. This appears to have been made on the model of the arms laws of U.K. (U.K. Act, ss. 7, 24) and U.S.A. (Dt. Col., s. 10; F.F. Act, s. 4). Proof-testing of a manufactured weapon was formerly required under the rules.

3. In the original Bill, manufacture, etc. of 'any arms or ammunition' was required to be licensed. The Joint Committee^{4a} considered that such licences should be required only in respect of fire-arms or ammunition of every description, but as regards other arms, only such of them as may be specified⁵ in the rules should require to be licensed. It accordingly amended the provision. Another significant improvement made by the Joint Committee is the exclusion of such arms as do not require a licence under either of sections 3 or 4 from the obligation to inform the authorities concerned of their sale or transfer by their lawful owner.

Note: If an officer or soldier wishes to dispose of any arms or ammunition either by private sale or by public auction, he should ascertain

^{4a} See the Report of the Joint Committee on the Arms Bill.

⁵ See rule 19 of the Arms Rules, 1962.

that the would-be purchaser is a person entitled by law to possess the same and if such person's name does not appear in the official Army or Civil List he should apply to the Magistrate or Deputy Commissioner of the District or the Local Political Officer, as the case may be, for permission for the transaction to take place. (I.A.R. 12 of 3rd January 1910.) These orders were extended to Civil Officers by H. D. letters No. 902, dated the 20th February and 8315, dated the 13th December 1901.

CASE LAW

(On cases under the Act of 1878)

(1) The sale of arms, ammunition or military stores is prohibited except under a licence and in the manner and to the extent permitted thereby. The only exception allowed is the sale of arms or ammunition possessed by a person for his own private use, which is permitted subject to the observance of certain conditions. This exception would not cover the case of an agent to whom arms are made over for sale on commission. Sale by an agent in such circumstances would be illegal except under a licence.

Burma A.M.Ed. 1926, p. 138, para 19.

(2) The manufacturer of the dagger-shaped knives (known as clasp-knives) before the court intended to supply weapons to persons who wanted efficient stabbing instruments. They could not be likely to serve any domestic purpose and therefore fell within the definition of arms.

Ebrahim Dawoodji Babi Bawa

3 L.B.R.I.=11, Bur. L.R. 183.

(3) Manufacture of Kirpans—The exemption only applies to 'kirpans' actually in existence and possessed or carried by Sikhs and not to the manufacture of 'kirpans' by Sikhs. A Sikh is not prevented by any provision in the Arms Act from dealing with a kirpan which he possesses in any way he likes. A Sikh, however, is not exempted by the entry in Schedule II of the Arms Rules, 1951 from the operation of the prohibition as to manufacture contained in s. 5 of the Act of 1878.

3 Lah. 437=77 Ind. Cas. 230=25 Cr. L.J. 342=A.I.R. 1923 Lah. 267 (DB).

6. Licence for the shortening of guns or conversion of imitation fire-arms into fire-arms: No person shall shorten the barrel of a

firearm or convert an imitation firearm into a firearm unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—In this section, the expression "imitation fire-arm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

Commentary

1. New provision.

2. It is common knowledge that gangsters and dacoits generally use shortened guns in hold-up as such guns can be easily carried in a bag (more conveniently than full barrelled guns) and at the same time the discharge therefrom has a wider spread out. Shortening a gun is a crime in U.K. [U.K. Firearms Act, (s. 24)]; in U.S.A. also the offence of shortening guns has been considered as more serious than other offence of unlawful sale.

7. Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition. No person shall—

- (a) acquire, have in his possession or carry; or
- (b) manufacture, sell, transfer, convert, repair, test or prove; or
- (c) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof;

any prohibited arms or prohibited ammunition unless he has been specially authorized by the Central Government in this behalf.

Commentary

1. New provision.

2. As under the old Rules, no authority other than Central Government is permitted,⁸ under the current Rules, to issue

⁸ vide Item No. 1 of Schedule II to the Arms Rules, 1962.

licence for weapons of this category (viz. category I(a) of Schedule I appended to the Arms Rules, 1962). In U.K., possession of continuous fire fire-arms, and weapons discharging noxious liquids or gases is prohibited (U.K. Act, s. 32).

8. **Prohibition of sale or transfer of firearms not bearing identification marks:** (1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any fire-arm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon in a manner approved by the Central Government.

(3) Whenever any person has in his possession any fire-arm without such name, number or other identification mark or on which such name, number or other identification mark has been obliterated, removed, altered or forged, it shall be presumed unless the contrary is proved, that he has obliterated, removed, altered or forged that name, number or other identification mark :

Provided that in relation to a person who has in his possession at the commencement of this Act any fire-arm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this sub-section shall not take effect until after the expiration of one year from such commencement.

Commentary

1. New provision.

2. Similar provision is found in the arms laws of other modern countries, particularly U.S.A. [cf. U.S.A National Fire-arms Act (as amended to Sept. 1, 1952), s. 2725; Dt. Col. Act, s. 12 and F.F. Act, s. 2(i)]. The provision would go a long way in helping to identify weapons used in committing crimes and finally to trace their owner. Sub-section (3) is necessary for enforcing the section in the circumstances mentioned thereunder. The time-limit in the proviso was raised from six months, as in the original Bill, to one year by the Joint Committee.

9. **Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms**

etc.: (1) Notwithstanding anything in the foregoing provisions of this Act,—

(a) no person,—

(i) who has not completed the age of sixteen years, or

(ii) who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for a term of not less than six months, at any time during a period of five years after the expiration of the sentence, or

(iii) who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1898, (5 of 1898), a bond for keeping the peace or for good behaviour, at any time during the term of the bond, shall acquire, have in his possession or carry any fire-arm or ammunition;

(b) no person shall sell or transfer any fire-arm or ammunition to, or convert, repair, test or prove any fire-arm or ammunition for, any other person whom he knows, or has reason to believe—

(i) to be prohibited under clause (a) from acquiring, having in his possession or carrying any firearm or ammunition, or

(ii) to be of unsound mind at the time of such sale or transfer, or such conversion, repair, test or proof.

(2) Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such fire-arms as may be prescribed in the course of his training in the use of such firearms :

Provided that different age-limits may be prescribed in relation to different types of firearms.

Commentary

1. New provision.

2. The categories of persons mentioned in this section are generally irresponsible or such as are likely to take to crime easily. They have, therefore, been prohibited from possessing arms and heavier penalties have been imposed for contravention of this provision (three years' imprisonment or fine or both and one year's imprisonment or fine or both for contravention

of (i) sub-clauses (ii) and (iii) of sub-section (1) and (ii) sub-clause (i) of sub-section (1) respectively *vide* clause (g) of sub-section (1) and sub-section (2) of section 25).

3. Sub-section (2) enables boys of younger age to receive training in the use of certain fire-arms specially in schools and rifle training centres. While a certain age-limit has been prescribed⁷ for the purpose of using a fire-arm for the purposes of this sub-section, air-weapons required for the purposes of this sub-section have been totally exempted from the requirement⁸ of licence under s. 3 or age-limit under sub-clause (i) of clause (a) of sub-section (1). In the original Bill, the age-limit was laid down in the Bill itself but the Joint Committee amended the provision in its present form. It also reduced the upper age-limit of 18 years [in sub-section (1)(a)(i)] to 16 years as at present.

10. Licence for import and export of arms, etc.: (1) No person shall bring into, or take out of, India by sea, land or air any arms or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that—

(a) a person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession any arms or ammunition, may without a licence in this behalf bring into, or take out of, India such arms or ammunition in reasonable quantities for his own private use;

(b) a person being a bona fide tourist belonging to any such country as the Central Government may, by notification in the Official Gazette, specify, who is not prohibited by the laws of that country from having in his possession any arms or ammunition, may, without a licence under this section but in accordance with such conditions as may be pre-

⁷ *vide* rule 16 of the Arms Rules, 1962.

⁸ *vide* item 4 of Schedule II appended to MHA notn. No. 15/13/59(V)-PIV, dated 13-7-1962. (Copy at Sl. No. 5, Part IV, Ch. 9).

scribed, bring with him into India arms and ammunition in reasonable quantities for use by him for purposes only of sport and for no other purpose;

Explanation:—For purposes of clause (b) of this proviso, the word "tourist" means a person who not being a citizen of India visits India for a period not exceeding six months with no other object than recreation, sight-seeing, or participation in a representative capacity in meetings convened by the Central Government or in international conferences, associations or other bodies.

(2) Notwithstanding anything contained in the proviso to sub-section (1), where the collector of customs or any other officer empowered by the Central Government in this behalf has any doubt as to the applicability of clause (a) or clause (b) of that proviso to any person who claims that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be put by such person, may detain the arms or ammunition in the possession of such person until he receives the orders of the Central Government in relation thereto.

(3) Arms and ammunition taken from one part of India to another by sea or air or across any intervening territory not forming part of India, are taken out of, and brought into, India within the meaning of this section.

Commentary

1. Corresponds to s. 6 of the old Act.
2. Proviso (b) of sub-section (1) is a new provision and seeks to encourage tourist traffic in the country. In the original Bill, the proviso was drafted as follows:

"a person being a foreigner coming to India for a period not ordinarily exceeding three months who is not prohibited by the laws of his country from having in his possession any arms or ammunition, may without a licence under this section bring with him into India such arms or ammunition in reasonable quantities to be used by him for purposes of sport."

This was apparently not happily worded. The main defects were :

- (a) it discriminated the Indian citizens against foreigners;
- (b) it virtually allowed foreigners from all over the world, including countries which are hostile to us to import arms into this country; and
- (c) Government had no power to place any condition on such import if and when considered necessary.

The Joint Committee evidently took note of all these defects and removed them by amending the proviso in its present form.

3. Powers of the Central Government under sub-section (2) have been delegated to State Governments.

4. The conditions under proviso (b) of sub-section (1) are prescribed in rule 32 of the Arms Rules, 1962. The Central Government have also specified the countries* for the purposes of this proviso.

Notes : (1) Any person "lawfully entitled to possess arms" can import into British India or take out of the country with him or send out any arms or ammunition without any special licence, provided these are of reasonable quantity, are for his personal use and their possession is covered either by a licence or by exemption. The words "lawfully entitled to possess", apply to persons licensed according to law to possess arms, as well as to persons exempted from the operation of sections 13 and 14 of the Act. (H.D., letter No. 1862, dated the 14th Dec. 1880).

(2) When a person *employs the agency of a firm for the import or export* of arms or ammunition which he is entitled to possess, the transaction is within the exemption conferred by the second para. of section 6. (H.D. letter No. 21-LXX-VIII-30, dated the 6th February, 1931).

(3) All articles of the *foreign parcel mail* imported into India and declared or suspected to contain arms and ammunition are scrutinized by the Customs authorities. Such articles as are found to have been imported in contravention of the terms of notification No. 2112, dated the 2nd June 1924 are detained by the Customs authorities and dealt with in accordance with the provision of section 167(8) of the Sea Customs Act, 1878 (VIII of 1878), any arms that are confiscated under the section being disposed of in accordance with the rules in force for the disposal of confiscated weapons. Parcels which on scrutiny by the Customs authorities are passed by them are handed over to the post-office for delivery to the consignees. *Inward foreign articles* of the letter mail found to contain

* vide MHA notn. at Sl. No. 10, Part IV, Ch. 9.

arms and ammunition are forwarded by the post-office of delivery to the chief port of the Presidency or province nearest to that office to be there made over to the Customs authorities who then deal with them in the manner above prescribed for the treatment of parcels. The foregoing instructions do not restrict in any degree the discretionary powers exercised by the Customs authorities under the existing provisions of the law. (C. and I. Dept. No. 523-527-17, dated 24th January 1911).

(4) The transmission of arms and ammunition in *Foreign postal articles* forwarded by other postal administrations in open transit (a decovert), through the Indian Post Office, is prohibited. Articles of this class should be returned to the country of origin. Transit articles of the foreign mail, the contents of which although falling under the head of "arms and ammunition" as defined in the Indian Arms Act are in themselves quite harmless, may, however at the discretion of Postmaster-General be transmitted to their destination. (C. and I. Dept. No. 8072-8074-55, dated the 29th Sept. 1913).

(5) Under S. 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notn. of the Dept. of C. and I. No. 5377, dated the 26th July 1919, the Govt. of India has prohibited:—

- (1) the bringing by sea or by land into British India through the medium of the Post office of arms, ammunition or military stores as defined in the Indian Arms Act, 1878 (XI of 1878):

Provided that this prohibition shall not apply to the bringing of arms, ammunition or military stores into British India:

- (a) from Berar, or
- (b) by or on behalf of Government.

- (2) the bringing or taking by sea or land into or out of British India of arms, ammunition or military stores, as defined in the Indian Arms Act (XI of 1878) save in accordance with the provisions of that Act and of the rules and orders for the time being in force thereunder. (C. and I. Dept. No. 2112, dated 2nd June 1924.)

- (6) Licensing authorities should refuse permission to import—

- (1) *walking stick-guns*: Arms dealer possessing such stick-guns in stock may however sell them to persons who hold licence for them. (HD. letters No. F. 21-XXXIII-32, dated 15th August 1932 and No. F. 21-XXXIII-32, dated 20th Jan. 1933);
- (2) *pistols manufactured as a Stylograph pencil and its ammunition*: The pistol can be used for firing shot cartridge and can also take standard .320 revolver ball cartridge. The cart-

ridge supplied with pistols are loaded with 4.7 grains of smokeless powder and a glutinous bag containing a virulent liquid tear gas. (HD letter No. F. 21-XXI-31, dated 10-9-1931).

(7) The policy of the Government of India is opposed to the possession of walking stick guns by members of public and with this end in view the import of such guns was prohibited.

(8) *The automatic alarm pistols which are being advertised for sale as toys have been used by dacoits with success*: These pistols fire alarm corks which are explosives of the "fulminate" class, the importation of which is prohibited without a licence. The importation of these weapons is restricted as they are considered to be of such a construction or character as to render them capable of being used otherwise than as toys. (Bengal Local Rule 67 H.)

CASE LAW

(On cases under the Act of 1878)

A person lawfully entitled to possess arms and ammunition signing the prescribed certificate of purchase of the same in the name of another with an address not his own and thereby deceiving the gunsmith and the Government and defeating the object of the certificate, commits *forgery*; his act having been *done fraudulently if not dishonestly*.

Causley

43 Cal. 421.

11. Power to prohibit import or export of arms, etc.: The Central Government may, by notification in the Official Gazette, prohibit the bringing into, or the taking out of, India, arms or ammunition of such classes and descriptions as may be specified in the notification.

Commentary

1. New provision.

2. The control in this regard is necessary from security point of view. There is a similar provision under the Import Trade Control Order but that falls short of this requirement since the latter provision is only from the trade and foreign exchange point of view and does not cover security angle. Unlike the old Act, explicit powers have been conferred on the Central

Government to prohibit import of certain types of arms or ammunition. Import of weapons of certain specified bores (generally called 'prohibited bore weapons') and related ammunition was hitherto prohibited under the rules framed under the old Act (cf. rule 7 of the Indian Arms Rules, 1951) but no such total prohibition on import has been placed under the current rules. Though a licence (in Form I) for import of prohibited bore weapons and related ammunition [categories I(b) and I(c)] has been prescribed, however, in view of the present policy of the Government of India to curtail the number of such weapons in the hands of public, it can safely be presumed that such licences would be scarcely granted.

12. Power to restrict or prohibit transport of arms: (1) The Central Government may, by notification in the Official Gazette,—

(a) direct that no person shall transport over India or any part thereof arms or ammunition of such classes and descriptions as may be specified in the notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder; or

(b) prohibit such transport altogether.

(2) Arms or ammunition trans-shipped at a seaport or an airport in India are transported within the meaning of this section.

Commentary

1. Corresponds to s. 10 of the old Act.

2. No material change except omission of 'military stores'. (See also comments—para. 2(i)—under s. 2.)

Notes: (1) In order to avoid the possibility of transport licence being used more than once, the time for which such licences are valid should invariably be entered in the proper column of the licence. The time allowed, specially in the case of arms, ammunition or military stores licensed or transported through any part of British India to the frontier, should be carefully restricted to such period as may be considered reasonable. (H.D. No. 44-1737, dated 23-9-1819.)

(2) Altogether the word "transport" as used in the Indian Arms Act, would in a certain sense, include every movement from place to place, yet the Government of India consider that looking to the general objects

of the Act and the difficulties which might result from construing the words in its widest sense, it is reasonable to attach to it a more restricted meaning, which it would not perhaps be easy to define precisely, but which would certainly not include such movement as the removal of arms from a warehouse to a shop in the same town or the landing of arms imported. Under such restricted interpretation of the term no licence is required for the removal of ammunition from one magazine and warehouse to another in the same locality. (H.D. letter No. 88-2955, dated the 9th November 1888).

13. Grant of Licences: (1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.

(2) On receipt of an application, the licensing authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same.

(3) The licensing authority shall grant—

(a) a licence under section 3 where the licence is required—

(i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection:

Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection, or

(ii) in respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognized by the Central Government;

(b) a licence under section 3 in any other case or a licence under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

Commentary

1. New provision.

2. *Sub-sections (1) and (2)*: Though the old Act contained no such provisions, they were provided for in the rules framed thereunder. A uniform application form has, perhaps for the first time, been introduced in the Central Rules (*vide* Form 'A' appended to Sch. III read with rule 51 of the current rules).

3. *Sub-section (3)*: (i) This fulfils a persistent public demand (in as well as outside Parliament) that (a) licences for muzzle-loading guns and similar other weapons should be granted freely to agriculturists for protection of crops and cattle, and (b) licensing requirement in respect of weapons used in target practice should be liberalized¹⁰ or preferably done away with a view to encouraging rifle-training in the country and improving the markmanship of its citizens.

(ii) It may be noticed that the licensing authority has practically no discretion in refusing licence under clause (a). While the provision has obvious advantages and is a major step towards liberalising the licensing provisions, it is, nevertheless, susceptible of grave consequences as undesirable persons can easily seek arms under the cover of this clause and later on misuse them or pass them on to lawless persons. The only possible way out in such circumstances, perhaps, is to suspend or revoke the licence under s. 17 as soon as any of the weapons covered by it is found to be misused; but this remedy would not apply in cases of misuse of weapons which remain undetected.

(iii) The proviso, which is of a clarificatory nature, is an improvement made by the Joint Committee.

4. Powers of the Central Government under sub-section (3)(a)(ii) have been delegated to the State Governments.

¹⁰ For provisions in respect of air-weapons and other arms used in target practice, see —

(i) rule 15 read with item 6 of Sch. II of the current rules; and
(ii) item 6 of Sch. I and items 3 and 4 of Sch. II appended to MHA notn. No. 15/13/59(V)—P. IV, dated 13-7-1962 (copy at Sl. No. 5, Part IV, Ch. 9).

14. Refusal of licences. (1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant—

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

Commentary

1. New provision on the pattern of the laws prevalent in U.K. and U.S.A.

2. *Sub-section (1)(b)(i)*: This is necessary and, perhaps, falls short of practical requirements. In the recent past, the "unguided" discretion of the licensing authority has been challenged in the High Courts.

3. *Sub-section (2)*: The provision reflects the long-felt demand that possession of property should not be considered

as a qualification for the grant of licence. Though after Independence, instructions were issued to the effect that status of applicants for the grant of licences was not to be assessed on the strength of his finances, but these instructions were ignored more often than not and in many States the practice of determining the status of a person according to his financial resources was still in force. A perusal of the debates in Parliament on the Arms Bill shows that there was a great deal of concern over the continuance of this out-dated practice and some Members even went to the extent of suggesting that the word 'sufficient' should be deleted from the section so as to make it clear that 'property' is no more a consideration for the grant of licence. In defence, it was, however, explained that the said word was necessary in order to make it clear beyond doubt that while licences would not be refused merely on the ground that the applicant does not possess 'sufficient' property, they should not be granted to persons having no means of livelihood or to vagabonds.

4. *Sub-section (3)*: Corresponds to sub-rule (2) of rule 41-B of the old Rules. The provision to this effect was added¹¹ to the rules in 1956 following the ruling of some High Courts to the effect that reasons have to be furnished to the aggrieved party otherwise the provision for appeal would be illusory. (See also comments on s. 18.)

15. *Duration and renewal of licence.* (1) A licence under section 3 shall, unless revoked earlier continue in force for a period of three years from the date on which it is granted:

Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be

¹¹ By MHA, notn. No. 9/76/51-P. IV, dated 10-4-1956.

renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

Commentary

1. New provision.

2. Under the old Act (s. 17), the Central Government was empowered to fix the period for which the licence could continue in force. Under the old Rules, possession licences were normally granted for a period of one year resulting in avoidable inconvenience to the licence-holders as they had to get their licences renewed every year. It appears that the period had to be limited, as the old Act did not permit taking away the licence earlier even if found necessary, except under a conviction by court which was not always possible. In view of the specific provision now made in the Act (cf. s. 17) for revoking or suspending a licence in the event of licensee turning out to be unfit to be trusted with a weapon, there should be no objection now against issue of licences for longer periods and renewals thereof for equal periods. The provision is one of the many liberalizing features of the Act.

16. Fees, etc., for licence. The fees on payment of which, the conditions subject to which and the form in which a licence shall be granted or renewed shall be such as may be prescribed:

Provided that different fees, different conditions and different forms may be prescribed for different types of licences:

Provided further that a licence may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

Commentary

1. Corresponds to s. 17 (b) of the old Act.

2. Reference to the Act No. 31 of 1860 which was antiquated has been left out.

3. The two provisos are new provisions; while the first is merely formal and calls for no comments, the second is a significant one. The usefulness or otherwise of this provision however, depends on the manner in which the power conferred by

it is exercised by the authorities concerned. If used judiciously, the power would help the licensing authority in the efficient administration of the arms laws and maintenance of law and order which, evidently, is the intention behind the provision. On the other hand, any misuse of this power is bound to result in unnecessary harassment to law-abiding citizens.

17. Variation, suspension and revocation of licences. (1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the licence-holder by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking

a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) The authority to whom the licensing authority is subordinate may by order in writing suspend or revoke a licence on any ground on which it may be suspended or revoked by the licensing authority; and the foregoing provisions of this section shall, as far as may be, apply in relation to the suspension or revocation of a licence by such authority.

(7) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke the licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(8) An order of suspension or revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) The Central Government may, by order in the Official Gazette, suspend or revoke or direct any licensing authority to suspend or revoke all or any licences granted under this Act throughout India or any part thereof.

(10) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.

Commentary

1. Sub-section 3(b) and parts of sub-sections (5), (6), (7) and (9) correspond to s. 18 of the old Act; the word 'revocation' being used in place of the word 'cancellation'.

2. Provision relating to variation of conditions of licence is more or less on the pattern of U.K. Act. A new feature of this provision is that licensing authority has been permitted to suspend a licence for a specific period and not for an indefinite period as under the old Act; the period being determined on merits of each case.

3. Sub-section (3)(a) is also on the pattern of U.K. Act (s. 2). The necessity of the provision lies in the fact that sometimes, after a licence has been issued to a person, it is found that he is not really a desirable person or that he has since turned out to be so after the issue of the licence. In such cases it becomes necessary that he should not be trusted with arms. Till now, the licence could be suspended or cancelled only if there was danger to public peace or after conviction; otherwise the authorities had no alternative but to wait until the licence expires in the usual course. But the latter course was not safe always. As regards conviction, it might be expedient in some cases to cancel a licence rather than to prosecute and convict a licensee.

4. Sub-section (3)(c): In view of the safeguard, it should be possible for the authorities to issue licences quicker without elaborate enquiries as in the past.

5. Sub-section (3)(d) and (6) are new provisions.

Sub-section (5): Though the old Act (s. 18) required reasons to be recorded in writing, there was no provision for furnishing them to the licence-holder. In the face of adverse court rulings against absence of such a provision, Government later on provided for this in the rules. (See also comments on s. 14, para 4.)

Sub-sections 7 (proviso), (8) and (10) are formal improvements.

Powers of the Central Government under sub-section (9) have been delegated to the State Governments, subject to certain conditions.

Notes : (1) The power conferred by the concluding part¹² of section 18 of the Indian Arms Act, 1878, is not to be utilized for the cancellation of one specific licence for reasons irrelevant to the area in which that licence is held as that power is intended to be used for cancelling or suspending all or any licences in the event of the imposition of total or partial disarmament of a particular area. (HD. letter No. F.21/XLI/30—Police, dt. 11-7-1930.)

(2) It was not considered necessary to amend the Act providing for the cancellation of licences (in Forms III, IV and V of the Arms Rules, 1962) where there is reasonable cause to suspect that the licensee has committed a breach of the Games Act or Games Rules since in such cases

¹² Sub-section (9) of sec. 17 of the Arms Act, 1959. See also case Law No. 11 *infra*.

the licensee can always be refused renewal of his licence on the expiration thereof.

CASE LAW

(On cases under the Act of 1878)

(1) The right to possess a gun is a right to hold property within the meaning of article 19(1)(f) of the Constitution.

Narasimha Reddy v. District Magistrate,
Cuddapah.

AIR Mad. p. 476.

(2) Every decision of the executive generally is a decision of fact and in most cases affects the rights of someone or the other. Because an executive authority has to determine certain objective facts as preliminary step to the discharge of an executive function, it does not follow that it must determine those facts judicially. When the executive authority has to form an opinion about an objective matter as a preliminary step to the exercise of a certain power conferred on it, the determination of the objective fact and the exercise of the power based thereon are alike matters of an administrative character and are not amenable to the writ of certiorari.

Kania in the case of
Province of Bombay vs.
Khusaldas S. Advani.

A.I.R. 1950 SC 222

(3) It is well settled that where the test is subjective, the opinion of the authority is final and it is not open to a court to test the grounds on which the opinion is based.

Wanchoo C. J. in State of
Rajasthan vs. Madhoram

A.I.R. 1953 Rajasthan p. 149

(4) (a) Duty to record grounds and communicate them to licensee;

(b) Constitution of India, Arts. 226 and 19 — cancellation of gun licence — order interferes with fundamental right of a citizen to hold property, namely the gun. Hence cancellation is proper subject-matter of application under Art. 226.

A.I.R. 1957, Madras, 692 (V. 44 C. 219 Nov.).

(5) Grant of licence sanctioned and then revoked—Actual licence given afterwards—cancellation of validity.

A.I.R. 1958, Patna, 181 (V. 45 C. 67).

(6) Duty to give hearing to a person whose licence is cancelled—Principles of natural justice when should not be introduced. (Art. 226 of the Constitution).

A.I.R. 1954 Raj. 264 (V. 41, C. N. 81).

(7) "For reason to be recorded in writing" [Civil P.C., 1908, s. 9—Special Tribunal constituted under statute—Jurisdiction of court to interfere]—(Constitution of India, Art. 226—Certiorari—Proceedings to authorities exceeding jurisdiction).

A.I.R. 1954 Patna, 299 (Vol. 41, C. N. 102).

(8) Cancellation of licence—No reason given—Order is without jurisdiction. (Constitution of India, Art. 226).

A.I.R. 1954 Pepsu 150 (Vol. 41, C. N. 57).

(9) Essential requirement of an order under s. 18—Reasons for cancelling licence—Right of licence-holder to know.

A.I.R. 1954 Cal. 157 (Vol. 41, C. N. 58).

(10) Granting authority giving reasons for refusing licence—whether High Court can examine reasons (Constitution of India, Art. 226)—sufficiency of reasons for refusal.

A.I.R. 1958 Cal. 420 (Vol. 45, C. 103).

(11) The words "throughout India or any part thereof" (used in sub-section 9 of the Arms Act, 1959) also show that the power is conferred in respect of all or some classes of licences in the whole or a part of the country. Reference to territory would not be apposite in case cancellation of individual licences was contemplated and the power extended to such cancellation. High Courts have held that this relates to cases not covered by

clauses (a) and (b) of s. 18 of the 1878 Act (sub-sections 4, 6, 7 of s. 17 of the new Act). It was further held that the provision is intended for disarming all licences or a section of licensees in the entire country or any part thereof. The object is to safeguard public tranquility and security. The provision is not aimed at individual licensees who can be dealt with separately (under sub-sections 4, 6, 7 of the new Act).

(High Court, Patna judgment in Misc. Judicial case 756 of 1958).

(12) Where after the cancellation of current licence for fire-arms, the licensee, without availing of the remedy of appeal, applied for the renewal of licence, and on rejection of the renewal again without preferring an appeal filed a writ petition with the result that there was delay of about 13 months: Held that the principles that High Courts may take action under Art. 226 of the Constitution inspite of the delay, where a fundamental right has been shockingly violated, or the authority concerned has been acting altogether without basic jurisdiction, were not applicable and the delay was itself sufficient to justify the rejection of the petition.

Ahmadnoor Roshan v. State of
M. P. and others.

A.I.R. 1962, Madh. Pra. 133, V. 49,
C. 44.

(13) An order cancelling or refusing to renew a licence for fire-arms is an administrative one, and as such cannot be assailed in a petition under Art. 226 of the Constitution on the ground that the licensee had not been heard by the licensing authority.

A.I.R. 1960 Madh. Pra. 157 applied.

18. Appeals. (1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority or the authority to whom the licensing authority is subordinate, suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by, or under the direction of, the Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908 (9 of 1908), with respect to the computation of periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

Commentary

New provision.

The old Act did not provide for this but provision to this effect existed in the rules framed thereunder (rule 41-A of the Indian Arms Rules, 1951). This was added¹³ to the rules only in 1953 apparently in view of adverse comments of law courts upon the conferment of arbitrary discretion on the licensing authorities in regard to grant or renewal of licences.

According to a High Court ruling, the discretion of the licens-

¹³ By MHA. notn. No. 9/15/52-P(1), dated 3-10-1953.

ing authority (under rule 41 of the old Rules) had to be exercised in a judicial manner¹⁴ and it was accordingly essential that the reasons for refusal should be recorded; in a second case, it was ruled that the reasons for refusal must also be communicated to the applicant as without such communication the aggrieved party cannot really exercise his right of appeal fully and the right of appeal would become illusory. In a third case, it was ruled that the reasons for cancellation/suspension of licence must be communicated to the licensee to enable him to exercise his right of appeal properly. Rule 41-B of the old Rules which was subsequently added¹⁵ thereto in 1956 was obviously made in compliance with these rulings.

The period within which an appeal may be submitted under sub-section (1), the procedure to be followed by the appellate authority under sub-section (5) and the fee on a petition for such appeal under sub-section (4) are prescribed in rules 55, 56 and 59 respectively.

CASE LAW

"Person aggrieved"—It seems that these words will not give a prosecutor a right of appeal against the dismissal of a summons by a court of summary jurisdiction. A person is not "aggrieved" by a decision that another has not committed a criminal offence.¹⁶

R. V. Middlesex Justices (1881), 45 J.P. 420; R. V. London Justices (1890), 25 Q.B.D. 357; 55 J.P. 56; R. V. Wright (1907), 72 J.P. 23; 6 L.G.R. 89.

CHAPTER IV

Power and Procedure.

19. Power to demand production of licence, etc. (1) Any police

¹⁴ Parliament rejected a proposal providing for hearing of appeals under the Arms Act by judicial authority and not by executive authority (*cide* Lok Sabha debates, dated 17-11-1959, Vol. XXXV, Nos. 1-10).

¹⁵ By MHA. notn. No. 9/76/51-P. IV., dated 10-4-1956.

¹⁶ Jennings' Law of Food and Drugs (second edition), Notes below s. 118, p. 278.

officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.

(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may require him to give his name and address and if such officer considers it necessary, seize from that person the arms or ammunition which he is carrying.

(3) If that person refuses to give his name and address or if the officer concerned suspect that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant.

Commentary

1. New provision on the pattern of U.K. Act (s. 6).

2. The provision is undoubtedly an improvement upon the second half of s. 13 of the old Act which empowered disarming straightaway of any person going armed without a licence or in contravention of its provisions. With this improvement in the legal provision, it is expected that the likelihood of unnecessary inconvenience and harassment to the law-abiding citizens which was inherent in the old enactment would be avoided to a great extent.

3. Sub-section (2) as it stood in the original Bill, was drafted differently. It was amended suitably by the Joint Committee to make it clear that while the officer concerned may require the person concerned to give his name and address in the circumstances explained, he shall not seize the arms or ammunition involved at the same time as a **matter of routine** but do so only when he considers it necessary.

Powers of the Central Government under sub-section (1) have been delegated¹⁷ to the State Governments.

26. **Arrest of persons conveying arms, etc., under suspicious circumstances.** Where any person is found carrying or convey-

¹⁷ *vide* MHA notns. at SI. Nos. 7 and 8, Part IV, Ch. 9.

ing any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, may arrest him without warrant and seize from him such arms or ammunition.

Commentary

1. Corresponds to s. 12 of the old Act.

2. A liberalizing feature of this provision is that it restricts the power of arrest to certain specified persons or officers. Under the old Act, this power was conferred on "any person" and was very wide. A possible argument may be advanced that giving the power of apprehension to police officer was enough and other persons or authorities should not have been included. But having regard to the huge extent of the country and relatively smaller number of police stations and the prime need of quick action to stop any mischief or escape of the person concerned, the need for conferring the power on a little wider class of persons cannot be denied.

21. Deposit of arms, etc., on possession ceasing to be lawful.

(1) Any person having in his possession any arms or ammunition the possession whereof has, in consequence of the expiration of the duration of a licence or of the suspension or revocation of a licence or by the issue of a notification under section 4 or by any reason whatever, ceased to be lawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or subject to such conditions as may be prescribed, with a licensed dealer or where such person is a member of the armed forces of the Union, in a unit armoury.

Explanation.—In this sub-section "unit armoury" includes an armoury in a ship or establishment of the Indian Navy.

(2) Where arms or ammunition have or has been deposited under sub-section (1), the depositor or in the case of his death,

his legal representative, shall, at any time before the expiry of such period as may be prescribed, be entitled—

(a) to receive back anything so deposited on his becoming entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, or

(b) to dispose, or authorise the disposal, of anything so deposited by sale or otherwise to any person entitled by virtue of this Act or any other law for the time being in force to have, or not prohibited by this Act or such other law from having, the same in his possession and to receive the proceeds of any such disposal :

Provided that nothing in his sub-section shall be deemed to authorise the return or disposal of anything of which confiscation has been directed under section 32.

(3) All things deposited and not received back or disposed of under sub-section (2) within the period therein referred to shall be forfeited to Government by order of the district magistrate:

Provided that in the case of suspension of a licence no such forfeiture shall be ordered in respect of a thing covered by the licence during the period of suspension.

(4) Before making an order under sub-section (3) the district magistrate shall, by notice in writing to be served upon the depositor or in the case of his death, upon his legal representative, in the prescribed manner, require him to show cause within thirty days from the service of the notice why the things specified in the notice should not be forfeited.

(5) After considering the cause, if any, shown by the depositor or, as the case may be, his legal representative, the district magistrate shall pass such order as he thinks fit.

(6) The Government may at any time return to the depositor or his legal representative things forfeited to it or the proceeds of disposal thereof wholly or in part.

Commentary

(i) Sub-section (1) — corresponds to sub-section (1) of s. 16 of the old Act except the additional provision for deposit of

arms in unit armouries by army personnel. Until now, army personnel were allowed to deposit their privately owned arms in their respective unit armouries.

(ii) Sub-section (2): A close study of the provision would show that as compared to the provision in the old Act (sub-section (2) of s. 16) there is a significant improvement in it in as much as besides 'depositor', his 'legal representative' has also been made entitled to receive back, etc. the deposited articles or the proceeds or disposal of such articles. There was apparently a lacuna in this respect in the old Act which has now been removed.

(iii) Sub-section (3): This provision is also an obvious improvement on the old Act (sub-section (3) of s. 16) as forfeiture for the duration of suspension is not desirable since orders of suspension are generally *ad interim* pending revocation, cancellation or restoration, as the case may be, of the licence.

(iv) Sub-section (4)—seeks to meet the long-felt need of safeguarding the legitimate interest of the licensee. The time-limit within which a depositor, etc. may give his explanation was originally fixed at fourteen days. The Joint Committee considered this limit to be insufficient and accordingly raised it to thirty days.

(v) Sub-section (6)—is a new and a welcome provision indeed. There had been hard and at times uncalled for cases of forfeiture and the law did not allow any remedy by way of return of the confiscated articles or their value in case they had been sold.

2. The conditions subject to which arms or ammunition may be deposited under sub-section (1) and the period on the expiry of which the articles so deposited may be forfeited under sub-section (3) have been prescribed in rule 46.

Notes: The first paragraph of sec. 16 of the Indian Arms Act, 1878, as it was originally enacted, stood as follows:—

"Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a licence or by the issue of a notification under sec. 15, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station."

The words "by him" used in the above paragraph are significant. In 1919, section 16 was amended omitting these words. This amendment

shows that the case of the heir of a deceased licensee was intended to be covered by the new section 16(1) of the said Act. Actually as a matter of construction, the structure of the sentence is such that these words do not connote that the possession of arms by any particular person which was at one time lawful has later on become unlawful. It speaks of "possession" in the abstract and not in relation to any particular person. The desired result is brought about by the omission of the words "by him".

22. Search and seizure by magistrate. (1) Whenever any magistrate has reason to believe:—

(a) that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose, or

(b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety,

the magistrate may, after having recorded the reasons for his belief, cause a search to be made of the house or premises occupied by such person or in which the magistrate has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in force to have the same in his possession.

(2) Every search under this section shall be conducted by or in the presence of a magistrate or by or in the presence of some officer specially empowered in this behalf by the Central Government.

Commentary

1. Corresponds to s. 25 of the old Act.

2. The only material improvement being that the operation of the section has been extended so as to cover all arms or ammunition lawfully possessed (which include those possessed by exemptees) instead of only those covered by a licence as in the old Act. (cf. U.K. Act, s. 26).

3. Powers of the Central Government under sub-section (2) have been delegated¹⁸ to State Governments.

CASE LAW

(On cases under the Act of 1878)

(1) Where the accused were convicted of offences under ss. 225-302, 224-353, I.P.C. and it was urged on their behalf on revision that a search under the Arms Act which give rise to the alleged obstruction and use for criminal force on their part, was illegal inasmuch as it was made at night, and was not restricted to the procedure laid down in S. 25 of Arms Act; held, maintaining the convictions that a search by night is not illegal, and, in cases under the Arms Act, is not restricted to the procedure laid down in S. 25 of the Act, which section of the Arms Act does not override S. 165 of the Cr. P.C.

Sharaf Khan

144 F.L.R. 193.

(2) The defendant, who did not, before causing the search of the plaintiff's house to be made, first record the grounds of his belief, could not justify the search under the provisions of the said Act. As there was no proceeding pending before him, the defendant was not a 'court' within the meaning of S. 94, Cr. P.C. and, therefore, the defendant could not direct a search to be made in his presence under the provisions of S. 165 of the Code. The search having been for the purpose of discovering arms generally, S. 165 of the Code did not apply. Conducting a search for arms is not an act done in the discharge of a judicial duty. Even where a defendants' bona fide in conducting a search, is established, it does not release him from the obligation the law casts upon him, as being in supreme control of the search party, of seeing that the search was conducted in a proper and reasonable manner. In such a case, the damages should be substantial, and not merely normal. When a statute creates a special right, but certain formalities have to be complied with, antecedent to the exercise of that right, strict observance of the formalities is essential to the acquisition of that right. In a general search of arms under s. 25, the Magistrate

¹⁸ vide MHA notes, at Sl. Nos. 7 and 8, Part IV, Ch. 9.

holding such search must first record the grounds of his belief as directed therein, in order to avail himself of the protection of that section from the consequences of his action. A Magistrate can only conduct a search under s. 165, Cr. P.C. when he is competent to issue a search warrant under s. 96 of that Code which applies to the issue of a search warrant by the Court.

Brojendra Kishore Rai Chowdhuri

36 Cal. 433=13 C.W.N.456.

(3) A Magistrate directing the issue of a warrant to search premises on information received that the owner or occupant thereof is in possession of firearms without a licence, acts as a Court and not merely as a public servant, whether he purports to act under the Cr. P.C. or under s. 25 of the Arms Act.

Guddam Panchalu

35 M.L.J. 686=20 Cr. L.J. 90=42 MAD. 46.

(4) Where the police officer made a search under s. 165, Cr. P.C. and a stolen gun and cartridges were found; held, that the accused could be convicted under s. 20 and that the want of compliance with the provisions of s. 25 will not render conviction under ss. 19 and 20 illegal.

Shiam Lal

A.I.R. 1927, ALL. 516.

(5) The words "having first recorded the ground of his belief" in section 25 of the Indian Arms Act prescribe a preliminary condition and a magistrate has no power to make a search under that section without having complied with that preliminary condition.

Clarke v. Brojendra Kishore

14 L.R. 717 (P.C.).

(6) A Magistrate directing the issue of a warrant to search premises on information received that the owner or occupant thereof is in possession of fire-arms without a licence acts as a court and not merely as a public servant—whether he purports to act under the Cr. P.C. or under s. 25 of the Arms Act, 1878.

35 M.L.J. 686=20 Cr. L.J. 90=(1918) M.W.N. 908=9 L.W. 237=
48 Ind. Ind. Cas. 890. 42 Mad. 96=A.I.R. 1919 Mad. 620 (DB).

(7) Although the search is illegal, a person can be convicted where the evidence against him is conclusive. The ordinary meaning of "in the course of any proceedings instituted" in s. 30 (1878 Act) is "in the course of any legal proceedings which have already begun". *Obiter*: The words "in the presence of some officer specially appointed" mean that there must be at least two persons, namely, the person making the search, and the officer especially appointed within the meaning of the said s. 30 who is present at the search.

47 All. 575—23 A.L.J. 364=88 Ind. Cas. 280=6 L.R.A. Cr. 124=28 Cr. L.J. 1112=A.I.R. 1925 All. 434 (DB).

(8) The power of search in respect of an offence must be exercised in the presence of some officer specially appointed by name or in virtue of his office by the local Government in this behalf. A search conducted by a police officer in charge of a reporting station, specially as above, without obtaining a warrant from a Magistrate is not illegal.

16 A.L.J. 721=47 Ind. Cas. 801=19 Cr. L.J. 949=A.I.R. 1918 Bom. 113.

23. Search of vessels, vehicles for arms, etc.—Any magistrate, any police officer or any other officer specially empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made thereunder is being or is likely to be committed, stop and search any vessel, vehicle or other means of conveyance and seize any arms or ammunition that may be found therein along with such vessel, vehicle or other means of conveyance.

Commentary

1. Corresponds to s. 11 of the old Act.
2. The main improvements being that (i) the power to establish searching stations has been taken away, (ii) scope of search has been limited only to such articles as are 'means of conveyance' and (iii) new power for 'seizure' has been added. The phrase "in respect of which he has reason to believe that a

contravention of the Act or the rules made thereunder is being or is likely to be committed" is significant and appears to have been borrowed from the U.K. Act (s. 18). There was separate provision in the old Act (s. 12) for seizure of such articles but that was limited to such articles as were carried under 'suspicious circumstances'.

3. Powers of the Central Government under this section have been delegated¹⁹ to the State Governments.

24. **Seizure and detention under orders of the Central Government.**—The Central Government may at any time order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, and may detain the same for such period as it thinks necessary for the public peace and safety.

Commentary

1. Corresponds to s. 26 of the old Act.

2. This is a reserve power obviously intended to be used only under exceptional circumstances when it is necessary to do so in order to preserve public peace and safety. The only noticeable improvement appears to be that the operation of the section has been extended so as to cover all arms or ammunition lawfully possessed (which include those possessed by exemptees) and not only those covered by a licence as in the old Act.

3. Powers of the Central Government under this section have been delegated²⁰ to the State Governments.

CHAPTER V

(Offences and Penalties)

25. **Punishment for certain offences.**—(1) Whoever—

(a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

(b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such

¹⁹ vide MHA notns. at Sl. Nos. 7 and 8, Part IV, Ch. 9.

²⁰ vide MHA notns. at Sl. Nos. 7 and 8, Part IV, Ch. 9.

class or description as has been specified in that notification, in contravention of that section; or

(c) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(d) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

(e) acquires, has in his possession or carries, or manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7; or

(f) sells or transfers any fire-arms which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of sub-section (1) of that section; or

(g) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or

(h) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or

(i) brings into, or takes out of, India, any arms or ammunition in contravention of section 10; or

(j) brings into, or takes out of, India, arms or ammunition of any class or description in contravention of section 11; or

(k) transports any arms or ammunition in contravention of section 12; or

(l) fails to deposit arms or ammunition as required by sub-section (1) of section 21; or

(m) being a manufacturer of, or dealer in, arms or ammunition, fails, on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of

entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured.

Commentary

1. Corresponds to s. 19 of the old Act.
2. Possession, etc., of arms or ammunition by young persons (i.e. those below the age of 16 years) is to be lightly punished now as compared to other persons [Sub-section (2)]. Penalty for failure to inform district magistrate of sale or transfer has been reduced considerably (viz. from 3 years' imprisonment as in the old Act to 6 months imprisonment).
3. Sub-section (4) and (5) are additional provisions relating to two other comparatively minor offences.
4. ²¹ A proposal made in Parliament during the course of debates on the Arms Bill, sought to prescribe a very high punishment (up to 14 years' imprisonment) for contravention of s. 7 involving prohibited arms and prohibited ammunition. The proposal was, however, rejected.

CASE LAW

(On cases under the Act of 1878.)

(1) Where the weapon is made over merely for the purpose of negotiating a sale, such possession is not unlawful inasmuch as it is not possession of the weapon with the intention of using it as a weapon. Such temporary possession is not possession as contemplated by the Arms Act. Negotiations for sale where no delivery takes place is no offence. The possession of arms for which the licence has not been renewed is also punishable under section 19(f) of the Act read with sec. 14 thereof. The word "extent" in sec. 14 is not limited in its meaning to territorial extent.

Malcolm and Anr.

44 Cr. L.J. 363=A.I.R. 1933 Cal. 218=
37 C.W.N. 93=34 Cr. L.J. 363=1933 Cr.
Cas. 299=60 Cal. 445=142 Ind. Cas. 522(2).

²¹ *vide* Lok Sabha Debates, dated 17-11-1959, Vol. XXXV, Nos. 1-10.

(2) Though an unlicensed pistol was found in a shop, the master being absent, the servant in possession of the pistol alone could be convicted for the offence. The master's conviction could not be upheld.

Chhote

A.I.R. 1923, All. 33.

(3) Where a person is found carrying arms apparently in contravention of the provisions of the Arms Act, it must be presumed in the absence of proof to the contrary, that he is carrying such arms with the intention of using them should an opportunity of using them arise and does not include taking arms for repairs. Unless he is licensed to carry the weapon and is not exceeding the terms of his licence he may be properly convicted under Sec. 19(c).

Williams Bhure

All. W.N. 1891, 208 15 All. 27.

(4) Where a person is accused of having more cartridges in his possession than is covered by his licence, it is for the prosecution to prove definitely that the number of cartridges in his actual possession on any particular date exceeded the number covered by his licence. The Court cannot be called upon to draw an inference that he had in fact a larger number of cartridges in his possession on the conjectural ground that he could not have used those that he transported on the previous occasion in the meantime. An order for this inquiry cannot be made against a person who has been discharged unless the order is perverse.

Daulat Ram

A.I.R. 1933 Lah. 166=33 Cr. L.J. 190.

(5) Where a person orders a gun from a dealer in Bombay ostensibly for an intending purchaser but in fact upon his own account, the act does not amount to offence of transporting without licence under s. 19(d). Under rule 24 of the Arms Rules it is for the consignor and not for consignee to apply for and obtain licence, and when the transporting is done by dealer in Bombay, it is fully covered by the licence. Conviction under s. 19(d) cannot in such a case be sustained. It is sufficient that the person ordering the gun should under rule 22 hold a licence

to possess the gun and if he is found without one he is liable to prosecution on receipt of the weapon for possessing it without licence.

Viraswami Naidu

A.I.R. 1920 Mad. 864

(6) Where the accused is tried for two distinct offences, one under s. 19(d) of the Arms Act and the other in respect of being in possession of stolen property knowing or having reason to believe it to be stolen property, held that the accused was entitled to a separate trial in respect of each offence charged against him and that the provisions of sections 234-236 and 239, Cr. P.C., could not be made applicable to the case.

Onkar Singh

34 Cr. L.J. 1417=A.I.R. 1934 Oudh 457.

(7) The offence of failing to deposit arms is not triable by a Magistrate of the second class under s. 8 of the Cr. P.C., 1872. A Magistrate of the second class has no power to try an offence punishable under s. 19(e) and a conviction by him for such an offence is illegal.

Shaikh Mowla Sahib

1 Weir. 660.

(8) Where the weapon, which was found to fit a dang the appellant was carrying, was originally concealed but the appellant voluntarily took it from its place of concealment in order to threaten a railway servant who caught him for travelling without a ticket, held, that it indicates an indifference as to whether the weapon was seen or not. The intention requisite for an offence under s. 20 was not established and conviction must be altered to s. 19.

Surjan Singh

A.I.R. 1923, Lah. 10.

(9) The offence under s. 19(e) is distinct from offence under s. 324, I.P.C., and therefore a trial for an offence, under s. 324, I.P.C., would not be a bar to the proceedings under s. 19(e) of the Act.

Manjubhai Gordhan Das

53 Bom. 602=A.I.R. 1929, Bom. 283.

(10) The fact that an accused was prosecuted under s. 19(e), for the possession of an unlicensed dagger is a lambardar of 30 years of age, is no reason for showing leniency by not sentencing him but only taking security under s. 562, Cr. P.C. His age should carry no weight. At that age a man has arrived at a time of life when he is fully responsible for his actions and capable of realizing their nature to the full. If the fact that it is his first offence by itself be sufficient reason for waiving the punishment, it should be applied in all cases under s. 19(e), in which there are no aggravating circumstances. But it is impossible to consider that such a course should be adopted universally. The law should be allowed to take its own course, and if it is not allowed to do so, the result would be that an exception is made in favour of an offender merely because he is a man of above the average position, which itself would amount to a gross failure of justice. S. 562, Cr. P. C. should only be applied in special cases and for special reasons. (Bhagat Singh, 34 C.L. J. 779, dissented).

Akbar Munir

38 Cr. L.J. 610=A.I.R. 1937 Pesh. 51.

(11) A collection of firearms, consisting of four small cannons, four pistols and thirty-one muskets, had been kept as objects of worship in a Sikh Temple in Patna for upwards of two centuries. The Mahant of the temple neglected to take out a licence in respect of these arms. A police inspector, who was appointed to see that the provisions of the Arms Act were obeyed, searched the temple on information received and, having found the arms, prosecuted the person who had charge of the temple. The latter was convicted by the Deputy Magistrate of Patna under s. 19(f) and sentenced to pay a fine of Rs. 50 or to be rigorously imprisoned for two months. The Deputy Magistrate also ordered the arms to be confiscated, and directed that their value and the fine should be divided between the informer, and the police inspector. Held, with reference to Act X of 1872, s. 579, and the heading to Schedule IV of the same Act, and to s. 19(f) of Act XI of 1878, that the proceedings of the police inspector and the conviction of the accused were not illegal. There is nothing in the Arms Act to exempt the custodians of a temple from

complying with the requirements of the Arms Act either by taking out a licence or obtaining exemption under s. 27.

Tegha Singh.

8 Cal. 473.

(12) Each case of concealment of arms must be decided on its own facts, i.e. whether it falls under section 19 or section 20 of the Arms Act, and the circumstances connected with the present case showed that the concealment was made as that the possession of the weapon should not be known to the police and the offence therefore fell under section 20.

Khem Singh

8 P.R. 1915 Cr.

(13) A person carrying a revolver in his pocket without a licence is guilty under s. 19(f) and not under s. 20. When a revolver was found in the possession of one of the two men sitting together and it was proved that at one time the revolver was possessed by one of the other of the two, both are guilty of possessing arms without a licence.

Udham Singh

27 P.W.R. 1912=Cr. L.J. 637.

(14) A discovery of arms is on the information supplied by the accused that he had buried a revolver in his field, fulfils the requirements of sections 19(f) and 20.

Ishar Singh

72 P.L.R. 1916.

(15) Where a head constable made a false report that a dacoity had been committed and that he had arrested some dacoits and after a delay of three days, as he said recovered the arms from the petitioner not in the presence of witnesses, who signed the list but who distinctly recorded that the arms, were produced before them by the constable. Held that the petitioner was not guilty.

Alif Din

A.I.R. 1922 Lah. 420.

(16) Each case of concealment of arms must be decided on its own facts as to whether it falls under s. 19 or s. 20 of the

Arms Act. For a conviction to fall under s. 20 there must be some special indication of intention that the possession of the arms was being concealed from a public servant or from a railway official.

Chet Singh

A.I.R. 1926 Lah. 262.

(17) Proceedings are "instituted" against the person in respect of an offence under s. 19(f) of the Arms Act only when he is placed before the Court. The fact that the sanction of the Commissioner of Police for a prosecution under s. 19(f) was not obtained before entering the case in the case book and making out a charge but only before placing the accused before the Court does not, therefore, vitiate a trial.

Ismail Khan

AIR. 1927 Cal. 721.

(18) If a person carries on his person a small weapon such as a pistol, a dagger, or a blade of a chhavi, he naturally puts it in his pocket or dab, and if with that weapon in his pocket or dab, he is in his house or in his village or in a bazar or in a court compound, it cannot be inferred that he was so carrying the weapon with the intention specified in section 20.

Ghulam Mohammad

A.I.R. 1927 Lah. 561.

(19) Where an article, the possession of which is forbidden by the Arms Act, has been discovered by reason of information given by an accused person, his conviction based upon that evidence is valid.

Naurang Singh

A.I.R. 1927, Lah. 900.

(20) Where the form of licence contained a description of a gun as a full barrelled gun, it cannot be held as a licence to hold a half barrelled gun.

Murl Singh

A.I.R. 1928, Lah. 759.

(21) As in the case of a suit, a proceeding is instituted when for the first time the adjudication of a Court of competent juris-

diction is sought. Therefore the expression "proceedings" in s. 29 mean legal proceedings in Court and not searches or arrests or investigations made by the police in exercise of the powers conferred upon them by the Cr. P.C. or any other law.

Ghulam Nabi And Others

A.I.R. 1928, Pat. 146.

(22) A person licensed to possess gun cannot authorize the possession of that gun by his servant for an unlawful purpose. Therefore, a servant who is in possession of that gun for an unlawful purpose can be properly convicted under s. 19(f) of the Arms Act.

Nanku

59 I.C. 183=A.I.R. 1935, All. 916.

(23) Under s. 19 a Magistrate having found the accused guilty, was bound to pass some sentence though it was open to him to pass a nominal sentence. S. 24 shows that the order of confiscation is an addition to the sentence that may be passed.

Gangamma

1 Weir 664.

(24) In a case of technical offence, a nominal sentence is always quite sufficient to meet the ends of justice.

Sant Singh
Ebrahim Alibhoy

16 P.R. 1910 CR=22 P.W.R. 1910 Cr.
7 B.L.R. 474.

A penal enactment like the Arms Act must be construed in favour of the individual person where any doubt exists.

Seth Balkishan

A.I.R. 1928, Nag. 219.

(25) Where the evidence does not exclude a reasonable possibility of a pistol having been placed there by some other of the persons who frequented the rooms, or even by the person in whose possession it was at the time of the arrest. Held, that it cannot be said that it has been proved beyond reasonable doubt that the pistol was in the possession of the accused.

Krishna Gopal

92 I.C. 589=27 Cr. L.J. 301.

(26) Where in a search of two persons revolver cartridges are found in the person of one of them but nothing incriminating is found in the other, Section 34, I.P.C. does not apply and the conviction of the latter under s. 19(f), Arms Act, is not proper, nor can he be convicted for abetment in as much as conviction for abetment will be justifiable only if the accused had an opportunity to meet a case based on s. 28 of the Arms Act and the Court was satisfied with the proof of the elements of that offence.

Manmatha Nath Biswas

A.I.R. 1933, Cal. 132=34
Cr. L.J. 299.

(27) Where a person is charged under Sec. 19(f) of the Arms Act, pleaded guilty and finding that the possession of arms with him was connected with his political views, he was awarded the maximum sentence under the section: held that it was very necessary that the powers of the Court should be employed in putting down these very dangerous crimes of possession and concealment of arms, and that there was nothing calling for interference of the High Court.

Nil Ratan Ganguly

60 Cal. 471=A.I.R. 1933,
Cal. 124=34 Cr. L.J. 633.

(28) Possession of those parts of a revolver which have not so changed their original character as to have ceased to be parts of a fire-arm, and with nothing to suggest that they could not be assembled together either with or without other parts in such a way as to be capable of being used as a fire-arm, is an offence under s. 19(f), Arms Act. In such cases the question is not so much whether the particular weapon is serviceable as a fire-arm but whether it has lost its specific character and has so ceased to be a fire-arm.

A Santa Singh Panjabi

A.I.R. 1933 Cal. 495=37 C.W.N.
234=34 Cr. L.J. 916.

(29) All licence-holders should be meticulous in taking all precautions for the safe custody of weapons for which they hold a licence and for preventing the borrowing of those weapons

by other persons. Absence of such precautions constitutes a danger to the public, and hence under s. 24 Indian Arms Act, they are liable to be confiscated to Government.

Sarfaraz Khan Shah Bagkan

36 Cr. L.J. 1204=A.I.R.
1935 Pesh. 103.

(30) "Armed" includes carrying an arm not capable of immediate use—A person who carried about a gun without any ammunition can be said to go "armed".

18 S.L.R. 272=77 Ind. Cas. 736=25
Cr. L.J. 448=A.F.R. 1926 Sind 117 (DB.).

(31) Going armed means carrying weapon intending to use it if necessary—Going need not be habitual—s. 19(e) does not include the word "habitually" and the words "goes armed" connote carrying a weapon with the intention of using it when the necessity arises. Even an isolated act of carrying a weapon in contravention of the licence would amount to an offence.

53 Bom. 804=31 Bom. L.R. 536=119 Ind.
Cas. 641=1929 Cr. C. 38=30 Cr. L.J.
1059=A.I.R. 1929 Bom. 283 (DB.).

(32) Sikh found in possession of 'kirpans' of the length varying from nine to ten inches is not guilty of the offence under s. 19(a) and (d) as such kirpans are not swords.

32 B.L.R. 106=A.I.R. 1930 Bom. 153.

(33) The word "arms" as defined in s. 4 of Arms Act, 1878, includes part of arms. It would, therefore, include a gun minus a percussion cap, and a person carrying that gun would be going armed with arms and the person carrying such a gun without a licence would be guilty under s. 19(e).

A.I.R. (Vol. 24) 1937 Nag. 213 (214)=38 Cr.
L.J. 639=L.L.R. (1937) Nag. 448=168 Ind. Cas. 783.

(34) Carrying gun for depositing in Police—Mere custody does not amount to possession so as to come within the opera-

tion of s. 19(f). Hence where the son carries his father's gun, not for any use, but for the purpose of depositing it in the Police Station in obedience to the terms of s. 16, the temporary possession of the accused is not possession within the meaning of ss. 14, 19(f).

A.I.R. 1955 Nuc. (Andhra) 5514 (V. 42).

(35) Possession of unserviceable arms—Prosecution not proving that little repairs would make it serviceable—Accused should be acquitted—Prosecution must prove that it has not lost its specific character of fire-arm.

A.I.R. 1955 All. 700 (V. 42 C. 210 Dec.).

(36) Where the accused, the servant of a licence-holder was in possession of his master's gun on behalf of master who was away and who had left the place where the accused was guarding the master's money for a short time only, it was held that the accused was not liable to be convicted.

A.I.R. (Vol. 20) 1933 Pat. 600=14 Plt. 653=(1933)
Cr. Cas. 1368=35 Cr. L.J. 127=146 Ind. Cas. 498(1).

(37) Possession and control—Meaning of—s. 19(f)—The words "possession and control" mean something more than mere constructive or legal possession and control. They mean conscious possession and actual control. As under this section, the mere possession of incriminating articles constitutes a serious criminal offence there must be *mens rea* or guilty knowledge before a person can be convicted of such possession.

I.L.R. (1949) Nag. 519=A.I.R. 1949 Nag. 289=50
Cr. L.J. 838=1949 N.L.J. 195.

(38) The sentence of one year's rigorous imprisonment under s. 19(f) for the offence of being in possession of unlicensed revolver is not appropriate. If it had been the case of some other unlicensed weapon having been found in the possession of an accused person, a sentence of one year's rigorous imprisonment might well be considered to be adequate. The case of pistol or

revolver stands on a somewhat different footing. It is a dangerous weapon and can easily change hands without detection. The chances of a weapon falling into the hands of dangerous persons are not very remote. (Sentence enhanced to two years' rigorous imprisonment.)

Bishwanath

38 Cr. L.J. 137=A.I.R. 1936 All. 850.

(39) A man who possesses an arm for which he holds an expired licence does not do so "under that licence and in the manner and to the extent permitted thereby". Consequently he commits an offence under s. 19(f) and is not punishable under Section 23.

Zainul Abidin

34 Cr. L.J. 496=A.I.R. 1937 Pesh. 30.

(40) Possession of firearms in furtherance of terrorist movements is not in itself an offence under the Arms Act. For a conviction for an offence under s. 19(a) of the Indian Arms Act, 1878, as amended by Bengal Act XXI of 1932, it is incumbent on the prosecution to prove that the fire-arms were possessed in contravention of the Arms Act. In other words, the prosecution must lead some evidence which would justify an inference that the possession was against the provisions of the Act, i.e. without licence or some legal authority.

Mere proof that the accused are members of an organization the object of which is to commit terrorist crimes or offences is not sufficient; because it would not follow therefrom, in the absence of other evidence, that the accused are also parties to a criminal conspiracy for the specific and definite purpose of possessing firearms in contravention of the Arms Act.

Binal Krishna Biswas

62 Cal. 819=39 C.W.N. 761.

(41) Accused was prosecuted by the police for going armed with a revolver. The Magistrate doubted whether a person could be said to go armed with an unloaded revolver wrapped up in a cloth. He therefore charged the accused in the alternative with going armed under clause (e) of s. 19 of the Arms Act of 1878 or, with possessing the revolver, under clause (f)

of s. 19 of the said Act. After framing of the charge the Magistrate submitted the record to the district Magistrate owing to an objection being taken, for his previous sanction under s. 29. At the time when he took the evidence for the prosecution no sanction was required, because proceedings in respect of an offence in respect of clause (f) had not then been instituted, and under s. 256, Cr. P.C., the accused had the right to recall all the witnesses for the prosecution after the charge was framed. He was, therefore, in no way prejudiced by the Magistrate's procedure. The Magistrate, therefore, had jurisdiction notwithstanding the word 'previous' in s. 29, because in the circumstances set forth, the proceedings in respect of the offence under clause (f) cannot be said to have been instituted when the magistrate received the police report. Considering the term of the district magistrate's order, it was held that the proceedings in respect of the offence under clause (f) were instituted again after the sanction was received and the absence of a charge framed after sanction, in that case, is cured by s. 535, Cr. P.C.

Kaka

4 L.B.R. 247=8 Cr. L.J. 65

(42) If the servant carries the gun for the purpose of the Master or in the presence of his master, that may not be an offence under the Act: but to get further will be going against the terms of the Act. Where the master was misled by the District Magistrate into thinking that he was entitled to allow his gun to be used by his servant and he and his servant honestly believed that they were doing nothing wrong in allowing the servant to take the gun and to use it for the purpose of shooting game in the forest, held, that the order of the confiscation of the gun was wrong though the servant might be rightly convicted of an offence under s. 19(e) of the Arms Act, 1878.

Vairavan Sarvai

A.I.R. 1924, Mad. 668=Mad. 438.

(43) The trial of an offender under s. 19(f) of the Act of 1878 without the district magistrate's sanction under s. 29 of the Act is not merely an error of procedure but is a defect which bars the jurisdiction of the Court. Where the offence has been committed by the accused, who was in possession of arms, the fact that legal procedure (s. 25) was not followed in making the

search would not, by itself, be sufficient ground to acquit the accused.

Pa Twe Wa

U.B.R. 1882—1996, Vol. 1, 2.

(44) For the purpose of supporting a conviction under ss. 19(f) and 20 of the Act of 1878, the articles discovered must be clearly proved to have been in the possession of the accused. Admission made to police are generally inadmissible as evidence under s. 25 of the Evidence Act.

Nga Tha Ku

10 Bur. L.T. 121.

(45) Where an unlicensed gun is found in a house where the members of a joint Hindu family live, a presumption is raised against all the adult male members that it was in their possession and control and they might one and all be tried on the charge.

Sikhdar

33 Cr. L.J. 719.

(46) When a person who apparently had a licence to go armed had come to a village wherein his cousin's servant was to shoot, feeling thirsty, went to get a drink, leaving the gun with the servant, held, that such a temporary custody of the gun by the servant did not amount to "possession" or "control" contemplated by s. 19(f) of the 1878 Act.

Khudda Gond

4 N.L.R. 140 Cr.

26. Secret contraventions. Whoever—

(a) does any act in contravention of any of the provisions of sections 3, 4, 5, 6, 7, 10, 11 or 12 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance; or

(b) on any search being made under section 22 conceals or attempts to conceal any arms or ammunition;
shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Commentary

1. Corresponds to s. 20 of the old Act.
2. No material change except substitution of certain expressions (e.g. 'public carrier') to clarify the intention.
3. It may be argued that in view of the provisions of section 25, the additional provision made here is superfluous and unnecessary. But it may be noticed that the offenders covered by this section are criminals to be taken serious note of as distinguished from other offenders covered by s. 25; offenders of the former category naturally deserve to be punished more severely than those of the later category. Another possible argument that may be advanced against this provision is that it might give rise to injustice and avoidable hardship as, for instance, carrying a revolver in one's attache-case for security reasons might be interpreted as amounting to concealment attracting the provision of this section. But the fact that the operation of the section is limited to the cases of **deliberate attempts** of keeping offences away from the notice of the authorities would meet this objection. In U.K. and U.S.A. also,²² severe penalties have been provided for in respect of these type of offences.

CASE LAW

(On cases under the Act of 1878)

(1) Proceedings may be instituted against any person under s. 20 for the secret possession of arms in contravention of the provisions of s. 14 or s. 15 without previous sanction under s. 29. If however in such a case the Magistrate finds that the intention to conceal the possession is not made out, he should discharge the accused under s. 20. Proceedings under s. 19(f) may then be instituted if and, when the necessary sanction thereto is given, under s. 29. The absence of sanction is a defect which cannot be cured by s. 537, Cr. P.C.

Naga Po Chin

8 L.B.R. 452=9 Burr. L.T. 287.

(2) Petitioner was alleged to have given information which led to the discovery of a rifle. One of the prosecution witnesses

²² See extracts of laws at App. XII, Part V, Ch. 10.

deposed that the petitioner said where the rifle had been buried, the other deposed that he said "I buried it". Held, in the absence of any other evidence of possession by the petitioner it cannot be presumed that because he knew where the rifle was he had concealed it himself.

Khuda Baksh

A.I.R. 1923 Lah. 238.

(3) The only additional element necessary to constitute an offence under s. 20 is that the possession should be in such a manner as to indicate an intention that such act may not be known to any public servant.

Harsha Nath Chatterji

42 Cal. 1153=19 C.W.N. 706.

(4) Each case of concealment of arms must be decided on its own facts and it must be shown that the concealment was made so that the possession might not be known to the police.

Sher Ali

A.I.R. 1923, Lah. 79=52 P.R. 1905 Cr.

Chet Singh

A.I.R. 1926 Lah. 262.

Karim Baksh

A.I.R. 1928 Lah. 193.

Sabjatulla Shah

A.I.R. 1931 Sind 9.

(5) The fact that the accused secreted the spear-head next to his skin does not indicate any intention that the possession by the accused of the spear-head might not be known to any public servant. The fact that the accused ran away when challenged by the constable indicates an intention of the character mentioned in s. 20. But where the accused had a companion who also ran away but upon whose person nothing incriminating could be found, as no such intention can be credited to be companion on the ground he also ran away, it cannot be attributed to the accused as well.

Harnam Singh

31 Cr. L.J. 79=120 I.C. 273=A.I.R. 1929,
Lah. 576.

(6) Each case has to be decided on its own merits to see whether the intention indicated in s. 20 is to be found in each particular case. Where the taikhana (store-room) in which

the arms and ammunition were found was no more than a store-house for safe custody of goods and therefore a place where arms and ammunition would naturally be kept and where there was no attempt to conceal the taikhana itself, it having an obvious door which would not escape the notice of the person making the search, it was held that it could not be said that the accused possessed the fire-arms in such a manner as to indicate an intention that his possession should not be known to public servants and that he could not be convicted of an offence under s. 20, though clearly he was guilty of an offence under s. 19(f). If an accused person is convicted of an offence punishable under s. 20, by the trying Magistrate there is nothing to prevent the appellate Court from altering the conviction to one under s. 19(f). Where sanction to prosecute is given under s. 29 of the Arms Act for unlawful possession and concealment of arms and ammunition and for an offence under s. 20 read with s. 19(f) it was held that as no sanction was required by s. 29 for an offence under s. 20, the sanction should be treated as one given for an offence under s. 19(f) and then conviction under s. 19(f) is not illegal. Where the offence reported to the Magistrate under s. 157, C.P.C., was an offence under s. 20 of the Arms Act, and the proceedings prior to the application for sanction to prosecute under s. 19(f), were proceedings under s. 20, for which no sanction is necessary under s. 29, the objection that the prosecution was bad for failure to obtain the previous sanction of the district magistrate for an offence under s. 19(f) could not be sustained.

Pir Sabjatullah Shah

A.I.R. 1931, Sind 9.

(7) Accused who was charged under s. 120 B., I.P.C., read with s. 19 and 20 of the Arms Act, for having joined in a conspiracy with others to possess arms in contravention of the Arms Act, was absconding and when arrested he was found in possession of arms: held, that separate proceedings can be taken for the possession of arms on the second occasion, that the two cases are wholly independent and that the evidence or the conviction in one cannot be considered in the others.

Sukhdev Raj

A.I.R. 1933, Lah. 231=34 Cr. L.J. 637.

(8) The first part of s. 20 of the Arms Act, is not inapplicable to cases where arms are found on a search being made under s. 25 of the Act. The two parts of s. 20 are quite independent of one another. In view of the severe restrictions imposed by the authorities on the possession of revolvers, there is, in the nature of things a strong presumption that a person in unlicensed possession of such a weapon thereof, has procured it for unlawful purposes, and has a fixed intention that his possession thereof shall not become known to these public servants, namely, the police, whose duty it is to enforce the provision of the Arms Act. The intention referred to in the first part of s. 20 is only one of the factors that would have to be taken into consideration in deciding what sentence would be appropriate in any particular case, and it does not follow that a person who has been convicted under the first part of s. 20 will necessarily receive a heavier sentence than would have been inflicted on him under s. 19(f) of the Act. The presumption referred to above is one which could very easily be rebutted in the case of persons whose only fault has been carelessness, thoughtlessness or ignorance of the law and who has not been inspired by any deliberate intention of keeping the fact of their being in possession of an unlicensed revolver from the knowledge of the authorities. Mere possession of an unlicensed weapon is ordinarily punishable under s. 19(f), but, if the circumstances are such as to indicate an intention that the possession may not be known to the police, the offence is punishable under s. 20. Whether the intention referred to above exists or not is a pure question of facts, and this question must therefore, be determined in each particular case with reference to the fact proved in that case.

Jogendra Mohan Guha

60 Cal. 545=A.I.R. 1933 Cal. 516=
34 Cr. L.J. 879.

27. **Punishment for possessing arms, etc., with intent to use them for unlawful purpose.** Whoever has in his possession any arms or ammunition with intent to use the same for any unlawful purpose or to enable any other person to use the same for any unlawful purpose shall, whether such unlawful purpose has been carried into effect or not, be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Commentary

New provision on the pattern of U.K. Act (ss. 22 and 23), (cf. also s. 25 of the old Act and s. 4 of the Explosive Substances Act, 1908).

2. The U.K. law prescribes a maximum penalty of 14 years for such offences. In the Explosives Act (s. 4) the penalty was transportation for a term up to 20 years or imprisonment up to 7 years or fine or both. The offence (as also the one under the next sec.) has been treated as of the same degree of gravity as secret contraventions as equal penalties have been prescribed for them.

28. Punishment for use and possession of firearms or imitation firearms in certain cases. Whoever makes or attempts to make any use whatsoever of a firearm or an imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Explanation.—In this section the expression “imitation firearm” has the same meaning as in section 6.

Commentary

1. New provision on the pattern of U.K. Act [s. 23(1)].
2. See also comments on ss. 26 and 27.

29. Punishment for knowingly purchasing arms, etc., from unlicensed person or for delivering arms, etc., to person not entitled to possess the same. Whoever—

(a) purchases any firearms or any other arms of such class or description as may be prescribed or any ammunition from any other person knowing that such other person is not licensed or authorised under section 5; or

(b) delivers any arms or ammunition into the possession of another person without previously ascertaining that such other person is entitled by virtue of this Act or any other law for the time being in force to have, and is not prohibited by this Act or such other law from having, in his possession the same; shall be punishable with imprisonment for a term which may

extend to six months, or with fine or an amount which may extend to five hundred rupees, or with both.

Commentary

1. Corresponds to s. 22 of the old Act.

2. No material change.

Note: Dealers in arms will be responsible if they merely rely on such inquiries to satisfy themselves of the legal authority of any intending purchasers. They are similarly not properly discharging their obligation if they send by post arms to any person who professes himself entitled to possess them. They must make due inquiries in all cases of sales, and must in all cases where they have not already sufficient proof that the purchaser is legally entitled to purchase, obtain sufficient proof by further inquiry. (H.D. No. 2964, dated 11-8-1909.)

CASE LAW

(On cases under the Act of 1878.)

(1) A and his servant N while out on a shooting excursion, came across a deer recently killed by a tiger. A fixed his rifle over the killed deer so as to form a trap for the tiger and went home leaving the trap in charge of N. A was charged under section 22 of the Arms Act, with having delivered the rifle into the possession of an unauthorised person. Held, that the delivery into possession contemplated by section 22 of Arms Act, is such delivery as to give the person into whose possession the arms is delivered control over the arm and authority to use it as an arm and that therefore A cannot be convicted for an offence under section 22.

Adams

5 L.B.R. 83.

(2) The manager of a licensed vendor of arms, ammunition and military stores sold certain military stores without previously ascertaining whether the buyer was legally authorized to possess the same. Held, that the licensee was liable to punishment under this section, though the goods were not sold with his knowledge and consent. The principle "whatever a servant does in the course of his employment with which he is entrusted

and as part of it, is his master's act" is applicable to the present case.

Tyab Ali.

24 Bom. 423.

(3) From s. 22 of the Act it is clear that the transfer of possession contemplated is something more than the entrusting of an arm to a servant. Moreover, in ss. 14 and 19, the Act deals with possession and control as distinct matters. A servant using a gun belonging to his master would no doubt have the weapon under his control, so long as the use continued, but the weapon would remain in the master's possession. Throughout the Arms Act the word "possession" must be taken to mean something different from mere 'control'.

Mukunda

4 N.L.R. 78.

30. **Punishment for contravention of licence or rule.** Whoever contravenes any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Commentary

1. Corresponds to ss. 21 and 23 of the old Act.
2. The offences, until now treated differently (for the purposes of penalty), have now been considered as involving the same degree of gravity as equal penalties have been laid down for them. This, incidentally, involves the following departures from the earlier requirements:—

- (i) The term of imprisonment for violation of the conditions of a licence has been reduced from 6 months, as in the old Act, to 3 months; and
- (ii) the penalty for breach of rule has been increased from one month or with fine upto Rs. 200/- or both, as in the old Act, to three months or fine upto Rs. 500/- or both.

CASE LAW

(On cases under the Act of 1878).

(1) Under Sch. II, Cr. P.C., 1898, offences under this section and under sections 22 or 23 are bailable and triable by any Magistrate.

The accused, who was a cousin of the licensee, borrowed the gun and carried it in a marriage procession where he fired some shots and wounded some people accidentally. The licensee was forbidden under the terms of his licence from taking the gun to a public assemblage. Held, that the accused was guilty of an offence under s. 19. Where a marriage procession emerges from private premises and goes down the public street, then it is open to the public to join the procession, becomes a public assemblage.

Kalyan Chand Gopal Chand A.I.R. 1923, Bom. 35=24 Bom. L.R. 487.

31. **Punishment for subsequent offences.** Whoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

Commentary

1. New provision.

2. The necessity of the provision is obvious. Similar enhanced penalties have been provided for in some other laws²³ also.

32. **Power to confiscate.** (1) When any person is convicted under this Act of any offence committed by him in respect of any arms or ammunition, it shall be in the discretion of the convicting court further to direct that the whole or any portion of such arms or ammunition, and any vessel, vehicle or other means of conveyance and any receptacle or thing containing, or used to conceal, the arms or ammunition shall be confiscated:

Provided that if the conviction is set aside on appeal or otherwise, the order of confiscation shall become void.

(2) An order of confiscation may also be made by the appellate court or by the High Court when exercising its powers of revision.

²³ e.g. see (i) Indian law—suppression of Immoral Traffic Act, 1956, ss. 3, 5, 6, etc.; (ii) Foreign—U.S.A.—The District of Columbia Act.

Commentary

1. Corresponds to s. 24 of the old Act.

2. A noticeable improvement made is that, apart from the arms or ammunition seized, order of confiscation is now applicable only to vehicles and other articles actually involved in the offence (i.e. those used to contain or conceal or convey the arms or ammunition) and not to "other contents" of the vehicle, etc., as provided for in the old Act.

3. The new provisions in the proviso to sub-section (1) and sub-section (2) though of minor character, are nevertheless significant from the point of view of legal expediency. (cf. also U.K. Act,²⁴ ss. 25 and 26).

CASE LAW

(On cases under the Act of 1878)

(1) **Licence-holders to take precaution for safe custody of weapons:** All licence-holders should be meticulous in taking all precautions for the safe custody of weapons for which they hold a licence and for preventing the borrowing of those weapons by other persons. Absence of such precautions constitute danger to the public. In such cases under s. 24, they will be confiscated to the Government.

A.I.R. (Vol. 22) 1935 Pesh. 103 (104)=1935
Cr. Cas. 855=36 Cr. L.J. 1204=57 Ind.
Cas. 411.

(2) For delay in getting a licence renewed a Magistrate imposed a fine and ordered confiscation of the gun. Held, the fine was a sufficient punishment and set aside the order of confiscation and directed the retention of the gun at the Police station till the production of a licence entitling the holder to possess the gun.

Kottuwa Rowther

15 Cr. L.J. 21.

33. **Offences by companies.** (1) Whenever an offence under this Act has been committed by a company, every person who

²⁴ Extracts at App. XI, Part V, Ch. X.

at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Commentary

1. New provision.
2. The provision follows the scheme employed in other enactments passed by Parliament since 1951 in respect of such offences.

CHAPTER VI

Miscellaneous

34. Sanction of Central Government for warehousing of arms.— Notwithstanding anything contained in the Sea Customs Act, 1878, no arms or ammunition shall be deposited in any warehouse licensed under section 16 of that Act without the sanction of the Central Government.

Commentary

1. A verbatim reproduction of s. 7 of the old Act.

2. Powers of the Central Government under this section have been* delegated to State Governments subject to the condition that sanction is to be accorded in consultation with the local Customs authorities.

35. Criminal responsibility of persons in occupation of premises in certain cases.—Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is reason to believe that he was aware of the existence of the arms or ammunition in the premises, vehicle or other place shall, unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone.

Commentary

1. New provision.

2. The main intention behind the provision seems to safeguard against undue advantage being taken by persons in joint occupation of premises, etc., of the fact that it is virtually impossible under the circumstances to prove that any of them is in exclusive possession of, or exclusively responsible for the transaction in, arms or ammunition found in such premises. The joint responsibility now imposed would help investigating officers to come to conclusion as to the person responsible for an offence committed in a house jointly occupied. The words "in respect of whom . . . other place" and "vehicle" are additions made by the Joint Committee in order to make it clear that—

- (i) the onus of proof laid on persons in joint occupation or joint control of premises should be restricted so that only such person or persons in respect of whom there is reason to believe that they were aware of the existence of the articles in the premises, etc., should be held liable unless contrary is proved; and

* vide MHA. notn. at SL Nos. 7 and 8, Part IV, Ch. 9.

- (ii) besides premises, etc., the provision should also apply to arms or ammunition found in vehicles.

Explanatory Note: Until now, it was difficult to bring home the charge against an accused when he occupies the house jointly with others, as according to court rulings the particular person's knowledge and actual possession of arms, etc. are to be proved. There had been different²³ rulings by different courts on this point. In one case it was held that when several people occupy a house, it should be presumed that the head of the family is in possession or control of everything in the house including unlicensed arms or ammunition; it being of course open to him to rebut that presumption by any evidence which he can advance. In another case it was held that where the portion of a house in which an article is found is not in the exclusive possession of any one member of the joint family, but is used by or accessible to all the members of the family, it cannot be presumed that the article is in the possession or control of any person other than the house-master or the head of the family; but it is open to the prosecution to prove that the possession was with some other member of the family and that member would then be liable.

The present provision would require the police to make out a *prima facie* case that one or more persons know of the existence of the arms or ammunition in the premises and unless they satisfactorily prove to the contrary, it would be presumed that they are guilty of the offence and proceeded against. The provision however, appears to constitute a *via media* between two conflicting interests, viz. safeguarding against (a) an innocent person being harassed and (b) a guilty person escaping because of a loophole in the law. Incidentally, the provision in s. 39 whereby a district magistrate is required to examine every case of offence under s. 3 before sanctioning prosecution would provide a further safeguard in respect of the former interest.

CASE LAW

(On cases under the Act of 1878.)

- (1) Where incriminating articles are recovered from a place in the occupation or possession of more persons than one and it is not possible to fix the liability on any particular individual, a Court is not bound to hold that the said articles were in possession or under the control of the head of the family.

²³ 21 C.W.N. 839; 15 All. 129; 33 Cr. L.J. 719; 52 P.R. 1905 G, 15 Pat. 696—A.I.R. 1936 Pat. 512—38 Cr. L.J. 100; 38 Cr. L.J. 838—A.I.R. 1937 Pesh. 73. 92 Ind. Cas. 589—Cr. L.J. 301 (All).

Where the evidence does not point to the possession or control of any particular member of the household, the head of the family cannot be convicted. He is in much the same position as other members of the family.

A.I.R. (Vol. 31) 1944 Lah. 339 (334, 345) = (1945)
Lah. 137 = 215 Ind. Cas. 161 (FB).

(2) A stengun was recovered from a place to which both accused had access — Circumstances such that they could have known where it was and could have resorted to it without let or hindrance—case made out against both.

A.I.R. 1955 Assam. 123 (Vol. 42 C.N. 28).

(3) Unlicensed arms were found at a place belonging to a joint Hindu family but not in use or occupation of a particular individual—possession must be deemed to be with the manager and not with other members of the family.

A.I.R. (Vol. 33) 1946 All. 4(6, 7) = 1945 C.W.N.
(H.C.) 328 = 1945 A.L.J. 528 = 222 Ind. Cas.
393 = 47 Cr. L.J. 437 = 1945 All. W.R. (H.C.) 275.

36. Information to be given regarding certain offences.—

(1) Every person aware of the commission of any offence under this Act shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information of the same to the officer in charge of the nearest police station or the magistrate having jurisdiction.

(2) Every person employed or working upon any railway, aircraft, vessel, vehicle or other means of conveyance shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information to the officer in charge of the nearest police station regarding any box, package or bale in transit which he may have reason to suspect contains arms or ammunition in respect of which an offence under this Act has been or is being committed.

Commentary

1. A verbatim reproduction of s. 28 of the old Act except the following two minor improvements:

- (a) The information under sub-section (1) is now to be given to the officer in charge of the nearest police station instead of the nearest police officer, and
- (b) the expression 'public carrier' occurring in the old Act has been replaced by the expression 'aircraft, vessel, vehicle or other means of conveyance'.

2. The principle behind the provision can be compared well with the fundamentals underlying sections 44 and 45 of the Cr. P.C.

37. Arrest and searches.—Save as otherwise provided in this Act,—

(a) all arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating respectively to arrest and searches made under that Code;

(b) any person arrested and any arms or ammunition seized under this Act by a person not being a magistrate or a police officer shall be delivered without delay to the officer in charge of the nearest police station and that officer shall—

(i) either release that person on his executing a bond with or without sureties to appear before a magistrate and keep the things seized in his custody till the appearance of that person before the magistrate, or

(ii) should that person fail to execute the bond and to furnish, if so required, sufficient sureties, produce that person and those things without delay before the magistrate.

Commentary

1. Corresponds to s. 12 (second half) of the old Act.

2. The procedure relating to arrests and searches laid down in the old Act was very narrow and to some extent not in keeping with our Constitutional requirements. The present provision represents an earnest attempt to bring this procedure into conformity with the normal law so as to avoid unnecessary in-

convenience and possible harassment to the person arrested at the hands of the person arresting him (cf. s. 20) and to safeguard his legitimate right under the Constitution.

38. **Offences to be cognizable.**—Every offence under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1898. (5 of 1898).

Commentary

1. A new enabling provision.

2. According to a suggestion²⁶ made in the Parliament, the offences should, besides being cognizable, also be made bailable. The suggestion was, however, not accepted as it was felt that it should be according to the usual provision in the Cr. P.C.

39. **Previous sanction of the district magistrate necessary in certain cases.**—No prosecution shall be instituted against any person in respect of any offence under section 3 without the previous sanction of the district magistrate.

Commentary

1. Corresponds to s. 29 of the old Act.

2. The provision seeks to prevent any hasty institution of proceedings and consequent undue harassment of the citizens particularly in the case of carrying of arms which may not really involve any violation of the Act or may involve some trivial offence of a mere technical nature which may not be serious enough to be pursued, with due regard to the spirit and purpose of the Act and Rules.

3. The provision in the old Act relating to exclusion of certain areas from the need for obtaining prior sanction of the district magistrate has been dropped; in the recent past, some courts had held it to be out of date, discriminatory and in violation of the Constitution.

CASE LAW

(On cases under the Act of 1878.)

(1) In the United Provinces, an officer in charge of a police

²⁶ vide Lok Sabha Debates, dated 17-11-1959, Vol. XXXV, Nos. 1-10.

station is empowered to conduct a search. An officer who takes action under a particular section must be deemed to have full powers until the contrary is proved. Whether the search was legal or illegal, arms have been found in the possession of the accused, no question of the legality of the search or otherwise can be raised by him.

Kutroo
Abdul Ghafur

A.I.R. 1925 All. 434.
A.I.R. 1929 All. 68.

(2) Ss. 19 and 20 (Arms Act, 1878) are so interwoven that it is difficult to see how an offence can be committed under the first paragraph of s. 20 unless an offence under one of the enumerated sub-sections in s. 19 has also been committed; therefore, before prosecuting a person under s. 20 of the Act, previous sanction should be obtained.

Amed Hossein

27 C. 692=4 C.W.N. 750

(3) Like sanction consent must be given after considering the facts of the particular offence. Held that general consent to all prosecutions for offences (as under s. 7 of the Explosives Substances Act) which are approved of by the Governor is null and void.

All. H.C. in Criminal Revision No. 1410 of 1958.

(4) "Proceedings" (s. 29 of Arms Act, 1878) must mean judicial proceedings. The word means legal proceedings in court and not searches or arrests or investigations by the police under Cr. P.C. or other law. Proceedings for bail may in a sense be judicial proceedings when a magistrate applies his mind to the question whether bail should be granted. But that would be a separate judicial proceeding quite apart from the actual prosecution for an offence under the Arms Act; hence the mere consideration of the question of bail in initial stage when the accused is sent up in custody cannot amount to the initiation or institution of proceedings in the sense of a court prosecution for the offence in respect of which the sanction is required.

A.I.R. 1950 Pat. 243=51 Cr. L.J. 977 (DB).

(5) Effect of want of sanction—Form of sanction—scope and object of s. 29 (Arms Act, 1878).

A.I.R. 1954 Pepsu 132 (Vol. 41), C.N. 54.

40. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Commentary

1. Corresponds to s. 33 of the old Act.

2. The earlier provision seems to have been modified so as to conform with similar provision in other laws. An innocent reading of this provision may give an impression that it is excessive; but it cannot be denied that protection of this kind is essential for certain public servants (e.g. police officers, etc.), who have to face hazards during the course of discharge of their duties under the Act.

41. Power to exempt.—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons, or exclude any description of arms or ammunition, or withdraw any part of India, from the operation of all or any of the provisions of this Act; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons or the description of arms and ammunition or the part of India to the operation of such provisions.

Commentary

1. Corresponds to s. 27 of the old Act.

2. Empowering Government to impose conditions while granting exemption is an improvement upon the provision in the old Act. For details, see Explanatory Note below:

Explanatory Note: (1) During the course of debates on the Arms Bill in Parliament, a section of the opinion expressed itself against retention of the power of exemption by Government on the ground that the power conflicts with the letter and spirit of the Constitution which prohibits any discrimination between the citizens of India, and that no class of persons should be treated preferentially. In support of the provision, it was explained that the power was necessary because certain persons, classes of persons or arms or ammunition occasionally require to be exempted in public interest, e.g. (a) rulers of the former Indian States and members of their families because of Treaty obligations, (2) personnel of the armed forces of the Union, police officers, etc., in order to help them to keep up their shooting practice, (3) diplomatic personnel and certain high foreign dignitaries, because of diplomatic courtesy or on reciprocal basis, (4) certain types of arms or ammunition licensing requirements in respect of which can be dispensed with subject to certain conditions. In reply to another suggestion for inclusion of all the necessary exemptions in the Act itself, it was explained that it would not be a practical proposition as the exemptions require frequent changes or other action from time to time and it would be most inconvenient to amend the Act so frequently.

(2) (i) The term "exemption" in its strict sense applies only to persons, classes of persons or areas or arms or ammunition which may be specifically exempted by the Central Government from the operation of any of the provisions of the Act by notification in the official Gazette. The persons or the arms or ammunition in respect of which such exemptions have been granted for the present are mentioned in Schedules I and II appended to the Government of India in the Ministry of Home Affairs notification²⁷ No 15/13/59(V)-P-IV, dated 18th July 1962.

(ii) Besides those expressly exempted as aforesaid, there are certain other persons or classes of persons whose position is more or less analogous to that of exemptees. These are :

- (a) public servants acquiring, possessing or carrying arms as part of their prescribed official equipment or in the course of their duty as public servants are saved from the operation of the provisions of the Act in respect of such arms (s. 45);
- (b) persons — mostly public servants — who are not required to pay fees for licences in Form III granted in respect of specified arms (rule 57 read with MHA. notn.^{27a} No. 15/13/59-(VI)-PIV, dated 18-7-1962);

²⁷ Copy at Sl. No. 5, Part IV, Ch. 9.

^{27a} Copy at Sl. No. 6, Part IV, Ch. 9.

(iii) Some new features of exemptions under this section are:

Schedule I [referred to in sub-para (i)].

- (a) The exemptions do not now form part and parcel of the rules as heretofore but are notified separately under s. 41;
- (b) the expression "public interest" has been introduced in the notification keeping in view the language of s. 41 of the Act (contrast s. 27 of the old Act);
- (c) statistical and other information previously required from the exemptees by executive orders are now required by the terms of exemption notification; and
- (d) the exemption granted to Coorgis under the old rules was dropped in the new rules as they were issued originally, but it was subsequently restored²⁸ for a specified period only.

Schedule II [referred to in sub-para (i)].

- (e) A revised test for selecting the air-weapons not requiring licence has been prescribed;
- (f) a new provision has been added supplementing the provision for age-limits in rule 16 with a view to facilitating training of youngsters in the handling of fire-arms, particularly in schools. The conditions attached to this exemption would safeguard against any misuse of this facility;
- (g) petty repairers of arms have been enabled to carry on their work without the necessity of obtaining licences therefor subject to certain conditions. The State Government can, however, impose any restriction (by virtue of the powers delegated to them) in this respect, if and when they consider it necessary;
- (h) in defining the term 'ammunition' under s. 2(1)(b), the intention appears to be to remove, as far as possible, overlapping of control on explosives under two sets of law, viz. the Explosives Act and Rules and the Arms Act and Rules, as well as the necessity of providing for exclusions (as under Schedule II, entry 2(iv) of the old Rules). It, however, transpires from s. 2(1)(b)(VI) read with s. 2(1)(b)(iii) of the new Act that the said definition is still capable of being interpreted so as to cover explosives that may be treated as parts of the articles mentioned in s. 2(1)(b)(iii). Apparently, because of this uncertainty, some of these explosives have been specifically exempted (Entry 9); and
- (i) besides medical practitioners and dispensing chemists exempted under the old Rules in respect of possession, etc., of chlorates in certain quantities for *bona fide* use, consumers thereof have also equally been exempted (Entry 13).

²⁸ MHA notn. No. 17/4/62-P. IV, dated 6-7-1963.

(3) During the course of debates²⁹ on the Arms Bill in the Parliament, considerable emphasis was laid on the need for liberalizing the licensing requirement in border areas and those infested with dacoits and other anti-social elements and some Members even desired that specific provision to this effect should be made in the Act. Another interesting amendment moved to the Bill sought (a) to impose a liability on licence-holders for national service in emergencies and (b) to ensure adequate supply by Government of fire-arms and ammunition for lawful purposes; this was rejected on the ground that it did not fall within the scope and purpose of the Act.

CASE LAW

(On cases under the Act of 1878).

(1) The Government of India have, under s. 27, the power of excluding any description of arms from the operation of the Act. But the Act does not empower the Government to define what is an arm within the meaning of the Act. If anything is not, in the opinion of the Court, an arm within the meaning of the Act, it is immaterial whether the Government have or have not excluded it from the operation of the Act. Daks of the kind described in the notification, No. 827, dated the 15th June 1893, as excluded from the operation of the Act, are not arms within the meaning of the Act and it is therefore unnecessary to exclude them from the operation of the Act.

Nga Neu

L.B.R. 1893-1900, 416.

(2) The Petitioner proceeded on leave from his regiment in April 1884 when he held the rank of a Havildar in the regiment. On 22nd June 1884 one A was found carrying a gun which he said belonged to the petitioner who, on being questioned about it, admitted that it was his, and said he had a pass from the Officer Commanding his detachment. At the trial it was found that the pass was not given by the Officer Commanding as alleged and the petitioner was accordingly convicted of having been in possession of arms without a licence. In appeal it was brought to notice that the petitioner had been promoted to the rank of Jamadar with retrospective effect from the 1st June 1884, and that, therefore, he fell within the exemption extended

²⁹ Vide Lok Sabha debates on the Arms Bill, dt. 16th & 17th Nov. 1959.

to commissioned officers of the Native Army. The Sessions Judge held that as petitioner was only a Havildar, so far as the public orders were concerned on the date of the offence, the fact of his subsequent promotion with retrospective effect was of no avail: Held that the petitioner having obtained a Commission on date prior to the 22nd June 1884, must be held to have been a Commissioned Officer on the date, the fact of the order promoting him bearing a later date notwithstanding, and that, therefore, he fell within one of the classes exempted by the Government of India from the operation of the prohibition contained in ss. 14 and 15 of the Arms Act.

Narain Singh

27 P. R. 1885 Cr.

(3) Notifications imposing penalty must be construed strictly. Notifications relating to the Arms Act imposing penalty upon the subject must be construed strictly.

Daljitsingh Fatesingh

A.I.R. 1930. Bom. 153.

42. Power to take census of firearms. (1) The Central Government may, by notification in the Official Gazette, direct a census to be taken of all firearms in any area and empower any officer of Government to take such census.

(2) On the issue of any such notification all persons having in their possession any firearm in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such firearms if he so requires.

Commentary

1. Corresponds to s. 32 of the old Act.

2. A noticeable departure from the earlier provision is that penalty for refusing or neglecting to produce any arms when so required during census has been dropped. This would now presumably be covered by s. 30 which provides for penalty for contravention of "any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act. . . ."

3. Powers of the Central Government under sub-section (1) have been delegated²⁰ to State Governments.

43. **Power to delegate.** (1) The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under section 41 or the power under section 44 may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government,
as may be specified in the notification.

(2) Any rules made by the Central Government under this Act may confer powers or impose duties or authorize the conferring of powers or imposition of duties upon any State Government, or any officer or authority subordinate thereto.

Commentary

1. New provision.

2. For details, see Part II, Chapter 6.

Note:—(1) Functions of the Central Government under section 7 of the Explosive Substance Act, 1908 delegated to the Governor of Assam insofar as the Naga Hills Tuensang Area, specified in Part 'B' of the Table appended to paragraph 20 of sixth Schedule of the Constitution is concerned. (MHA. notn. No. 33/7/60-PIV., dated 11-7-1960.)

44. **Power to make rules.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the appointment, jurisdiction, control and functions of licensing authorities;

²⁰ *vide* MHA. notns. at Sl. Nos. 7 and 8, Part IV, Ch. 9.

(b) the form and particulars of application for the grant or renewal of a licence and where the application is for the renewal of a licence, the time within which it shall be made;

(c) the form in which and the conditions subject to which any licence may be granted or refused, renewed, varied, suspended or revoked;

(d) where no period has been specified in this Act, the period for which any licence shall continue to be in force;

(e) the fees payable in respect of any application for the grant or renewal of a licence and in respect of any licence granted or renewed and the manner of paying the same;

(f) the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm shall be stamped or otherwise shown thereon;

(g) the procedure for the test or proof of any firearms;

(h) the firearms that may be used in the course of training, the age-limits of persons who may use them and the conditions for their use by such persons;

(i) the authority to whom appeals may be preferred under section 18, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and the refund of such fees;

(j) the maintenance of records or accounts of anything done under a licence other than a licence under section 3 or section 4, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf;

(k) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which arms or ammunition are or is manufactured or in which arms or ammunition are or is kept by a manufacturer of or dealer in such arms or ammunition and the exhibition of the same to such officer;

(l) the conditions subject to which arms or ammunition may be deposited with a licensed dealer or in a unit armoury as required by sub-section (1) of section 21 and the period on the expiry of which the things so deposited may be forfeited;

(m) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Commentary

1. Corresponds to part of s. 16 and 17 of the old Act.
2. The rule making powers which were scattered in the old Act have been brought together in one section as the usual practice is. Some more items have been added most relating to the important new provisions in the Act.
3. Sub-section (3) is a new provision. The provision conforms to the usual practice now being followed in every enactment conferring rule-making powers on Government.

Note: Enforcement of Rules made under an Act of Parliament. In a case recently decided by the Supreme Court under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (*Express Newspapers (Private) Ltd. and others v. the Union of India and others*, A.I.R., 1958 S.C. 578), the following passage occurs:—

"Rules under section 20 of the Working Journalists Act, if laid before both Houses of Parliament in accordance with sub-section (3) acquires the force of law."

Sub-section (3) of section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, read as follows:—

"(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament."

The remarks of the Supreme Court in the two cases cited above are no doubt *obiter* because the point did not directly arise for decision in those cases and was perhaps not even argued. However, even the *obiter dicta* of the Supreme Court are entitled to the highest respect.

2. It is true that the relevant statutory provisions on which the Supreme Court has made its observations do not expressly state when the rule is to come into force. But the intention seems to be that unless some other date is appointed the rules are to come into force on the date of their publication and that their operation is not to depend on the expiry of what has been described as the 'quarantine' period or the approval of Parliament. In England, some statutes require that Orders in Council thereunder shall be laid in draft before both Houses of Parliament and that the Order in Council shall not be made unless both Houses present addresses to the Crown praying for the order to be made or pass resolutions approving the draft Order. In certain other cases, regulations or orders made by a Minister become operative only after resolutions have been passed by both Houses approving them in draft. This procedure is known as the 'Affirmative Procedure'. (May's Parliamentary Practice, 16th Edition p. 852). Instances of similar provisions in our country are to be found in section 28(2) of the Mines and Minerals (Regulation and Development) Act, 1957, and in section 629(2) of the Companies Act, 1956. In such cases the rules etc. do not come into force until they have been approved by Parliament. The commonest type of Parliament Control is, however, a provision in the parent Act that the instruments made thereunder shall be subject to annulment in pursuance of a resolution of either House of Parliament adopted within a named time-limit. This method is known as the 'Negative Procedure'. Under this procedure, the rules take effect forthwith or on some named future date.³¹

3. It has been held³² that a provision requiring rules to be laid before Parliament is directory and not mandatory, that is to say, if rules are not for any reason, at all laid down before Parliament, they are not on that account invalid. Where rules are proposed to be made only after the previous approval of Parliament, necessary provision to this effect is generally made in the relevant Act³³ itself.

CASE LAW

(On cases under the Act of 1878).

(1) The Act does not require a person who holds the licence

³¹ (May's Parliamentary Practice, 16th Edition, P. 853; also see Craies on Statute Law, 5th Edition, p. 277 under the heading *Control of Statutory Instruments by Parliament*).

³² Foreign decisions — May's Parliamentary Practice, 16th Edition, pp. 850-851; Canadian Bar Review (1950), Vol. 28, p. 791. Indian decisions: see Munna Lal Tewary *vs.* Harold R. Scott, A.I.R. 1955, Cal. 451; S. Dalmer Singh *vs.* State of Pepsu, A.I.R. (1955), Pepsu, 97; D. S. Krishnan *vs.* Secy. Regional Transport Authority, A.I.R. (1955), Andhra 129; C. K. Allen, Law & Order, 1945 Ed., pp. 108-111.

³³ Cf. Estate Duty Act, 1953, s. 20(2).

for a gun or any other weapon to carry the licence on his person whenever he has the weapon with him. When being required to produce it he is prepared to do so on a reasonable opportunity being given him to get it, and if it exists, he should not be prosecuted, and if prosecuted, the production of the licence at the trial is a sufficient answer to the charge of infringing the Act.

Mahomed Ibrahim
Kishunwa

24 O.C. 22-265, Cr. L.J. 755
20 Cal. 444=22 Cr. L.J. 755=AIR
1921 Oudh 149

(2) An order extending the time of renewal of licences has the effect of keeping licence previously granted practically in force and a person cannot be convicted under s. 19(f) for a breach of its provision within the extended time.

Kali Nath Singh

3 C.W.N. 394.

Note: A printing mistake occurring in any subsequent edition of the Arms Rules may be corrected without the necessity of issuing any Gazette notification amending the Rules for the specific purpose.

45. Act not to apply in certain cases. Nothing in this Act shall apply to—

(a) arms or ammunition on board any sea-going vessel or any aircraft and forming part of the ordinary armament or equipment of such vessel or aircraft;

(b) the acquisition, possession or carrying, the manufacture, repair, conversion, test or proof, the sale or transfer or the import, export or transport of arms or ammunition—

(i) by or under orders of the Central Government, or

(ii) by a public servant in the course of his duty as such public servant, or

(iii) by a member of the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948, (31 of 1948) or by any officer or enrolled person of the Territorial Army raised and maintained under the Territorial Army Act, 1948, (56 of 1948) or by any member of any other forces raised and maintained or that may hereafter be

raised and maintained under any Central Act, or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify, in the course of his duty as such member, officer or enrolled person;

(c) any weapon of an obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a firearm either with or without repair;

(d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other person.

Commentary

1. Corresponds to s. I — savings — of the old Act.

2. (i) Clause (b) (iii): the expression "or by any member.... specify" is a significant addition made by the Joint Committee inasmuch as it automatically exempts members of any force raised under a Central Act without the necessity of amending the Act in future frequently for the purpose.

(ii) Clause (c): under the old Rules (Schedule II, entry I, proviso), weapons which were obsolete and unserviceable and of purely antiquarian value were exempted in the whole of India except Punjab and Delhi. Further, in Punjab and Delhi, ornamental arms and arms of an obsolete pattern possessing only antiquarian value, masonic swords, theatrical and fancy dress swords, etc., which were "virtually useless for offensive and defensive purposes" were also exempted (Entry 3 of the said Schedule). There were conflicting court rulings as to whether or not unserviceable fire-arms would come under the definition of 'arms'.

Clause (d): one of the popular criticism against the old Act was that a person could be punished for being found in possession of an old trigger or a bolt or nut of a fire-arm or the handle of a spear, since these parts of arms were all included in the definition of 'arms'; and there had been repeated demands for excluding parts of arms from that definition. The usual argument against this demand was that such exclusion was not desir-

able as in some exigencies, manufacture, import, etc., of such parts might require to be controlled. Further, a possible danger from this exclusion was stated to be that a person might keep complete arms taken to pieces with or without accomplices which could be fitted up into a complete arms when occasion demanded.

3. Powers of the Central Government under sub-clauses (i) and (iii) of clause (b) have been delegated²⁴ to the State Governments.

Notes: (1) The employees of a company (wholly or partially owned or controlled by Government) incorporated under the Indian Companies Act, are not "public servants" within the meaning of section 45(b) (ii) of the Arms Act, 1959.

(Min. of C. & I. No. 5/33/59-Salt. dt. 19-2-59).

(2) No exemption certificate (for the purposes of section 45(b)(ii) is prescribed under the Arms Act and Rules and as such, there is no obligation upon the public servant to obtain any such certificate so far as the Arms Act and Rules are concerned. "Exemption Certificate" serves only as a safeguard against any possible inconvenience that the person concerned may have to face while travelling in or through a place where he may not be known.

CASE LAW

(On cases under the Act of 1878.)

(1) Any person can possess, arms, etc., in course of his duty,—but heads of departments are prohibited from granting permits or passes to their subordinates to carry arms not required for duty. [H.D. letter No. 1594, dated the 7th October 1895.]

The Arms Act is highly penal and must be strictly construed.

Sangam Lal
Ori

15 All. 129.
A.I.R. 1929 Oudh. 157.

(2) A penal enactment like the Arms Act must be construed in favour of the accused.

Seth Balkrishna

A.I.R. 1926 Nag. 219.

²⁴ *vide* MHA notns. at sl. Nos. 7 and 8, Part IV, Ch. 9.

(3) It is an elementary principle of the construction of statutes that the words have to be read in their literal sense. The Courts cannot put upon them a construction which they believed to represent the intention of legislature at the time of the passing of the statute.

Fazal Rahim

34. Cr. L.J. 670.

(4) The sale of arms by the nazir of the court, in execution of a decree is a sale by a public servant in discharge of his duty and is therefore excluded from the operation of the Arms Act. It is expedient for the court ordering such sale to give notice of the sale and of the purchaser's name and address, as contemplated by s. 5 of the Act to the Magistrate of district or to the police officer in charge of the nearest police station.

Wala Hiraji.

9 Bom. 518.

(5) Where a case might properly have been tried under the Arms Act or the Explosives Act, but the public prosecutor did not ask the High Court to order a retrial, the High Court cannot convict the accused under either of those two enactments without a fresh trial.

Joseph Kangani.

8 M.L. T. 298.

(6) A Sikh is not exempted from the operation of the prohibition as to manufacture contained in section 5.

Basta Singh

A.I.R. 1923, Lah. 267 3 Lah. 437.

46. Repeal of Act 11 of 1878. (1) The Indian Arms Act, 1878 (11 of 1878), is hereby repealed.

(2) Notwithstanding the repeal of the Indian Arms Act, 1878 (11 of 1878), and without prejudice to the provisions of section 6 and 24 of the General Clauses Act, 1897 (10 of 1897), every licence granted or renewed under the first-mentioned Act and in force immediately before the commencement of this Act shall, unless sooner revoked, continue in force after such commencement for the unexpired portion of the period for which it has been granted or renewed.

Commentary

1. Corresponds to s. 3³⁵ of the old Act.

CASE LAW

(1) It has been held³⁶ that where the language of an Act is the same as the language of a repealed provision, any judicial interpretations of that language as used in the repealed provision is applicable to the appropriate provision of the Act.

[*Ex-parte Campbell* (1870), L.R. 5 Ch. 703, 706; *Brown v. McLochlan* (1872), L.R. 4 P.C. 543, 550; *Barlow v. Teal* (1884), 15 Q.B.D. 403, 405; *Mitchell v. Simpson* (1890), 25 Q.B.D. 183; *Clarkson v. Musgrave* (1882) 9 Q.B.D. 386; *Smith v. Baker* (1891) A.C. 325]

(2) The effect of a provision incorporating parts of other statutes in an Act is "as if it had been contained in one Act, unless there is some manifest discrepancy making it necessary to hold that the later Act has, to some extent, modified something found in the earlier Act".

Canada, Southern Railway Co. v. International Bridge Co. (1883) 8 App. Cas. 723, at p. 727.

³⁵ Repealed by the Repealing Act, 1938 (1 of 1938).

³⁶ JENNINGS *Law of Food and Drugs* (second edition).

PART II

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CHAPTER IV

ARMS RULES — HISTORICAL BACKGROUND

WHILE the Act lays down the general policy to be followed by Government for the control of arms, and gives it the necessary powers to exercise such control, the details necessary for the enforcement of such control is regulated by the rules framed thereunder. The rules have the force of statutory law since they are made under the express powers conferred by the Act. Of late, such rules have been termed as 'subordinate legislation' and are subject to any modification by Parliament.

2. Though shortly after the passing of the Act XXXI of 1860, five forms of licences were prescribed in September 1860, by the Home Department of the Government of India, relating to sale, manufacture, carrying and possession of arms for the guidance of local Governments and administrations, there were practically no rules worth the name until 1873. In December 1873, Home Department of the Government of India framed,¹ possibly for the first time uniform regulations for placing importation, inland transportation, transshipments at certain British Indian Ports and the exportation of cannon and arms and ammunition into, in and from, British India, under systematic control. Under these regulations six forms of licences were prescribed,² viz. (1) for importation of arms, (2) Pass by Collectors of Customs, (3) Pass for transit from one Province to another, (4) licence to manufacture, (5) licence to carry arms and (6) licence for possession of arms. These orders and forms were modified in part and added to from time to time.

The first comprehensive set of rules framed under the Indian Arms Act, 1878, was published on 6th March, 1879. Those rules, with such amendments and additions as circumstances demanded from time to time, continued in force for about thirty

¹ H. D. Resolution No. 62-3548, dt. 28-11-1873.

² H. D. circular letter No. 67-3864-73, dated 23-12-1873.

years. They were then revised and issued in the form of the Indian Arms Rules, 1909, published on 16th August 1909. Changes made in the revised rules were, for the most part, only such as were required to make the rules clearer or were necessary in consequence of administrative changes, such as the formation of the North-West Frontier Province, the creation of new districts in the Punjab and the formation of the then province of Eastern Bengal and Assam. A significant improvement was, however, made, making separate provision for the grant of licences (1) for the possession of arms and ammunition, and (2) for going armed — (a) for the destruction of wild animals which do injury to human beings or cattle and (b) for the destruction of wild animals which do injury to crops or cattle.

The rules of 1909 as amended from time to time were in force until 1st January 1920 when they were replaced by the Indian Arms Rules, 1920. The new rules were framed on the advice of a representative committee of officials and non-officials which was appointed by the Central Government in deference to a resolution moved in the Imperial Legislative Council in September, 1918. They introduced the following three main changes :

- (1) the removal of racial discrimination;
- (2) greater restrictions on exemption, and
- (3) the exclusion, generally, of arms other than firearms.

The rules of 1920 continued until 1st January, 1924, when they were replaced by the Indian Arms Rules, 1924.² The 1924 Rules, which embodied extensive changes, were introduced after the Central Government had considered the recommendations of a committee appointed in pursuance of a resolution moved in the Legislative Assembly in February, 1922. The following main changes were introduced in the Rules:—

- (i) the removal of title-holders and certain others from the list of exemptees;
- (ii) the reduction of the fees for the renewal of licences for firearms, other than muzzle-loading weapons, to one-half of the fees for the issue of such licences;

² H. D. Notn. No. F. 829-1-22-Police, dated 3rd November 1923.

- (iii) the grant of power to sub-divisional officers to renew licences, and
- (iv) the compulsory registration by certain exemptees of the firearms and ammunition in respect of which they were exempt.

The 1924 Rules were replaced by the Indian Arms Rules, 1951 — the last set of rules issued under the Arms Act, 1878.

3. Consequent on the constitutional changes which took place in 1947 and enforcement of the Constitution in January 1950, the Rules required to be adapted suitably. [Necessary adaption was carried out in the Act by virtue of the authority under Article 4(2) of the Indian (Adaptation of Existing Indian Laws) Order, 1947, again by the Adaptation of Laws Order of 1950 and lastly by Act 3 of 1950.] As these adaptations required extensive amendments in the Rules, it was considered desirable to issue the Rules afresh. Accordingly a fresh set of Rules called the Indian Arms Rules, 1951 repealing the Indian Arms Rules, 1924 was issued in 1951. These Rules, which were the last set of Rules,⁴ issued under the now repealed Act of 1878, were superseded by the Arms Rules, 1962 issued under the Arms Act, 1959.

While the Indian Arms Act, 1878 was extended to the former Part 'B' States in 1951 by the Part 'B' States Laws Order, 1951, the Rules did not extend to these States until July 1952, when they were extended⁵ to those States (except the State of J. & K.). The Rules were made applicable⁶ to Chandranagar and the State of Jammu and Kashmir in 1951 and 1956 respectively. The Rules were lastly amended⁷ drastically in 1958 when they had to be adapted suitably in view of the reorganisation of States. The most significant feature of this adaptation perhaps, was that the former Part 'B' States were brought at par with other States (then Part 'A' States) in the matter of administration of Arms Act and Rules. Apart from these major amendments a number of *ad hoc* amendments were also made from time to time in these

⁴ Vide Home Ministry Notn. No. S.R.O. 1232, dated 8-8-51.

⁵ Vide M.H.A. Notn. No. 9/105/49-PI, dt. 17th July 1952.

⁶ Vide M.H.A. Notn. No. 9/19/51-PI, dt. 24-3-1953 and No. 15/14/56-PIV dt. 27th August 1956.

⁷ Vide M.H.A. Notn. No. 15/22/56-P. IV, dated 17th January 1958.

Rules necessitated partly by the changed policy of the Government of India to liberalize the administration of Arms laws and partly to remedy difficulties experienced by the State Governments in the day-to-day administration of the Arms Rules.

CHAPTER V

I. CONTROL ON ARMS AND AMMUNITION IN THE ERSTWHILE INDIAN STATES.

IT would be of interest to make a brief description of the position obtaining in the former Indian States in regard to control over the possession, etc. of arms and ammunition in those States. As has been stated earlier, the arms laws in force in "British India" were not applicable to the Indian States. But it must not be presumed that there were no laws governing the possession, etc. of arms and ammunition in those States. While in certain tiny States, there were no comprehensive laws regulating the possession and movement of arms and ammunition, almost all the important and well administered¹ States had their own Acts or 'regulations' and rules framed thereunder regulating the possession, etc. of arms and ammunition within their respective territories. A study of some of these laws shows that the Indian Arms Act, 1878 was also in force in some of the States [cf. sec. 3 of the Mysore Arms Regulations 1890 which provided that "The Act XI of 1878 (the Indian Arms Act, 1878) shall be repealed".]

In majority of cases, these Acts, regulations or rules were a verbatim reproduction with necessary adaptation, of the Indian Arms Act and Rules.

Like the position under the Indian Arms Act and Rules, the licences issued under the State laws were valid only within the respective States and the subjects of these States had to take out fresh licences for the possession of arms in British India. The Political Officer concerned was the only authority em-

¹ For instance, see (1) the Hyderabad Arms Regulations 1358 F and Hyderabad Arms Rules, 1358 F. (2) The Mysore Arms Regulation, 1890 and Mysore Arms Rules, 1926. (3) The Patiala Arms Act (No. 11 of 1994) and the Patiala Arms Regulations, 1994. (4) The Travancore Arms Regulations (V of 1084) and Rules made thereunder. (5) The Cochin Arms Regulations (11 of 1084) and the Cochin Arms Rules of 1096.

powered to grant possession licences valid for British India to persons residing in an Indian State (*vide* rule 33(1)(c) of the Indian Arms Rules, 1924). Similar was the case in regard to the persons exempted under the State laws, who, unless also exempted under the Indian Arms Act and Rules (e.g. Rulers and their relatives etc.) had to take out licences for possession of arms in British India. Arms, ammunition or military stores consigned (for export, import or transport by land, river or sea) from any place in British India to any place in British India separated therefrom by the Indian State territory required a licence by the licensing authority of either such place (*vide* Form VIII and rule 27 of the Indian Arms Rules, 1924).

II. DELEGATION OF POWERS

A statute and any rules made thereunder require the Government to carry out certain functions for the achievement of the policy laid down in that statute. It further confers upon the Government necessary powers to enable it to enforce these functions adequately. Till the commencement of the Government of India Act, 1935 when arms, ammunition etc., became² the responsibility of the Government of India, the powers and function under the Indian Arms Act and Rules framed thereunder were performed by the "Local Governments". After the commencement of the Government of India Act, 1935, the words "Local Governments" in both the Indian Arms Act, 1878 and the Indian Arms Rules, 1924 were replaced by the words "Central Government" by the Adaptation of Laws Order, 1937.

Though the Arms Act is a Central Act, in practice it is administered by the State Governments and Administrations of Union Territories. It is, therefore, necessary to entrust certain powers and functions of the Central Government under the Act and the Rules framed thereunder, to the State Governments, etc. Accordingly in 1938, the Central Government entrusted,³ under section 124(1) of the Government of India Act, 1935, their certain functions and powers under the said Act and Rules to the Provincial Governments subject to the following conditions:—

² *vide* entry 29 of List 1 of Seventh Sch. of the Act.

³ *Vide* Govt. of India, H.D. Notn., No. F. 21/50/37-Police, dated 20-6-38, as amended by Notn. No. 106/1/37-Police, dated 12-1-39.

- (1) That the Provincial Governments shall, in the exercise of these functions, be subject to the like control by the Central Government as was exercisable by the Governor General in Council immediately before the commencement of Part III of the Government of India Act, 1935;
- (2) that the Provincial Governments shall observe the existing policy and instructions laid down by the Central Government and shall not initiate new policies or issue instructions inconsistent with those of the Central Government without that Government's consent; and to such conditions, if any, as is specified in respect of functions under any of the said provisions in the corresponding entry in the second column of the Schedule.

Similar powers continued to be vested⁴ in the Chief Commissioners of Delhi, Ajmer, Coorg and Andaman and Nicobar Islands. The powers of the Central Government under the Indian Arms Act, 1878 were entrusted to the Chief Commissioners of the then Part 'C' States (other than mentioned above) under the late Ministry of States Notification No. 107-J, dated 24-8-1950. When the Arms Rules were also applied to these States in 1951, necessary powers of the Central Government thereunder were also for the first time⁵ delegated to the Chief Commissioners of those States.

When the new Rules superceding the Arms Rules of 1924 were issued in 1951, fresh notifications were issued⁶ delegating necessary powers of the Central Government to Part 'A' and Part 'C' States under Articles 256(1) and 239(1) respectively of the Constitution.

As stated earlier, though the Arms Act, 1878 was extended to all Part 'B' States with effect from 1st April 1951, the Indian Arms Rules⁷ extend to those States (except J. and K.) only with effect from 17th July 1952. The powers of the Central Government under the said Act and Rules were formerly delegated⁸

⁴ *vide* H.D. Notn. No. 126/37-Public, dt. 1st April 1937.

⁵ *vide* M.H.A. Notification No. 15/60/47-Police (1), dt. 24-10-51.

⁶ *vide* Notification No. 15/60/47-Police (1), dated 24-10-51.

⁷ By Govt. of India H.D. Notification No. 9/105/49-Police (1), dated 17-7-52.

⁸ By M.H.A. Notn. No. 9/74/51-Police (1), dated 26-2-53.

to these States (except J and K) with effect from the 26th February 1953. After the Rules were made applicable to the State of J. and K. in 1956, the powers and functions of the Central Government were also for the first time⁹ delegated to that State in 1956. Similar powers in respect of tribal areas of Assam specified in Part 'B' of the table appended to paragraph 20 of the Sixth Schedule of the Constitution, were entrusted¹⁰ for a period ending 31-3-1958 to the Government of Assam in 1958 under Article 243 of the Constitution. After the reorganisation of States in 1956 these powers were re-delegated¹¹ to all the States (except J and K) on 22nd January, 1957 and to J and K on 17-6-1957. The period of delegation¹² of these powers was extended from time to time. Pending enforcement of the Arms Act, 1959 and finalization of necessary rules thereunder, the powers and functions of the Central Government under the old Act and Rules made thereunder were delegated to the State Governments, Administrators of Union Territories, and the Governor of Assam for the last time in 1962.¹³

It would be observed that in the absence of any specific provision under the Indian Arms Act, 1878, for the delegation of rule making and other powers to State Governments, such delegation was being made formerly under the Government of India Act, 1935, and laterly under Article 258(1) of the Constitution. A question may be raised whether delegation of rule making power made by the Central Government under Article 258(1) of the Constitution in favour of a State Government would be in order or not. It may be mentioned that the Allahabad High Court, before whom a similar question came for consideration in 1950,¹⁴ ruled that such delegation was in order. The relevant portion of the ruling which gives the ground for the decision is reproduced below :—

"But the question is: "Does s. 124(1) refer to the executive functions of the Central Government alone or does it cover

⁹ By M.H.A. Notn. No. 9/24/52-Police IV, dated 13-3-56.

¹⁰ By Notn. No. 15/14/56-Police IV, dated 27-8-56.

¹¹ By Notn. No. 19/3/56-Police IV, dated 22-1-57.

¹² By Notn. No. 19/2/56-Police IV, dated 17-6-57.

¹³ By Notn. No. 19/2/56-Police IV, dated 17-6-57.

¹⁴ *Amer Khan vs. the State*, AIR 1960, (Allahabad—Page 423).

functions other than executive functions e.g., the power of subordinate legislation?" We think that s. 124(1) is not confined to the executive functions of the Central Government. It will be noticed that the word "functions" is not qualified by the word "executive". The words "to which the executive authority of the Federation extends" relate, not to the word "function", but to the word "matter". They define the limits of the "matter" in relation to which the Central Government has to exercise certain functions. What are the "matters" to which the executive authority of the Central Government extends? Section 313(2), Government of India Act provides the answer.

Section 313(2)—"subject to the provisions of this Act, for the time being in force, the said executive authority extends—(a) to the matter with respect to which the Indian Legislature has, under the said provisions power to make laws."

The Indian Legislature has power to make laws in respect of List 1 of Sch. 7. Item 29 of that list deals with arms, fire-arms and ammunition. Therefore, the subject of 'arms' was a matter to which the executive authority of the Central Government extended. Section 27 conferred a function upon the Central Government in relation to that matter. Consequently that function fell within the purview of s. 124(1), Government of India Act. Under that section, the Central Government could delegate its functions to the Provincial Government with the consent of that Government. The notifications, therefore, issued in 1938 and 1943 were perfectly *intra vires* and consequently the notification issued by the provincial Government in 1946 was duly authorised and valid."

It would be seen that according to the above quotation of the Allahabad High Court the extent of the delegation need not be confined merely to executive functions and even legislative functions of the Central Government can be delegated by consent of a State Government in exercise of the powers conferred by Article 258 (1). A view may be expressed that the maxim *delegatus non-protest delegare* applies and, therefore, legislative functions cannot be delegated. It may further be argued

that the decision was given on consideration of the provisions of section 124(1) of the Government of India Act, 1935 which has no force of law now; but a careful study of the relevant provisions of the said Act and the Constitution would go to show that there is no substantial difference between the wording and substance of clause (1) of Article 258 of the Constitution and sub-section (1) of section 124 of the Government of India Act, 1935. Further, the fact that the Allahabad High Court ruling which was given as far back as on 31-3-1950, has stood undisturbed so far and that the ruling has the effect of upholding the delegation made by the Government of India as far back as the year 1938, gives ample support to the view that even rule making power conferred by a statute on the Central Government can be delegated to a State Government by the latter's consent under Article 258(1) of the Constitution. However, in order to avoid any doubt or confusion that may arise in future in this respect, the framers of the new Arms Act have now put in the Act itself a specific provision (*vide* sec. 43) empowering the Government to delegate such of its powers and functions to the State Governments and other authorities as it may consider necessary.

THE ARMS RULES, 1962.

Rule	Subject
1.	Short title.
2.	Interpretation.
3.	Classification of arms or ammunition.
4.	Licensing authority and forms of licences.
5.	Appellate authorities.
6.	Reasons to be communicated to the appellate authority in certain cases.
7.	Direction and control over licensing authorities.
8.	Restriction in granting licences for acquisition, possession or carrying of arms or ammunition of category I.
9.	Copies of licences of categories I and II to be sent to certain authorities.
10.	Possession of arms or ammunition for certain purposes to include use thereof.
11.	Restrictions may be imposed by Central Government.
12.	Licences granted in Pondicherry may be made valid throughout India.
13.	Of retainers.
14.	Licences for protection of crops and cattle.
15.	Licences for target practice.
16.	Age limit for training and target practice.
17.	Traveller's (temporary) licence.
18.	Application of section 4 of the Act.
19.	Arms other than fire-arms.
20.	Manufacture, conversion, shortening, repair, test, sale, etc. of arms or ammunition.
21.	Conversion, repair, test, sale, etc.
22.	Proof testing of firearms.
23.	Licensing authorities to furnish information to the district magistrate.
24.	Sale or keeping for sale certain arms and ammunition.
25.	Identification marks on firearms.

26. Records of transaction in arms and ammunition.
27. Inspection of premises, stocks and records.
28. Restriction upon import or export for reimport of arms or ammunition.
29. Import by sea or air.
30. Vessels entering the territorial waters of India.
31. Import by land or river of arms and ammunition.
32. Bringing of arms or ammunition into India by bona fide tourists.
33. Of Exports.
34. Export by land or river of arms and ammunition.
35. Export and re-import of arms and ammunition by sea or air.
36. Arms or ammunition to be delivered to Customs-Collector in certain cases.
37. Prohibition of transport of arms and ammunition.
38. Transport of arms or ammunition.
39. Licence for import, transport and re-export of arms and ammunition.
40. Scrutiny by authorities of consignments containing arms and ammunition.
41. Production and delivery of licence for import/export/transport.
42. Import, transport and export of arms and ammunition for the Government of Nepal or the King of Nepal.
43. Transport of arms from one place in Nepal to any other place in Nepal through Indian territory.
44. Transit licences for bona fide travellers.
45. Licence to keep in custody arms and ammunition.
46. Deposit of arms and ammunition under section 21.
47. Deposit of arms and ammunition for safe custody (otherwise than under section 21).
48. Records and returns of the articles deposited.
49. Inspection.
50. Previous consent in certain cases.
51. Application for licence.
52. Form of licences.
53. Variation of conditions of licences.
54. Renewal of licences.
55. Appeal against the order of a licensing authority or an

authority suspending or revoking a licence under section 17(6).

56. Procedure to be followed by the appellate authority.
57. Fees payable for licences.
58. Fee payable for copies and duplicates.
59. Fee payable on a petition for appeal made under section 18(1).
60. Collection of fees.
61. Dealers to maintain registers, etc., in certain cases.
62. Production of licences.
63. Production of arms.
64. Savings.

Schedule I

Schedule II

Schedule III

Form of application for an arms licence (Schedule III).

CHAPTER VI

* THE ARMS RULES, 1962—TEXT, COMMENTARIES, NOTES AND CASE LAW.

Ministry of Home Affairs

New Delhi, the 13th July, 1962.

G.S.R. 987:—In exercise of the powers conferred by sections 5, 9, 10, 11, 12, 13, 16, 17, 18, 21, 41 and 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules, namely:—

THE ARMS RULES, 1962.

1. **Short title.**—(1) These Rules may be called the Arms Rules, 1962.

(2) They shall come into force on the 1st October, 1962.

2. **Interpretation.**—In these Rules, unless the context otherwise requires —

- (a) "Act" means the Arms Act, 1959 (54 of 1959);
- (b) "appellate authority" means the appellate authority referred to in rule 5;
- (c) "authority" or "officer" means, except where otherwise specifically provided in these Rules, the district magistrate or such other officer as may, from time to time, be notified in the Official Gazette by the Central Government;
- (d) "company" has the same meaning as that assigned to it in the Explanation under section 33;
- (e) "dealer" means a person who by way of trade or business, manufactures, converts, repairs, proves, tests, sells, ex-

* Unless stated otherwise, the rules (and schedules of the Arms Rules) and sections of the Arms Act mentioned in the commentaries, notes and court rulings in this Chapter refer respectively to the Indian Arms Rules, 1951 and the sections of the Indian Arms Act, 1878.

ports, imports, or transfers or keeps for sale, repair or test arms or ammunition;

* (f) "district magistrate" includes —

- (i) in relation to a Presidency-town or the city of Hyderabad or Ahmedabad, the Commissioner of police thereof; and in relation to the Presidency-town of Calcutta, also the Deputy Commissioner of Police thereof nominated by the State Government in this behalf;
- (ii) in relation to any district or part thereof, an Additional District Magistrate or any other officer specially empowered in this behalf by the Government of the State concerned;
- (iii) in relation to a Union territory, any officer specially empowered by the Central Government in this behalf;
- (iv) in relation to the tribal areas of Assam, specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution, a Political Officer; and
- (v) in relation to the suburbs of Calcutta, as defined by notification issued from time to time by the Government of West Bengal in their Official Gazette under the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), the Commissioner of Police, Calcutta, and a Deputy Commissioner of Police, Calcutta, nominated by the State Government in this behalf;

(g) "form" means a form as set out in Schedule III;

(h) "port" includes an airport.

(i) "schedule" means a schedule appended to these Rules;

(j) "section" means a section of the Act.

Commentary

1. Corresponds to rule 2 of the old Rules.

2. A series of new definitions have been added which are self-explanatory.

* Amended by M.H.A. Notn. No. F.15/4/62-Police IV, dated 23-5-1963, [The Arms (Third Amendment) Rules, 1963].

3. Powers of the Central Government under clause (c) have been¹ delegated to the State Governments.

Schermuly Pistol Rocket—meant only for firing distress signals and life-saving lines—held that it would not fall within the definition of "arms" as given in sec. 4 of the Indian Arms Act, 1878 and as such no import or possession licence under the Arms Act and Rules is necessary. [M.H.A. letter No. 9/10/50—Police (I), dated 7-3-1950].

3. **Classification of arms or ammunition.**—For the purposes of the Act and these Rules, "arms" or "ammunition" shall be of the categories specified in columns 2 and 3 respectively of Schedule I and references to any category of arms or ammunition in these rules shall be construed accordingly.

Commentary

1. New provision.

2. In the old Rules, different types of fire-arms were distinguished for different purposes, with different licence Forms, fees, etc. A series of types of weapons falling under different classes were repeated several times in the body of those Rules. Unlike in the old Act, there are references in the new Act to different classes and descriptions of arms, fire-arms, prohibited arms and prohibited ammunition which include various types of arms and ammunition (vide section 2), shortened guns, imitation fire-arms, unserviceable and toy weapons (in other sections), and separate licensing procedure (vide section 13) in respect of different fire-arms, e.g., muzzle-loading guns, breech-loading guns, air-guns and rifles, .22 bore rifles, and other rifles. Grouping them into different categories and sub-categories (as in Schedule I) is designed to achieve clarity and conciseness in referring to these different classes and descriptions of arms and ammunition when laying down distinctive procedure of licensing.

3. Category I(a)—Comprises the articles called "prohibited arms" and "prohibited ammunition" which are distinct from "prohibited bore arms" and "prohibited bore ammunition". The latter expression has been loosely used when referring to the

¹ vide M.H.A. Notn. No. 18/2/62(I)-P. IV, dated 1-10-62.

arms and ammunition import of which was restricted under rule 7 of the old Rules [now comprising categories I(c) and I(d)]. The former term is on the pattern of U.K. Fire-Arms Act, 1937 and relates to machine guns, etc. whose possession by civilians is sought to be prohibited: the corresponding group of weapons in the old Rules was found in rules 5, 20 and 28 thereof. These were excluded from the jurisdiction of the authorities empowered to grant licences under rule 31 of the said Rules.

4. Category I(b)—comprises dangerous fire-arms and ammunition licences for which are not intended to be granted ordinarily.

5. Categories I(c) and I(d)—comprise the arms and ammunition import of which is prohibited under rule 7 of the old Rules.

6. Category (v)—comprises such arms (other than fire-arms), as would require to be licensed in areas that may be notified under section 4. The State Governments are, however, empowered (by virtue of delegated powers) to require licence in respect of other arms of this type if they feel it necessary.

Note: The difficulties in classifying the fire-arms, whose bores are not visible could be overcome by the use of drill/inspection cartridges which are free from explosive content and could be used without difficulty. In cases where drill/inspection cartridges are not available, it is possible to render live rounds inert for these purposes. The following procedure has been suggested:—

- (a) Classification of weapons should normally be based on the original markings stamped on the weapon itself;
- (b) in cases where no markings are available, or the markings are defaced or the same appear doubtful, the chamber should be inspected with drill/inspection cartridges;
- (c) in cases which cannot be decided on the basis of (a) and (b) above, the Chief Inspectorate of Armament, Kirkee, should be approached with samples of affected arms for necessary advice.

4. Licensing Authority and Forms of Licences—Licences under Chapter II of the Act may be granted or renewed for such purposes, by such authorities, in such Forms and to be valid for such period and in such areas as are specified in Schedule II, subject to such conditions as are specified in that Schedule and in the licence.

Commentary

1. New provision.

2. This rule appears to have been evolved to do away with a great deal of repetition which existed in the body of the old Rules with regard to Forms of licences, categories of weapons, licensing authorities and the like. This has made the rules as a whole simpler, more concise and more convenient for reference purposes and is definitely an improvement on the old Rules.

Notes: (1) In Delhi, the following authorities have been empowered to grant licences in Form XVII (now Form VIII):—

- (1) The Supdt. of Central Excise, New Delhi, in-charge of airports;
- (2) The Supdt. of Central Excise (out-door), Delhi Customs House. [Delhi Adn. Notn. No. F.20(177)/57—Home, dated 28-5-1958].

(2) In respect of tourists coming *via* the Attari Road, a highway for international tourists, they are permitted to bring arms to Amritsar under Customs escort where they can obtain necessary licence from the district authorities. In this way, they are saved from going back to the Land Custom Station to fetch their arms after getting the licence.

(3) In pursuance of the recommendation of a Committee appointed by the Government of India in 1922 to examine the Arms Rules of 1920, the Government of India amended the licence Forms of dealers including therein a column for the names of duly authorized Assistants employed by the dealers to conduct their business in their temporary absence. [Govt. of India, Home Dept. Resolution No. F.829-1-22, dated 3-11-1923].

* 5. Appellate authorities.—(1) For the purposes of the Act and these rules the appellate authority to whom an appeal shall lie from an order of the licensing or other authority specified in column (1) of the Table below shall be that specified in the corresponding entry in column (2) thereof.

* Amended by M.H.A. Notn. No. F.15/4/62-Police IV, dated 23-5-1963 [The Arms (Third Amendment) Rules, 1963] and No. 15/3/63-P. IV, dated 9-8-1963 [The Arms (Fourth Amendment) Rules, 1963].

Table

Authority (1)	Appellate authority (2)
(a) Tahsildar, or 1st or 2nd Class Magistrate, or Sub-Divisional Officer;	District Magistrate.
(b) Additional District Magistrate, District Magistrate.	†(i) Commissioner of the Division, or in a Union territory, the Administration thereof, or (ii) in the State of Madras, Andhra Pradesh and Kerala, the Board of Revenue, or (iii) in the States of Jammu and Kashmir, Rajasthan, West Bengal, Gujarat and any other State, not being a State mentioned in entry (ii) above in which there is no post of Commissioner of a Division, the State Government.
(c) Commissioner of Police;	State Government
(d) Commissioner of a Division;	State Government.
(e) Head of Indian Mission, or Political Officer;	Central Government.
(f) Other specially empowered officers.	Authority that empowered.

(2) For the purpose of sub-section (6) of section 17 of the Act, the licensing authority shall be deemed to be subordinate to the appellate authority.

† Amended by MHA notn. No. 15/2/64-Police IV, dt. 11-5-64.

Commentary

1. Corresponds to sub-rule (1) of rule 41 (Proviso) of the old Rules.

2. Under the old Rules, an appeal was to lie to the 'immediate official superior' of the authority who passed the order appealed against. The term 'immediate official superior' was susceptible of doubts and more than one interpretation of conflicting nature could be put on it, e.g., it could be interpreted that Inspector General of Police was the immediate official superior of the Commissioner of Police; but having regard to the spirit of the rules, it could also be interpreted that the appeal from the orders of the latter should lie to the State Government. The confusion has rightly been removed by specifying the appellate authorities in this rule.

6. Reasons to be communicated to the appellate authority in certain cases.—Where a licensing authority is of opinion that it will not be in the public interest to furnish reasons for the refusal, renewal, variation of conditions, revocation or suspension, of a licence, to the applicant, the recorded reasons therefor and the facts of the case shall be communicated by him to the appellate authority.

Commentary

1. Corresponds to sub-rule (2) of rule¹ 41-B of the old Rules.

2. The earlier rule required sending of the reasons only "on demand, if the person affected has preferred an appeal against the order." The rule as it now stands, does not say as to when the reasons and the fact of the case should be sent to the appellate authority, viz. either invariably or only on demand. In the absence of this, it would be advisable to follow the past practice which is not in any way objectionable under the rule now in force.

7. Direction and control over licensing authorities.—All licensing authorities shall work under the direction and control of their respective appellate authorities.

¹ Added by M.H.A. Notn. No. 9/76/51—P. IV, dated 10-4-1956.

Commentary

1. Corresponds to sub-rule (2)² of rule 41 of the old Rules with some modification.

8. **Restriction in granting licences for acquisition, possession or carrying of arms or ammunition of category I.**—(1)(a) No licence shall be granted for acquisition, possession or carrying of arms or ammunition of categories I(b), I(c) and I(d), unless they have been lawfully imported into India or are being imported into India with the sanction of the Central Government.

(b) A licence for acquisition, possession or carrying of ammunition of categories I(b) and I(c) shall be granted only if the licensing authority is satisfied that the ammunition is to be used with rifles or muskets which are lawfully possessed for sporting purposes or with pistols or revolvers which have been lawfully imported into India; and the amount of ammunition which the licensee may possess during each period of 12 months immediately succeeding the date of grant of licence shall be entered in the licence.

Commentary

1. Corresponds to sub-rule 1 (proviso) to rule 31 of the old Rules.

2. The term "lawfully imported" used in this rule as well as in other rules has been interpreted in the past to mean "imported under a valid licence or exemption from the requirement of such licence granted under the Arms Act and Rules".

9. **Copies of licences of categories I and II to be sent to certain authorities.**—A copy of every licence granted for arms or ammunition of categories I(a), I(b), I(c), I(d) and II shall forthwith be sent —

- (a) to the district magistrate of the place in which the arms or ammunition are to be kept, or
- (b) to the State Government, if such place is in the State of Jammu and Kashmir.

² Amended by M.H.A. Notn. No. 9/181/55—P. IV, dated 31-8-1956.

Commentary

1. Corresponds to sub-rule (2) of rule 28 of the old Rules, with some modification.

2. Under the rule, as it stands at present, copies of every licence for arms and ammunition of categories I and II are to be sent *inter alia* to the district magistrate of the place in which the arms and ammunition are to be kept. But it would be noticed that the authority for granting licences in certain Forms (e.g. Form III) is the district magistrate and normally applications for the grant of licence is made to the licensing authority of the place of residence or occupation of the applicant (*vide* rule 51), and it is common knowledge that the licensee keeps his arms and ammunition either at his place of residence or occupation. In such cases, therefore, there is no point in the district magistrate sending to himself copies of the licences granted by him. Further, the rule seems to be inoperative in respect of certain licences, e.g. export (Forms XVII and XVIII), transit (Form XXII), etc., as the arms and ammunition covered by these licences are to be kept in a place 'outside India', and there is no use in sending copies of licences to an outside authority.

10. Possession of arms or ammunition for certain purposes to include use thereof—(1) Possession of the following arms or ammunition for the purposes mentioned against each includes use thereof, for such purposes only provided that such use does not involve manufacture of any arms or ammunition (including explosives and fire-works):—

- (a) arms, for theatrical performance, cinematograph production or signalling for starting races or athletic meets;
- (b) ingredients of ammunition, for *bona fide* industrial, agricultural or medicinal purposes.

Commentary

L. Corresponds to sub-rule (2)^a of rule 29 of the old Rules, with some modifications.

^a Added by M.H.A. Notn. 29/1/56—P. IV, dated 20-5-1957.

2. The provision is necessary because ammunition of category VI (which includes ingredients of ammunition) when licensed in Form II cannot otherwise be used.

3. Clause (b) is a new provision and is on the pattern of U.K. Fire-Arms Act; the only difference being that while the arms covered by the clause are exempt under the said Act, they are controlled under a licence to be granted free of fee under our law.

Notes: (1) Licence Form II, Condition 8: It would be in the interest of the industrialists as well as of public security that the obligation to store sulphur in lockable godowns continues.

(2) There would be no objection to the storage of other articles in the same building where chlorate not exceeding 224 lbs. (now 100 Kgs.) is kept, but it would be essential that the other articles so kept should not be of an explosive or highly inflammable nature. The proviso to condition 14 of Form IX (now condition 17) does not appear to call for 10 ft. safety distance around the chlorate store not exceeding 100 Kgs. and it also does not prohibit the existence of a dwelling house contiguous to the chlorate store. From the point of view of safety, the chlorate store should not be placed under any staircase and its door or other opening should have no direct communication with the rest of the building used for residential or other purposes.

11. Restrictions may be imposed by Central Government.—Any licence having effect outside the State in which it is granted, shall be subject to any restrictions which may be imposed by a general or special order of the Central Government.

Commentary

1. Corresponds to sub-rule (3) of rule 31 of the old Rules.

2. Under the old Rules, the provision was part of a rule and its scope was limited to the licences granted under that rule (viz., only in respect of licences for sport, protection or display). The provision having been put under a separate rule now, has become wider in its scope and extent and would have to be interpreted to refer to 'any licence' granted under the Arms Rules, 1962.

3. Powers of the Central Government under this rule delegated⁴ to State Governments, subject to certain conditions.

⁴ See M.H.A. Notns. at S. Nos. 7 and 8, Part IV, Ch. 10.

12. Licences granted in Pondicherry may be made valid throughout India.—The district magistrate, South Arcot, may, on the recommendation of the Secretary, General Administration Department, Government of Pondicherry, endorse a licence granted in the State of Pondicherry for acquisition, possession or carrying of arms or ammunition as valid for a period not exceeding three years throughout India or any specific part thereof and such licence, when so endorsed, shall be deemed for such period to be a licence granted under these Rules.

Commentary

1. Corresponds to sub-rule (4) of rule 31 of the old Rules.

2. The new features of this rule are that (a) the language has been adapted to conform with the changed political set-up in the French Establishments (now the State of Pondicherry) and (b) the period of validation of licences has been extended from one year, as in the old Rules, to three years in view of the provision in section 15(1) of the Act.

(1) A possession licence can be issued to the agent of a traveller in advance of the arrival of the traveller in India.

(2) The Government of India have not prescribed any limit to the number of fire-arms and the quantity of ammunition that Shikar Outfitters can possess under their licences. The matter has been left to the discretion of the licensing authority who decides each case on merits.

Lok Sabha unstarred question No. 2427 answered on 25-8-1961.

(3) There is no provision in the Indian Arms Act and Rules preventing the issue of separate licences to different persons for the use of one and the same weapon.

(4) A licence granted to a Maharaja for the possession of cannon should be regarded as a licence granted in favour personally of the Maharaja who holds the title at the time the licence is issued, and it is necessary for the licence to be renewed in the case of each succeeding title-holder.

H. D. letter No. 1490, dated 2nd July 1898.

(5) As the question of the grant of a licence for arms to any person has to be considered on merits with reference to the individual circumstances of each case, the police officers entitled to the concession provided in entry (5) of Schedule VII to the Indian Arms Rules, 1924, are not *ipso facto* entitled to licences for the arms referred to therein much less for those of "prohibited" bores, for which licences should be issued in deserving cases only.

(6) Each application should be considered on merits with reference to (i) the applicant's reliability, (ii) his need for such a weapon, (iii) ability to keep the weapon safe from theft or misuse. The licensing authority should personally satisfy himself about these points with reference to his own knowledge or confidential reports about the applicant's status and character, and not with reference to financial considerations such as the applicant's income or payment of land revenue, road tax, income-tax, etc.

(10) Under section 1 (b) of the Indian Arms Act, 1878, the State Government can, by order, authorize the bearing and possession of arms and ammunition without reference to the requirements of the Arms Act in regard to licences and as in doing so, they can also impose such conditions and restrictions as may be considered necessary.

(11) Both .303 and 30 bore (7.62mm calibre) rifles fall within the purview of restrictions laid down in sub-rules (i) and (ii) of rule 7 (a) of the Indian Arms Rules, 1951. .303/30 S.B.B.L. rifle is, therefore of 'prohibited' bore; restrictions in respect of this category of weapons apply to such weapons and grant of licences are curtailed.

(12) Where a Police Officer already possesses a service bore weapon, he need not be issued another one of service bore and he would be expected to use that weapon for official purposes. There would be no difficulty about the renewal of the licence covering such a weapon for so long as the holder remains in the Police force but there would be no guarantee or promise or undertaking about his being permitted to continue to possess it after his demitting office. Where, on the other hand, a service bore weapon has been supplied by Government, the second weapon that the officer would be permitted to acquire should be only of a non-service pattern.

(13) The possession of gunpowder and caps for reloading cartridges for breech loading guns is to be validated by making entries of the articles in the licence Form (No. III or III-A) in the column under heading "quantity and description of each kind of ammunition".

(14) As there is no need for an heir-apparent to possess cannon, it would not be justifiable to grant licence to him in respect of them so long as the Ruler is alive.

(15) An officer of the Income-tax Department seizing arms and ammunition in the course of his powers under the Income-tax Act for the recovery of arrears of income tax would be protected under the saving clause⁵ of the Arms Act and no licence would be necessary for such possession.

(16) No amendment of the Arms Rules is necessary for the purposes of ensuring safe custody of arms and ammunition by dealers in arms. In dealing with applications for the grant or renewal of licences, the licensing authorities should always satisfy themselves that the storage arrangements are satisfactory and will meet the case.

(H.D. letter No. F. 21/XLVII/32, dated 4-4-1933).

(17) The Government of India have prescribed no limit to the number of fire-arms that may be allowed to be possessed by Shikar Agents.⁶ The licensing authority may use his discretion and decide each case on merits, after taking due account of the Shikar Agent's minimum requirements, his character, reliability etc.

(18) Allowing the public to possess the arms and ammunition in a particular area is a matter closely relatable to the local law and order position *vis-a-vis* the need of the particular applicant to possess the same, and it is within the discretion of the licensing authority of that area, who is concerned with the local law and order position, to grant licences for arms; the number being restricted to that consistent with security.

(19) A survey party of the Zoological Survey of India visiting a State was in possession of some arms and ammunition. Held

⁵ Section 45(b)(ii) of the Arms Act, 1959.

⁶ See Rules for the Recognition of Shikar Outfitters at App. VI.

that since the arms and ammunition were intended to be possessed by the members of the survey party in the course of their official duties as public servants, the possession was saved from the operation of the Arms Act by virtue of the saving clause (b)⁷ of section I of the Indian Arms Act, 1878, subject, however, to necessary authorization from the Govt. of India (in the appropriate department).

(20) There is risk involved in the storage of gunpowder by Rulers and Jagirdars in their forts and other places. They are advised to take necessary safety precautions and for this purpose allow the officers of the Explosives Department of the Govt. of India to visit the places of storage.

(21) Licences for possession and carrying (in Form III) should be granted by name and not by designation after verifying the antecedents etc., of the applicant. The 'designation' of the licensee will come within the purview of the word 'description' in column 2 of the said licence.

(22) For carrying and possessing in Sikkim, arms and ammunition lawfully possessed in India, a permit is required to be obtained from the authorities in Sikkim through the Political Officer in Sikkim.

(23) The Arms Act and Rules do not impose any restrictions on the holder of all-India licence to take his gun to Jammu and Kashmir, subject to the local restrictions, if any, imposed by that Govt. (*vide* sub-rule (3)⁸ of rule 31 of the Indian Arms Rules, 1951) which can be found out from the State Government direct.

(24) Licensees of BL guns can be allowed to purchase and possess gun-powder in reasonable quantities in accordance with the scale prescribed by the State Government. They can also be permitted to have caps for re-loading cartridges. Their possession of the gun-powder and the caps is to be validated by entering the quantities of respective articles in the possession licence in column under the heading "quantity and description of each kind of ammunition".

⁷ Section 45(b)(ii) of the Arms Act, 1959.

⁸ Rule 11 of the Arms Rules, 1962.

(25) The Arms Act and Rules provide for licences being granted only to individual persons and not in the name of the posts. The antecedents, etc., of the persons have also to be enquired into by the police before issuing a licence. Under column 2 of the possession licence, the name, description, etc., of the licensee are to be entered. In the event of the licensee ceasing to hold the post, a fresh licence can be granted in the name of his successor.

(26) Two brass cannons, which did not lend themselves to the conventional type of modification without being rendered unfit for saluting purpose, were returned to a Maharaja subject to the following conditions :—

- (i) The two cannons should not at any time be sold or taken out of the State of Madhya Pradesh;
- (ii) they should be made available for firing of salutes on any State ceremonial occasion if necessary;
- (iii) a plaque displaying in red engraved letters "For saluting purposes only" should be affixed thereon; and
- (iv) necessary licence under the Arms Rules is obtained for their possession.

(27) Licences granted to Army Officers may be made valid for the whole of India, if the officer specifically asks for All India validity, unless the licensing authority has any objection in any particular case.

(28) Under the Indian Arms Rules, 1951, the Ambassador of India in Nepal was empowered to issue arms licences to persons residing in Nepal to bring their arms to India. No such reciprocal arrangement was in existence for Indian Nationals wishing to take their arms to Nepal, and an application for the purpose had to be made to the Department of Foreign Affairs, Govt. of Nepal, through the Indian Embassy in Kathmandu. The Government of Nepal later on empowered their Ambassador in India to issue temporary licences to Indian Nationals visiting Nepal for arms and weapons (except those prohibited in Nepal).

(29) The term^a "a person residing in Nepal" has been inter-

^a Rule 31(1)(c) of the Indian Arms Rules, 1951; item 3(f) of Schedule II to the Arms Rules, 1962.

preted as not necessarily relating to a citizen of Nepal only but also to any other individual residing there; the intention being that the other persons, particularly the Indian citizens, who may be residing there may also get that facility. As regards renewal, a licence may be renewed by the authority who granted it or by any other authority empowered to grant a similar licence or other authorities mentioned in rule 40, clause (3) of the Arms Rules, 1951. The proviso (b) to that clause empowered any Sub-Divisional Magistrate in a former Part 'A' or Part 'B' State to renew a licence in Forms XVI, XVI-A, XVIII or XIX of the said Rules.

As regards the question whether a licence issued by our Ambassador in Nepal can be renewed by other licensing authorities in India and whether those authorities can grant licences to persons residing in Nepal, the legal position, as explained above, appears to be quite clear, namely, that any licensing authority in India can issue a licence to any applicant under the Arms Rules. Thus there appears to be no legal bar on a licence granted by our Ambassador being renewed by another licensing authority in India. In actual practice it would be proper for a licensing authority to consult our Ambassador before renewing a licence granted by the latter.

(30) Prohibited bore weapons in the hands of public should be restricted, relaxation being made in deserving cases where the licensing authority or the State Government are satisfied that the refusal to renew a licence would cause exceptional loss or hardship to the holder who is otherwise considered fit to retain such weapons. If the weapons are not of standard type or of reliable make and are not considered serviceable for official purposes, either —

- (i) the holder may be given a special extension of time for disposal of the weapons deposited, or
- (ii) the licences may continue to be renewed provided that the holder of the weapons is not considered on security grounds to be undesirable person.

2. As a consequence of the policy of curtailing the number of prohibited bore weapons in the hands of the public, the licences already granted for such weapons were not to be renew-

ed generally and the licensees had to deposit such weapons with arms dealers or police stations. Certain arms dealers represented to the Government of India that they might be permitted to convert bores of such weapons into non-prohibited ones. The permission was not granted to them on the view that 'conversion' would be tantamount to 'manufacture' of fire-arms, which is contrary to the Government of India's Industrial Policy. The question of conversion of the bores of these weapons into non-prohibited ones was then considered by the Government of India. It was found that conversion of the bores would involve prohibitive cost as it was essential to have the weapons "proofed" in accordance with the international conventions to assess their strength of design and safety and no private firm in the country was adequately equipped to handle the "proofing" work and it would be dangerous to put unproofed weapons in the hands of the public; further, special proof cartridges would have to be developed for each type of weapons which would not be a practical proposition.

3. With a view to removing hardship, such weapons as are not likely to be very serviceable may be returned to the actual owners, whose licences may be renewed in the normal course, as in the case of other weapons, during the life-time of these owners. The renewal of the licence would of course be subject to the discretion of the licensing authority in assessing the desirability of the person in view of his character, antecedents, etc. This concession in respect of renewal of licence of prohibited bore weapons would be personal to the present holders and would naturally extinguish with them. No fresh licences are to be issued to their heirs, etc., in respect of these weapons.

(31) In the case of police officers who were required to buy and have already bought such weapons to form part of their equipment while in service, the question whether licences should be issued to them to hold those weapons after retirement or otherwise demitting office, is to be decided by the licensing authority in the light of the general principles laid down in connection with grant of licences for prohibited bore weapons. Since the official status of ex-police officers is indistinguishable from that of the other private persons, there is no sufficient justification for treating them as a class apart from the others in the matter of arms licences. If they choose to buy another

weapon, they might acquire a service bore or a non-service bore weapon, as they like, but in the former cases, there would be no guarantee of the licences for such weapons being granted/renewed after the officers have ceased to be in Government service.

(32) Carbine calibre .30 Mark I (or carbine .30 Mark I) are of two types, namely :

- (a) automatic type which can fire continuously (and would therefore, come under the category 'continuous fire fire-arms'); and
- (b) semi-automatic or self-loading type which can fire one bullet only each time the trigger is squeezed.

Weapon of type (b) would not come within the meaning of 'continuous fire fire-arms' nor under the definition of 'cannon'. It need not be classed as prohibited bore weapon.

So far as licences for prohibited bore weapons are concerned, the licensing authority need not treat ex-Army personnel on a footing different from that of the general public and, in any case, it need not be influenced by sentimental reasons usually preferred by applicants who claim licences on the ground that such weapons were part of their equipment. Unless the licensing authority is absolutely certain of the credentials and reliability of an applicant for a prohibited bore weapon and has some very special reasons for the grant of such a licence, his application should be refused as a matter of course. It is to be clearly understood that strictness in this connection cannot be over-done and that all possible care and vigilance should be exercised even to the extent of cancelling the existing licences where the licensing authority has no special reasons for their continuance.

(33) Weapons should not under any condition be allowed to become the private property of police officers on their demitting office. The weapons should not be treated as the personal property of an officer even during his service.

(34) Cannon which are of obsolete pattern or of antiquarian value or in disrepair, which are not capable of being used as a fire-arm, either with or without repair are excluded from the operation of the Arms Act [vide clause (c) of S. 45 of the Arms

Act, 1959]. However, in view of condition (c) of the conditions laid down in the (late) Ministry of State's letter No. D. 11067-P/48, dated the 14th August 1948, subject to which the cannon were recognized as the Ruler's private property, the Ruler concerned should not dismantle such cannon without prior approval of the Government.

(35) There is no objection to the Jagirdars dismantling the serviceable cannon possessed by them and disposing them off as scrap metal with the prior approval of the licensing authorities concerned.

(36) As a rule, licences for automatic repeating fire-arms should be granted only to those who can show circumstances of real necessity and in whose case the police raises no security objection (for instance, automatic magazines guns may be considered as real necessity for Shikaries engaged in big game hunting). It is necessary that in all cases of grant of licence for repeating fire-arms, the character and antecedents of applicants should be got verified.

13. Of retainers—(1) When the owner of any arms or ammunition licensed in Form III applies for permitting his agent, relative or employee to possess or carry any of the arms or ammunition covered by the licence for sport, protection or display, on his behalf, whether in attendance on him or not, and in circumstances different from those mentioned in the proviso to section 3, such agent, relative or employee may, if the licensing authority considers it fit, be shown as a retainer by entering his name and other particulars in column 6 of the owner's licence in Form III.

Note: The owner of any weapon may apply to the licensing authority to omit the name of the retainer and in all such cases, the licensing authority shall omit the name of the retainer. When a retainer ceases to be in the service of the owner, he shall not be entitled to possess or carry any of the arms or ammunition allowed until then, nor shall any person who subsequently comes in the service of the owner be so entitled until and unless his name and particulars are entered in like manner in the licence.

(2) A licence in Form III granted to a company for the protection of its premises or property shall be in the name of a member, agent or other representative of the company, who shall be responsible for the custody of the weapon. The name of a

servant or any other employee entrusted with the weapon for guarding the premises or property of the company shall be entered as a retainer in the appropriate column of the licence. The licensing authority shall issue to the licensee a permit in Form III-B for each of such retainers shown in the licence. The permit shall remain in the personal custody of the representative of the company and shall be made over to the retainers when they are entrusted with the weapon covered by the licence.

(3) A licence in Form III-A for possession and carrying of arms or ammunition may be granted to a person nominated to be his retainer by a person exempted from licensing requirements.

Provided that the retainer shall have no right, independent of the person so exempted, to use the arms or ammunition covered by the licence, and the licence shall cease to be in force on the day on which the person so exempted has ceased to be an exemptee, or the retainer has ceased to be in the service of the exemptee.

Commentary

New provision.

The requirements or clarification now made in this rule appear in the Local Rules of some of the State Govts. A noteworthy feature of this rule is that unlike retainers, it is silent in respect of licensing requirements of 'co-licensees'. It follows that, in the absence of any provision to this effect, or any instructions to the contrary, the existing procedure in respect of co-licensees would continue to be followed.

Note: The provision for including 'retainers' was not intended to be indiscriminately used, but was intended to meet the case only of persons whose standing or circumstances were such as to make it reasonable for them to employ 'retainers' or servants who would be required in the ordinary course of their duties to carry weapons. (H.D. letter No. 5239, dt. 4-11-1910.)

14. Licences for protection of crops and cattle.—(1) Where a licence is granted in Form V, any member of the family of the licensee or a servant employed by the licensee to watch the

crops or cattle and residing with him, may, in the discretion of the licensing authority, be allowed to carry any of the arms or ammunition covered by the licence to protect crops or cattle against wild animals in the area specified in the licence by entering his name and particulars in column 2 thereof.

(2) Where, after the end of any harvest season, the State Government considers it expedient that for the protection of wild life in any area, any arms or ammunition licensed in Form V should be deposited in a police station or with a licensed dealer, it may, by order, require any licensee to deposit such arms or ammunition for such period as the arms or ammunition are not required for the protection of crops or cattle and as may be specified therein, and thereupon the licensee shall be bound to comply with such order.

Commentary

1. Corresponds to rule 34 of the old Rules.

2. **Sub-rule (1):** Though some indication to this effect was found in the old Rules (cf. col. 2 and condition 4 licence Form XIX), there was no clear-cut provision in the Rules in this behalf.

3. **Sub-rule (2):** New provision. There was an apprehension in some quarters (particularly the Indian Wild Life Board of the Government of India and some State Wild Life Boards) that fire-arms licensed for the purpose of this rule are misused during non-harvest season. The provision now made seeks to meet this apprehension. It must, however, be borne in mind that since the Act seeks to liberalize the licensing provisions and to reduce the inconvenience to the public, any rigid or indiscriminate application of the provision would run counter to the spirit of the Act.

Licences for protection of crops or for destruction of wild animals should be made valid for full period from the date of their issue and not invariably expire on a particular date, whether it is end of financial year or calendar year.

15. **Licences for target practice.**—Where a licence in Form VI has been granted in the name of any military mess, club or association, it shall be lawful for any member of such

mess, club or association to use the firearms or ammunition covered by such licence for the purposes of the mess, club or association in accordance with the conditions of the licence.

Commentary

1. Corresponds to rule 30¹⁹ of the old Rules with some modification.

2. The clarification now made is designed to remove any ambiguity about the eligibility of a member of a club, etc. to use, for purposes of target practice, the weapons covered by a licence (in Form VI) granted to the club, etc. The provision in the old Rules (Vide condition 2 of licence Form XV of those Rules) which provided that the licence "covers only the mess, club or association named and the arms and ammunition described therein" was susceptible of this doubt. Similar provision is found in the current Rules (Condition 2 of Form VI).

Notes

RIFLE CLUBS/ASSOCIATIONS

(1) Enclosing a copy of the *Resolution on the subject (viz. facilities and assistance to rifle training institutions in India) adopted by the House of the People at its sitting on the 5th March 1954, the Govt. of India wrote to the State Governments requesting them to give all possible facilities and encouragement to rifle clubs and associations located in the State Government's jurisdiction and to encourage formation of such new clubs.

***RESOLUTION**

"This House is of opinion that with a view to inculcate discipline, marksmanship, initiative and leadership in the youth of India, Government should immediately provide all proper and practicable facilities to Rifle training institutions in India."

¹⁹ Added by H.D. Notn. No. 2537, dated 22-12-1920.

The scheme, as envisaged in the speeches of the Minister of Defence Organization and the Home Minister in the Parliament is that a sufficient number of .22 bore rifles together with ammunition therefore should be supplied to all or selected police stations having firing ranges and storage facilities and that instruction in rifle shooting should be provided to all such reliable members of the public as may apply for it, under the supervision of a responsible police officer.

(2) The police officers incharge of police stations would be keeping rifles for the training scheme as public servants in the course of their duty as such public servants under the orders of the State Government and, therefore, in view of s. 1(b) of the Indian Arms Act,¹¹ no licence under the Indian Arms Act and Rules would be required to be issued to the training centres.

(3) As the possession and use of rifles and ammunition by the trainees at the police stations would be referable to the orders of the State Government, clause (b) of the Arms Act, 1959 would apply and therefore no licence under the Act and the Rules would be necessary in their case as well.

(4) The points of difference between (a) the scheme of rifle clubs/associations and (b) the scheme of Civilian Rifle Training Centres are as follows :

(a) <i>Civilian Rifle Training Centres.</i>	(b) <i>Rifle Clubs.</i>
<ol style="list-style-type: none"> 1. This scheme is entirely sponsored and administered by Government (started in pursuance of the Lok Sabha Resolution dated 5-3-54). 2. The training is imparted at police stations under the supervision of a police officer, and no licence under the Indian Arms Rules is required. 	<ol style="list-style-type: none"> 1. These are private organisations though Government have been giving all possible help and encouragement to them (some of them were in existence even before the Resolution of the Lok Sabha). 2. Rifle clubs provide for target practice and require a licence in Form XV (now Form VI) of the Arms Rules. Training is given by their own instruc-

¹¹ Sec. 45(b) of the Arms Act, 1959.

(a) *Civilian Rifle
Training Centres.*

3. Training in the handling of fire-arms (.22 bore rifles) is imparted at these centres for short periods, to successive batches; and there is no question of standing membership.
4. Trainees have to pay a subscription of Rs. 5.00 per training course and the cost of ammunition used.
5. Rifles are supplied to State Governments by the Ministry of Defence for the use at these training centres.
6. The scheme can cater to a wider class of people who will generally be those who cannot afford either the time or

(b) *Rifle Clubs.*

tors, the police-military instructors may also help in accordance with the policy of the Government to give facilities and encouragement to such scheme.

3. Members of rifle clubs are admitted and continue as members, so long as they pay their subscriptions and abide by the rules. Besides getting their training, they may continue to practice with the weapons; their membership does not stop on their acquiring a desired standard in the handling of firearms. There is a continuous and comparatively "permanent" membership. Practice with weapons other than .22 bore rifles is also permitted.
4. Members have to pay annual/monthly subscription fixed by the club.
5. Rifle clubs may purchase weapons from any source; after payment for any rifles supplied by the Ministry of Defence is completed, they become the property of the particular rifle club.
6. Members of rifle clubs would ordinarily be persons who can afford to pay higher subscriptions and meet other expendi-

(a) *Civilian Rifle
Training Centres.*

money required of members of rifle clubs. They would also be beginners.

7. As there is no standing membership, there is no question of having office-bearers, constitution, etc., for such training centres, or of their affiliation to any private association.

(b) *Rifle Clubs.*

ture for fairly long periods. Some of the trainees who have passed through the civilian rifle training centres and feel sufficiently interested to continue target might also join the rifle clubs, if they can manage the time and money.

7. The rifle clubs/associations, being properly constituted, have office-bearers, like President, Vice-President, Secretary, Treasurer, etc. and a standing membership, it would be appropriate for such clubs to be affiliated to State/National Rifle Associations.
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Note: There is no hard and fast scale in respect of ammunition for non-prohibited bore weapons which may be issued to members of rifle clubs. The licensing authorities may consider each case on merits after verifying the *bona fide* needs of individual member of the rifle clubs.

16. *Age limit for training and target practice.*—Any person below the age of sixteen years but not below the age of twelve years may be allowed to use a fire-arm for the purposes of training in the use of such fire-arm in the immediate presence, or, under the direct supervision and guidance, of an adult instructor or the licensee :

Provided that no person below the age of sixteen years shall be allowed to carry any fire-arm requiring a licence, in a public place, except in the immediate presence and supervision of the person who is lawfully entitled to carry such fire-arm.

Explanation.—For the purpose of this rule, an 'adult' means a person who has completed the age of twenty-one years.

Commentary

1. New Provision.

2. The age-limits are prescribed in pursuance of Section 9(2) and 44(2)(b) of the Act. It is implied by the proviso to this rule that it is permissible for a person below the age of 16 years (but not below the age of 12 years) to carry fire-arms for the purposes of training in the use of such fire-arms, in a place, other than a public place, without the presence and supervision of a person who is licensed or exempted from the requirement of licence to possess such fire-arms.

3. Air weapons to be used for training purposes are already exempt¹² from licensing requirement subject to certain conditions.

17. Traveller's (temporary) licence—(1) Subject to the provisions of rule 8, a licence in Form VIII may be granted to any bona fide traveller, proceeding from the place of his arrival in India to his place of destination in India, for the possession and carrying of arms or ammunition for the duration of the journey, by the licensing authority at the place of arrival.

(2) A copy of every such licence shall be forthwith sent to the district magistrate having jurisdiction over the place of destination of the licensee; such authority shall satisfy himself, when necessary, that the licensee has complied with condition 7 entered on the Form of the licence.

Note: A temporary traveller's licence (in new Form VIII) can be obtained by the person concerned by instructing his travel agent or a friend in India in advance. He may also apply in advance to the licensing authority of the place where he intends to ordinarily reside in India with a recommendation from the Indian Mission abroad for the grant of the licence. The Indian Mission will only make a recommendation after satisfying itself regarding the fitness of the traveller to hold a licence. A copy of its recommendation will be sent by the Indian Mission concerned to the licensing authority through the Ministry of External Affairs to serve as a check. On receipt of the application the licensing authority should take steps to keep the licence in readiness for the traveller, after making any

¹² *Vide* MHA notn. No. 15/13/59(V)-P, IV, dated 13.7.1962, entry 1 (4) of Schedule V (Copy at Sl. No. 5, Part IV, Ch. 10).

further enquiries where necessary. It is presumed that in the great majority of cases local enquiries regarding travellers will be unnecessary after the recommendation of the Indian Mission abroad, in view of the fact that normally little may be known about the traveller's antecedents locally. Where the traveller indicates that he will be visiting different parts of the country, an all-India licence may be issued to him unless there is any objection to doing so in any particular case.

18. *Application of section 4 of the Act.*—In any area specified in the notification issued by the Central Government under section 4, licences for acquisition, possession or carrying in the area of arms of such class or description as may be specified in that notification may also be granted or renewed as provided in Schedule II, subject to such conditions as are specified in that Schedule and in the licence.

Commentary

1. *New provision.*

2. Under the old Act, a licence for possession and carrying of arms other than fire-arms was also necessary. These arms were, however, generally exempt from such requirement with the condition that a State Government may (by delegated powers) require such licence if and when considered necessary. The scheme in the new law is, however, different inasmuch as such arms are excluded under the Act from the requirement of possession licence thereunder; but the State Government (by delegated powers) have the power to impose licensing restrictions thereon if they find it necessary or expedient in the public interest. Keeping in view the liberalizing spirit of the Act, such restrictions are not expected to be imposed¹³ except in emergency or in some trouble spotted-areas. Category V represent the arms which are considered to be lethal and may be licensed in the contingencies mentioned. The State Government have however power to impose licensing restriction on any other arms which may be popularly used in any particular area for defensive or offensive purposes.

¹³ See debates in Parliament App. IV.

19. **Arms other than fire-arms.**—Unless the Central or State Government by notification in the Official Gazette so directs, no licence shall be required for the manufacture, sale, possession for sale or test, of arms of category V except in the areas notified under section 4.

20. **Manufacture, conversion, shortening, repair, test, sale etc., of arms or ammunition.**—(1) The licensing authority while granting a licence in Form IX or Form XIII shall show clearly in the licence Form—

- (i) the categories and description of the arms or ammunition covered by the licence;
- (ii) the transactions permitted in respect of the different categories of arms or ammunition, and omit any transactions, or categories of arms or ammunition, not covered by the licence.

(2) A copy of every licence granted in Form IX or Form XIII by an authority other than the district magistrate of the place of business, factory or shop of the licensee shall forthwith be sent to that district magistrate.

Notes

(1) There is no objection to the continuance of manufacture of arms and ammunition by the existing units in the private sector who are already licensed for such manufacture, subject to the following conditions:—

- (a) revolvers, pistols and rifled weapons and ammunition used in such weapons are not to be manufactured, and
- (b) the strictest security precautions are observed so as to prevent any diversion of the products of such factories to unauthorized hands,
- (c) the operations of such units should be strictly restricted to the items already manufactured by them,
- (d) no expansion of their activities through widening the range of their production and/or increasing the capacity

of the items already produced by them is to be undertaken without the prior sanction of the Govt. of India,

- (e) the weapons manufactured should be proof-tested according to the prescribed regulations.

No fresh licences for manufacture of arms and ammunition are to be granted (subject to the decisions regarding air rifles/air guns and percussion caps). At the time of renewing licences for private manufacture, a suitable quota is to be fixed by the State Government for the items to be manufactured, so that the market is not flooded with such arms and ammunition.

There is no objection to licences being issued to private parties (in Form XI) for the purpose of repairs of arms and ammunition and fabrication of components/parts of such articles for the purpose of carrying out such repairs, subject to the conditions that such components/parts etc. are not manufactured for the purpose of, or utilized for, assembling into complete arms/ammunition, the strictest security precautions should also be observed as in (b) above.

(2) Extract from the Government of India's Industrial Policy Resolution, dated the 30th April 1956.

8. Industries in the first category have been listed in Schedule A of this Resolution. All new units in these industries, save where their establishment in the private sector has already been approved, will be set up only by the State. This does not preclude the expansion of the existing privately owned units, or the possibility of the State securing the co-operation of private enterprise in the establishment of new units when the national interests so require. Railways and air transport, arms and ammunition and atomic energy will, however, be developed as Central Government monopolies. Whenever co-operation with private enterprise is necessary, the State will ensure, either through majority participation in the capital or otherwise, that it has the requisite powers to guide the policy and control the operations of the undertaking.

11. Industrial undertakings in the private sector have necessarily to fit into the framework of the social and economic policy of the State and will be subject to control and regulation in terms of the Industries (Development and Regulation) Act and

other relevant legislation. The Govt. of India, however, recognize that it would, in general, be desirable to allow such undertaking to develop with as much freedom as possible, consistent with the targets and objectives of the national plan. When there exist in the same industry both privately and publicly owned units, it would continue to be the policy of the State to give fair and non-discriminatory treatment to both of them.

Schedule A

I Arms and ammunition and allied items of defence equipment.

(3) Conversion of bores of arms by private firms would not be permissible because :

- (a) it would be tantamount to manufacture of fire-arms which is contrary to the Government of India's policy; and
- (b) it would be unsafe and their 'proofing' is expensive and also not a practical proposition in the present condition of private firms in the country.

(4) There is no objection to private firms being permitted for the time being to manufacture (a) air-rifles/air guns and (b) percussion caps.

(5) No licence was necessary for the manufacture of Guptis or Sword-sticks, on a cottage industry basis without the aid of machinery, under the provision of the Indian Arms Act, 1878. A licence is necessary only if the Guptis or Swordsticks are manufactured with the aid of machinery. As, however, the instruments, like sandasi, iron-piece, grinder, hammer, ghata, etc. used for manufacture of the above mentioned items do not fall under the category 'machinery', no licence appears necessary for the possession of these instruments.

(6) As manufacture of percussion caps and air rifles/air guns by private firms have been allowed for the time being, it is not, therefore, necessary to obtain prior sanction of the Government of India to an increase in the quota of manufacture of these items by the firms, if the State Government decide to do so. Any import of machinery for the purpose will, however, require a licence.

(7) Instructions were issued by the Government of India

making it obligatory for guns produced by private firms in India to be proof-tested. Guns which had already been released for sale in the market by manufacturing firms prior to the dates of issue of the instructions (viz. 13-2-1956 in the case of BL guns and 9-6-1956 in the case of ML guns) need not be treated as falling within the purview of those instructions.

(8) Dealers in arms will be responsible if they merely rely on such inquiries to satisfy themselves of the local authority of any intending purchasers. They are similarly not properly discharging their obligation if they send by post arms to any person who professes himself entitled to possess them. They must make due inquiries, in all cases of sales, and must in all cases where they have not already sufficient proof that the purchaser is legally entitled to purchase, obtain sufficient proof by further inquiry. (H.D. letter No. 2964, dated the 11th August 1909).

(9) The weapons of American manufacture known as the Ithaca Auto and Burgla gun and H and R. Handi gun should be classed as pistols and all restrictions in force with regard to revolvers and pistols should apply to these weapons which may therefore be lawfully possessed only by persons holding pistol and revolver licence. (H.D. letters Nos. F.21-58-27 and F.21-XXXIV-29, dated respectively, the 20th October 1927 and 9th July 1929).

(10) Lead-shot for air guns is to be treated like air gun pellets, i.e. as not ammunition requiring a licence. Unlike lead shot for other guns, they appear to fall within the scope of entry 1/12(a) of Schedule II of the exemption notification No. 13/13/59(V)-P IV, dated 13-7-1962, i.e. as not requiring licence in quantities within the prescribed limit. Machinery required for manufacture of lead shot for air guns would also, therefore, not require to be licensed under the Arms Act and Rules.

(11) Conversion of bores of weapons would not be permissible because (a) it would be tantamount to manufacture of fire-arms which is contrary to the Govt. of India's policy and (b) it would be unsafe and their 'proofing' is expensive and also not practical proposition in the present conditions of private firms in the country. In the case of barrel or magazine proposed to be replaced by new ones imported from abroad from well-known makers, the objection at (b) would not hold. With due regard to this and to the Industrial Policy referred to, private firm

carrying out the work of replacement of barrel and magazine of the fire-arms has been allowed to do the work subject to the conditions that an undertaking is taken from the firm that—

- (a) the parts imported would be exclusively used for replacement of the corresponding parts of the fire-arm, and
- (b) the parts would not be utilized for assembling into complete weapon.

(12) A question was raised whether an arms dealer can carry business on a large scale by loading or reloading cartridges with the help of recapper, decapper or turnover machines with or without a licence for the same. The position is that machinery for the manufacture of ammunition falls within the definition of 'ammunition'. Decapper, recapper and turn-over machines being machinery for the manufacture of ammunition would fall within the scope of the definition of ammunition. Under entry 1(2) of Sch. II of the Gazette notification¹⁴ issued under sec. 41 of the Arms Act, 1962, these machines are, however, excluded from all the provisions of the Arms Act, provided that the use of these machines is restricted to loading or reloading cartridges for one's own personal use and for no other purpose. Where these machines are used for loading and reloading cartridges on a commercial basis, they would not be covered by the exemption provided under Sch. II and consequently, it would not be permissible to carry on this manufacture of ammunition without a licence.

The manufacture of ammunition is the monopoly of the public sector and the existing manufacturers in the private sector are allowed only to continue manufacture of their existing items without any expansion of their manufacturing activities. Consequently, unless their existing licences cover also manufacture of ammunition, manufacture of ammunition by loading or reloading cartridges even with the help of recapper, decapper or turn-over machines would not be permissible nor would they be entitled to get a fresh licence for the same.

(13) While amalgamation of two or more manufacturing units may, strictly speaking, not fall within the scope of the

¹⁴ No. 15/13/59(V), dated 13-7-62 (C. S. R. No. 991).

policy of the Government of India according to which no fresh licences are to be issued for the manufacture of arms and ammunition and consequently such amalgamation may be allowed, it would, nevertheless, be advisable to take Govt.'s of India's prior approval before allowing such amalgamation.

21. **Conversion, repair, test, sale, etc.**—(1) Where a licence is granted in Form IX or Form XI for conversion or repair, but not manufacture, of any category of firearms or ammunition, it entitles the licensee to fabricate components or parts, for the purpose of conversion or repair of such firearms or ammunition but not to manufacture such components or parts to be utilised for assembling into complete fire-arms or ammunition of any category which he is not allowed to manufacture.

(2) (a) A licence in Form XI shall not entitle the dealer to shorten a firearm or to convert an imitation firearm into a firearm, unless he has a licence in Form IX showing specifically that he is permitted to shorten a firearm or convert an imitation firearm into a firearm.

(b) Under no circumstances shall a dealer shorten the barrel of a rifle or smooth bore gun so that the resultant length becomes less than 20 inches.

(c) The details of the cases in which barrels are shortened and imitation fire-arms are converted into fire-arms shall be reported every month to the district magistrate, in such form, if any, as may be required.

(3) A dealer having a licence in Form XI, Form XII or Form XIII to convert or repair or to sell firearms or ammunition shall not take the firearms or ammunition for testing to a testing range or other place, unless specifically permitted to do so by his licence, and he shall carry out tests only in such manner and subject to such conditions as are laid down therein.

Commentary

For commentary and notes see Rule 20.

22. **Proof testing of firearms.**—(1) Proof testing of fire-arms manufactured by a licensed dealer shall be carried out only in accordance with the regulations which may be framed by the

Central Government or framed by such authorities as the Central Government may specify in this behalf and approved by that Government.

(2) No dealer shall sell a fire-arm which has not been duly proof-tested.

Commentary

1. Corresponds to the provisions in conditions 9(a) of licence Forms IX and XI of the old Rules.

2. The requirement of proof testing was originally introduced¹⁵ in the Arms Rules in 1957. The spirit which weighed behind the decision to require proof testing of arms was to eliminate the chances of accidents caused by handling of untested fire-arms. The Arms laws of almost all the advanced countries provide for this.

Note: For rules for proof-testing of fire-arms, see App. VIII.

Notes

(1) Details of fees to be charged for proof testing and of other charges :

<i>Shot guns</i>	<i>Cost of proof per barrel</i>		<i>Packing charges</i>	<i>Transport charges</i>
	<i>Min. about Rs. up.</i>	<i>Max. about Rs. nP.</i>		
Provisional proof :	4 25	5 —	Rs. 5 per weapon (approx); Minimum of 5 weapons in a case.	31 nP. per 100 miles per 5 seers with a minimum charge of Re. 1 per passenger train.
Definitive proof :	4 —	5 —		

The exact charges of proof testing will vary within the maximum and minimum indicated above.¹⁶

¹⁵ Added by M.H.A. Notns. No. 15/3/57-P.IV, dated 27-5-57, and 20/1/59-P. IV, dated 26-2-1959.

¹⁶ For further details, see Appendix VIII, Schedule I.

(2) A gun made in India with an imported barrel from Belgium fitted in it — Question whether it can be disposed of with the level "made in Belgium". Decision — even though the barrel is made in a foreign country, the gun itself is manufactured in India and it would be fraudulent to describe the gun as made in a foreign country and dispose it of under such level. Moreover, even though the barrel is proof tested abroad, the complete gun should be sent for definitive proof test and got approved by the proof testing authorities.

(3) The proposal to carry out the work of proof testing of fire-arms on the spot (of their manufacture) was not found practicable as proofing is undertaken in a permanent establishment requiring the use of special rooms, equipment etc., which cannot be carried by an Inspector from place to place.

(4) It is obligatory for private manufacturers of arms in India to have the B.L. guns and M.L. guns manufactured by them subjected to Provisional and Definitive proof at the Technical Development Establishment (weapons) Ishapore or at the Technical Development Establishment (weapons), Kirkee-3.

(5) Though normally weapons are first proofed provisionally before manufacture is completed, manufacturers may, at their own risk, forward them for Definitive proof only. This provision is only with a view to economizing the cost of transportation and the cost of Provisional proof, which has to be carried out in any way, has to be levied.

(6) Proof testing of muzzle loading guns manufactured in India made compulsory.

(7) In regard to the orders making it obligatory to get muzzle loading guns and breech loading guns proof-tested before sale, it is not the intention to give the orders retrospective effect. The guns which had already been released for sale in the market by the manufacturing firms prior to the date of issue of these orders (viz. 13-2-56 or BL guns and 9-6-56 for ML guns) need not be brought under the purview of these orders.

(8) A firm raised the question whether M.L. guns manufactured with barrels imported from abroad would still require to be proof tested in India. Ruled that if the imported barrels are fitted with the action and the barrel and its action have both been proved by definitive proof which was preceded by provisional proof in the case of DBML gun, and passed by the

proving authorities of the country of origin, the requirements of "Rules, Regulations and scale applicable to the proof of sporting Arms in India" would be met with and consequently no further proof of such weapons would be necessary provided it is ensured (both by the firm and the district authority concerned) that both the barrel and its action have been duly stamped with the definitive proof marks by the proving authorities and that the provisional proof marks are stamped on the barrels of DBML guns in addition to the above mentioned marks.

(9) Proof markings in use on weapons are contained in the 'Rules, Regulations and Scales applicable to Sporting Arms' framed by the Government of India (in the Ministry of Defence).

(10) As the Indian Arms Rules were applied to the State of Jammu and Kashmir later, copies of the relevant orders relating to proof-testing of fire-arms were sent to that State Government only on 8th March 1957, which date may be taken as the crucial date for the enforcement of the condition of nitro proof-test by manufacturers in respect of that State.

(11) The following proofs are required in respect of sporting arms and their barrels in accordance with the provisions of the "Rules, Regulations and Scales applicable to the proof of Sporting Arms in India" —

- (a) Barrels intended for Double — Barrelled smooth bore shot guns breech loading (4 bore or smaller)/muzzle loading are to be provisionally proved;
- (b) Double Barrelled smooth bore shot guns breech loading (4 bore or smaller)/muzzle loading fabricated from barrels which have not been provisionally proved earlier, are to be provisionally proved;
- (c) All arms, which also include rifled breech loading guns, and their barrels, other than those at (a) and (b) above, may, but need not, be provisionally proved;
- (d) All sporting arms, including those which have been provisionally proved/fabricated from barrels which have already been provisionally proved, are to be proved by Definitive Proof.

2. In the case of imported barrels intended for shot guns, if the same have been proved by the country of origin, which can be evidenced by the proof mark stamped on the barrel and/or covered by a certificate issued by the Proof Master of that country, no further provisional proof of these barrels is required. But the guns fabricated in India from these barrels will invariably be required to be proved by definitive proof.

23. Licensing authorities to furnish information to the district magistrate.—A copy of every licence granted in any Form by any authority other than a district magistrate shall be sent forthwith to the district magistrate having jurisdiction over the area in which the place of business or residence of the licensee is situated.

24. Sale or keeping for sale certain arms and ammunition.—(1) The State Government or, in the State of Madras, Andhra Pradesh or Kerala, the Board of Revenue, may, by licence granted by it in Form XI or Form XII authorize selected dealers to sell or keep for sale a specified amount of ammunition of category I(c).

(2) A dealer possessing a licence in Form IX, Form XI or Form XII shall not sell or transfer any arms or ammunition of category I(b) or I(c) to any person, unless the acquisition or possession of such arms or ammunition is expressly permitted in his licence or in his certificate of exemption.

Commentary

Corresponds to sub-rule (3)¹⁷ of rule 26 of the old Rules with some modification.

Notes

(1) Ordinarily arms and ammunition are sold by the licensed dealers against a licence under the Arms Act and Rules. Since in the case of sale of arms and ammunition for the use of the King of Nepal, no licence is required to be taken out, it appears that the requirement of the Arms Act and Rules would be adequately met if such sale is effected on the strength of the certificate to be issued by the Collectors of Customs of the licensing

¹⁷ Added by MHA Notn. No. 106/1/37-Police dt. 24-3-1938.

authority concerned, as the case may be, under rule 24-A (2) (a) of the Indian Arms Rules, 1951.

(2) The Arms Act and Rules do not prohibit the Government from purchasing arms and ammunition direct from the market.

(3) Under rule 28 of the Indian Arms Rules, 1951, licences for the possession of continuous fire-arms i.e., automatic repeating fire-arms (viz. those that discharge more than once by a single function of the trigger) can be granted only by the Central Government and dealers cannot sell these to those holding the ordinary licences for other arms i.e. for breech-loading gun or rifle. As regards other guns, rifles and ammunition, condition 2 of Form XVI specifies that the licence is valid only for the arms and ammunition described therein; the dealers cannot sell different types of weapons to the licence-holder. Repeating weapons with magazines (automatic or semi-automatic) are different from ordinary breech-loading guns/rifles.

2. As regards permitting the dealers to sell such weapons—

- (i) the licensing authority should not grant licences permitting them to sell continuous fire fire-arms;
- (ii) while there need be no ban on the sale of repeating guns/rifles (i.e. those requiring separate pressure on trigger for each discharge) which are not covered by (i) above, only reliable firms of standing should be remitted to sell them, and this should be shown on their licence under the column relating to 'description and number' of arms and
- (iii) dealers licensed to sell repeating guns/rifles should be instructed that such guns/rifles should not be sold to any person unless he holds a licence expressly covering such repeating guns/rifles.

(4) The existing practice of disposing of by public auction fired/spent bullets after mutilating them beyond recognition should continue.

(5) Since a suspicion is bound to arise that all is not above board if Government servants are permitted to bid (either personally or through proxy) at Government auctions of confiscated/forfeited arms and ammunition particularly when the buyers belong to the same Department which conduct the auction even if, in fact, the transaction is free from any element of undue

influence or dishonesty, it is undesirable for Government servants to bid at auctions arranged by their own Departments. It has accordingly been decided by the Government of India that in the matter of sale of "non-prohibited bore" pistols and revolvers (confiscated by or forfeited to Government), Government servants as a class should no longer be given preference over others.

25. **Identification marks on fire-arms.**—(1) A manufacturer of fire-arms shall get every fire-arm manufactured by him stamped so as to show distinctly—

- (a) the marker's name and registered trade mark if any;
- (b) the serial number of the weapon as entered in his register and the year of stamping; and
- (c) proof-mark

as shown in the following Table:—

TABLE

Weapons	Manufacturer's name	Number	Proof mark
1	2	3	4
1. DBBL weapons	(i) On the rib at the top near the breech	(i) On the fore-end (ii) On the flats of barrel (iii) On the flats of action body	(i) On the flats of action body (ii) On the flats of barrel
2. SBBL weapons	(i) On the barrel near the breech (ii) On side plates	(i) On the fore-end (ii) On the flats of barrel (iii) On the flats of action body	(i) On the flats of action body (ii) On the flats of barrel
3. M. L. weapons	(i) On the barrel or on the rib near the nozzle (ii) On side plate	(i) On the barrel near the nozzle (ii) On the action body	(i) On the barrel
4. Revolvers	On the Barrel	(i) On the barrel (ii) On Chamber (iii) On body	(i) On the barrel (ii) On body
5. Pistols	On the frame	On the frame	On the barrel.

(2) When an imported firearm kept for sale by a dealer does not bear the manufacturer's name, such distinguishing mark of the importer as allotted by the State Government shall be engraved on the barrel (adjacent to the number, if any, existing thereon) and on other parts as shown in column (2) of the Table under sub-rule (1); if a barrel bears more than one number, the distinguishing mark shall be affixed to the number appearing on the original invoice. When the manufacturer's number appears only on the trigger guard or other replaceable part, that number shall be engraved on the parts shown in column (3) of that Table.

(3) A person, who has in his possession any firearm which does not bear distinctly a manufacturer's name, number or other identification mark as mentioned in sub-rule (1), shall get the identification mark stamped on the firearm consisting of —

- (a) such district letters as may be prescribed for the purpose by the State Government;
- (b) serial number of the possession licence in the Arms Register of the licensing authority concerned or, in respect of the fire-arms in possession of a person exempt from the obligation to take out licence for their possession, the letters 'Ex', and
- (c) the year of stamping,

in that order and in the following manner:—

- | | |
|---------------------|-----------------------------|
| 1. Rifles | On the barrel and breech; |
| 2. Guns and pistols | On the barrel; |
| 3. Revolvers | On the breech and cylinder. |

Commentary

1. New provision made under s. 8(2) of the Act.
2. Until now, this was required by the State Governments under their Local Rules & Orders and the procedure was not uniform.
3. Sub-rule (3): The Act [proviso to s. 8(3)] allows a time-limit of one year from 1st October 1962 — the date of coming into force of the Act — within which the persons concerned should get the necessary identification marks stamped on the fire-arms in their possession.

Note: Home Department notification No. 532, dated 16-3-1894, added a clause to the conditions printed on the back of Forms VI, VII, VIII, IX, X and XI of the forms of licences prescribed in the rules issued under the Indian Arms Act, 1878, which prohibited the licensee from possessing Government arms or ammunition. Measures would accordingly be taken to stamp or otherwise mark Government arms which are sold or given away, so as to indicate that they are no longer the property of Government.

In order to cover the cases of Government arms which in some Provinces it may be the custom to lend to private persons for the destruction of wild animals or for any other reason, a note giving the distinguishing marks and description of the arms lent should be made in the licence (H.D. letter No. 535-542, dated 14-3-1894.)

26. Records of transactions in arms and ammunition.—

(1) Every dealer shall maintain—such registers as may be prescribed by the Central Government to show receipts, disposals, balance of stock in hand and daily sales of arms or ammunition of different categories and provide such other information as may be required.

(2) Every entry of transactions in such registers shall be made before the close of business hours on the same day and in the case of a sale or transfer, the dealer shall, at the time of the transaction, require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the registers.

Commentary

Sub-rule (1) corresponds to condition 2 of licence Forms IX-XII appended to old Rules.

Sub-rule (2) — new provision.

Powers of the Central Government under this rule have been delegated¹⁸ to State Governments.

27. *Inspection of premises, stock and record.*—Every magistrate and any police officer not below the rank of Inspector, or, if the Central Government so directs, of Sub-Inspector, may, within the local limits of his authority,—

¹⁸ *Vide* MHA notes at S. Nos. 7 and 8, Part IV, Ch. 10.

- (a) enter and inspect the premises in which arms or ammunition are manufactured or in which arms or ammunition are kept by a manufacturer of or dealer in such arms or ammunition; and
- (b) examine the stock and accounts of receipts and disposals of arms and ammunition or any other register or document.

Commentary

Corresponds to sub-rule (4) of rule 26 of the old Rules with some modifications.

2. Powers of the Central Government under this rule have been delegated¹⁹ to State Governments.

28. **Restrictions upon import or export for re-import of arms or ammunition.**—A licence shall not be granted for the import or export for re-import of any arms or ammunition through the medium of post office.

Commentary

1. Corresponds to rules 5 and 7 of the old Rules.

2. This rule includes the restrictions on import under rules 5 and 7 of the old Rules. The total ban on import of arms and ammunition (called "prohibited bore weapons") covered by rule 7 referred to was obviously cumbersome and inconvenient in practice, since Government of India were used to be frequently approached with short notices on behalf of important foreign personages, Nepal Government etc., for permission to import such arms and ammunition as fall under the purview of that rule. Importation of such articles was not possible unless a gazettee notification granting exemption from the operations of rule 7 was issued as a rule and more often than not there was little time for issue of such notifications. It may be noticed that the articles for which import licence in Form I could be granted by the Central Government (e.g. cannon, etc.) under rule 5 of the said rules (now called prohibited arms under the new Act)

¹⁹ Vide M.H.A. Notns. at S. Nos. 7 and 8, Part IV, Ch. X.

were more dangerous and more in the nature of war weapons than the weapons covered by said rule 7. A logical step has, therefore, been taken to treat import of these prohibited bore weapons also as exceptional and, as in the case of prohibited arms and ammunition, not to be allowed except under a licence in Form I from the Central Government. It may be recalled that the Rules of 1924 contained similar provision. Import of arms and ammunition covered by category 1 (b) which comprises dangerous fire-arms are apparently to be treated similarly.

29. **Import by sea or air.**—Arms or ammunition shall be deemed to have been brought into India by a person when such arms or ammunition are imported through an agent and are either—

- (i) consigned to such person direct, or
- (ii) consigned to the said agent, if the agent possesses a certificate from the said person that the arms or ammunition are bona fide his property and the agent only clears the arms or ammunition from the customs house and forwards the same.

Commentary

1. New provision.

Similar provision is found in the existing Local Rules of some of the State Governments (vide rule 48 of U.P. Rules and paras 16-17 of Bombay Arms Act Manual).

30. **Vessels entering the territorial waters of India.**—Arms or ammunition carried by a vessel entering the territorial waters of India or leaving such waters, shall be deemed to be imported or exported as the case may be, irrespective of whether the vessel carrying the arms or ammunition does or does not berth.

Commentary

1. New provision.

2. This was hitherto required by instruction from the Government of India.

31. **Import by land or river of arms and ammunition.—**

(1) Where a licence is granted in Form XVI and the articles are consigned to an area not on the frontier of India, a copy of the licence shall forthwith be sent by the authority granting it to the Government of the State concerned or the district magistrate having jurisdiction over the area in which they cross such frontier; and the State Government/district magistrate may in its/his discretion, require the licensee to produce the arms or ammunition for its/his inspection before allowing the same to be taken out.

(2) Where arms or ammunition are imported by rail, a copy of the licence shall forthwith be sent by the authority granting it to the railway authorities at the place to which such arms or ammunition are consigned.

Commentary

1. Corresponds to rule 10 of the old Rules.

(2) Service officers are entitled to possess/bear either two revolvers/pistols or one revolver and one pistol as part of their regular equipment. One of the two weapons i.e. one pistol/revolver, is a service issue and is withdrawn when the officer leaves the service. The other is privately purchased by the officer and is retained by him on his leaving the service. Officers are entitled to import the second weapon free of customs duty together with ammunition up to a maximum of 100 rounds.

(3) In dealing with cases of import of prohibited bore weapons, such weapons should not be released solely on the basis of the possession licences produced but it should be ensured that the import is also covered by an exemption²⁰ notification issued by the Government of India in the Ministry of Home Affairs. A copy of the notification or certificate of exemption from the Government of India or a State Government may invariably be demanded from the party concerned before allowing their import.

(4) An exempted person may, without an order or licence, import rifles of a non-sporting character through an agent

²⁰ Now an import licence in Form I *vide* item 14 of Schedule II to the Arms Rules, 1962 can also be issued.

(i) when the arms are sent to him direct, and (ii) if the arms are sent to an agent and the latter obtains a certificate from the exempted person that the imported arms are *bona fide* his property and the agent only clears them from the Customs House and forwards them.

(H.D. letter No. 22-1321, dated 24-8-1896 and No. 2531 dt. 9-12-1897.)

(5) The sight of guns and rifles should be regarded as parts of arms within the meaning of the Indian Arms Act, 1878. The sight for rifles of .303 bore fall accordingly within the restriction imposed upon the importation of rifles or parts of such rifles of such bore.

(H.D. No. 909, dated 1-5-1911.)

(6) Appliances such as hand grenades and riot pistols which are designed to render helpless for the time being a mob or an individual without causing permanent injury are 'arms' within the meaning of the Act of 1878 and their importation should not be allowed and that all applications for licences for importation of weapons of this character should be refused.

(H.D. No. F.21-L.V.-28, dated 28-2-1929.)

* Baggage of Rulers of Indian States

(7) Baggage of Rulers of Indian States with a salute of 10 guns and over is exempt from Customs Duty.

Note 1. The term "baggage" for the purposes of exemption should be deemed to include a reasonable quantity of arms, ammunition, alcoholic liquors and tobacco included in personal baggage, but does not cover furniture and carpets (except in small quantities) or motor cars, motor cycles or carriages.

Note 2. The unaccompanied baggage of a Ruler of Indian State with a salute of 10 guns and over should be admitted free of duty if it arrives within one month of the Ruler's arrival in India or within four months thereof subject to the discretion of the Customs Collector that the goods were his property and in his possession before he left for India.

* Indian Sea Customs Manual (8th Edition), Vol. I, p. 259, Ch. VIII, sec. 75.

32. **Bringing of arms or ammunition into India by bona fide tourists.**—(1) When a licence is granted in Form III to a bona fide tourist referred to in clause (b) of the proviso to sub-section (1) of Section 10, an entry shall be made by the licensing authority in his passport/visa giving the full particulars of all the arms or ammunition for which the licence has been granted.

(2) The licensing authority shall obtain an undertaking in writing from the licensee that he shall not sell or transfer the arms or ammunition to any one in India without the prior permission of the district magistrate having jurisdiction over the place where such sale or transfer is to be made, and where the arms or ammunition are sold or transferred he shall inform the customs authority and pay the duty, if any.

(3) The passport-checking authority or any other officer empowered by the district magistrate in this behalf at the port or other place of departure from India shall verify that the arms entered in the passport/visa are being taken out of India by the licensee and recover the licence and forward the same to the authority who issued it with the remarks that the arms have been duly re-exported or lawfully sold or transferred in India, as the case may be.

Notes

A bona fide tourist may be allowed to bring free of duty only 3 sporting fire-arms including one fire-arm admissible under the Tourist Baggage Rules, instead of four fire-arms allowed hitherto, without any 'guarantee' but subject only to the entry in the re-export form.²¹

A tourist is allowed to import 400 cartridges for sporting purposes; out of this, 100 cartridges are to be allowed free of customs duty and the remaining quantity on payment of the usual customs duty. The tourist need not take out a licence under the Import Trade Control Act for the import of this quantity of ammunition. This limit on the quantity of cartridges is, without any reference to the number of fire-arms brought in by the tourist or the period of his stay in this country.

²¹ See the Tourist Baggage Rules, 1958 in Part V of the Manual.

The proviso to condition 2 of licence Form XVI of the 1951 Rules would not absolve the tourists from the obligation to take out possession licences in Form XVI of the said rules (now Form III of the new rules) in respect of the arms and ammunition belonging to, but lent to them by the recognized Shikar Agents.

✓ 33. **Of Exports.**—(1) The authority granting a licence in Form XVII for export by sea or air of arms or ammunition from customs ports to ports in foreign territory or Commonwealth shall send a copy of such licence to the agent or master of the vessel or to the air carrier by which the arms or ammunition covered by the licence are intended to be taken out of India.

(2) The weapons of the following description shall not be allowed to be exported, namely:—

- (i) weapons falling within the definition of "antiquity" under the Antiquities (Export Control) Act, 1947 (31 of 1947);
- (ii) weapons of current and popular bores for which ammunition is available in the country; and
- (iii) automatic weapons and weapons which are in use by the police or the armed forces of the Union.

(3) Every application for the grant of a licence in Form XVII or Form XVIII for export of fire-arms shall be accompanied by a certificate from the Director General of Archaeology of the Central Government to the effect that the arms intended to be exported do not fall within the definition of "antiquity" under the Antiquities (Export Control) Act, 1947 (31 of 1947). If the application is made to the Central Government, it shall be accompanied by a further certificate from the licensing authority of the place from where the weapons are intended to be exported certifying that the weapons do not belong to any of the descriptions mentioned in sub-rule (2). ✓

Commentary

Sub-rule (1) corresponds to parts of rules 14 and 15 of the old Rules.

2. Unlike the old Rules which allowed export from or to certain selected ports, such transaction is now permissible from all customs ports ('port' includes an 'air-port'). See also commentary on rule 35.

3. Sub-rules (2) and (3); incorporates a recent decision of the Government of India.

Notes

(1) No export permit (under the Export Trade Control Regulations) is necessary for export of sharp-edged weapons up to 50 (fifty) in number at a time when they are exported outside India either by land, sea or air or by post.

(C.C.I. & E. Export Instruction No. 10/62, dated 25-2-1962.)

(2) The Arms Rules do not prohibit issue of an export licence (in Form VI) for more than one kind of arms or ammunition.

(3) A visitor from Nairobi was permitted to re-ship a prohibited bore weapon to Nairobi, which he had brought with him to India and was detained by Customs authorities at the port of arrival.

34. Export by land or river of arms and ammunition.—When a licence for export of arms or ammunition by land or river is granted in Form XVIII a copy of the licence shall forthwith be sent by the licensing authority—

- (a) where the arms or ammunition are exported by rail, to the district magistrate of the place from which the consignment is to be despatched; or, in the State of Jammu and Kashmir, to the State Government, and such authority shall forthwith send a copy to the railway authorities at the station from which the consignment is to be despatched;
- (b) where the arms or ammunition are exported by road or river, to the district magistrate having jurisdiction over the area out of which they are to cross the frontier of India; and such magistrate may, in his discretion, require the licensee to produce the arms or ammunition for his inspection before allowing them to leave the area.

Commentary

1. Corresponds to rule 16 of the old Rules.
2. See also comments on rule 41.

A Ruler, being an exemptee under Schedule I is exempt from the requirements of licence in respect of weapons in reasonable quantities for his own personal use. If he intends to send the weapons abroad for sale (or for any purpose other than for his own personal use), he would be required to take out an export licence.

Applications for the export of obsolete/obsolescent firearms are to be scrutinized carefully in each individual case. The factors to be taken into consideration (besides security consideration) at the time of the scrutiny would be:—

- (i) No weapons which fall in the prohibited categories under the Indian Antiquities Act will be permitted for export;
- (ii) weapons of current and popular bores for which ammunition is available in the country will not be permitted for export;
- (iii) automatic weapons and weapons which are in use by the Police and the Armed Forces will also be excluded.

2. Where licences are to be issued by the Police Commissioners/District Magistrates for export to Commonwealth countries under Rule 14 of the 1951 Rules, they may check (before issuing an export licence) that the weapons (intended to be exported) do not belong to any of the categories mentioned at items (i) to (iii) above.

3. Where the export licences are to be issued by the Central Government (in the Ministry of External Affairs) under Rules 13 and 15 of the said Rules, the Police Commissioner/District Magistrate of the place from where the weapons are intended to be exported may examine the weapons and a certificate may be obtained from such authority that the weapons do not belong to any of the categories mentioned above, and forwarded by the exporters to the Central Government along with the application for the grant of requisite licence. The exporter should also obtain a certificate from the Director of

Archeology that the weapons which are intended to be exported do not fall within the prohibited categories under the Indian Antiquities Act and enclose such certificate with the application for the grant of licence.

35. **Export and re-import of arms and ammunition by sea or air.**—(1) A licence in Form XIX may be granted for export of arms or ammunition by sea or air from one place in India and its re-import into another place in India—

(a) by the Central Government or any other officer specially empowered by it, if—

- (i) the arms or ammunition are taken by sea or by an International Air Service or across intervening territory not forming part of India, or
- (ii) the arms or ammunition form part of the estate of a deceased or insane person who was or is subject to the Indian Navy Act, 1957 (62 of 1957) or whose estate is dealt with under the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950) where such arms or ammunition are to be sent to the wife, widow, legal representative or next of kin of such deceased or insane person; or

(b) by the licensing authority,—

- (i) for import, at the place of destination, or
- (ii) for export, at the place of despatch subject to the previous consent of the licensing authority at the place of destination as required under rule 50—

if the arms or ammunition are carried by sea or by an internal air service.

Explanation.—For the purpose of this rule, "India" includes any of the ex-French settlements in India.

(2) A copy of every licence granted under sub-rule (1) shall forthwith be sent by the authority granting it to—

- (a) the licensing authority/authorities of the place of despatch destination of the articles as the case may be, or if the place of despatch/destination is in any of the ex-French settlements in India, to the Secretary, General Administration Department, Government of Pondicherry; and
- (b) where the place of despatch/destination of the articles is other than a port—
 - (i) to the licensing authority at the port of export/re-import; and
 - (ii) if the route includes transport by rail, to the railway authorities at the station from which the consignment is to be despatched.

Commentary

1. New provision.

2. Rules 9 and 14 of the old Rules, if read together meant that two licences were required for one and the same transaction, viz., one for export at one place in India and another for import at another port in India which was apparently not justified. This apparent lacuna in the Rules has not been rightly removed by bringing the transaction under one comprehensive licence (in Form XIX) for 'export and re-import' or 'import, transport and re-export'. The present provision is also in conformity with the provision in section 10(3) of the Act. A new feature of this rule is that the preferential treatment so far accorded to the Commonwealth countries in the old Rules as compared to export to our own ports has been done away with.

Similar provision was found in the Indian Arms Rules, 1924 (rule 27) but the transaction was limited to the then Princely States and the British Indian territory. When the Rules were re-issued in 1951, the operation of the rule (then rule 24) was confined to import from Nepal. It was further amended in 1952²² and lastly²³ in 1956 consequent upon some constitutional changes in the country.

²² Vide M.H.A. notn. No. 9/105/49-P. I. dated 17-7-52.

²³ Vide M.H.A. notn. No. 15/14/56-PIV, dated 27-8-56.

Note: While the import of arms and ammunition through the medium of Post Office is prohibited, there is no such absolute *prohibition* on their export. It may, however, be added that, in accordance, with the provisions of the Imports and Exports (Control) Act, 1947 (vide Postal Notice No. 8 dated 9-5-1955), exportation by post of arms, ammunition, etc., other than those held as personal property and covered by a valid licence under the Arms Act and Rules, wherever, necessary, would require a licence under the Imports and Exports (Control) Act in addition to a licence under the Arms Act and Rules.

36. Arms or ammunition to be delivered to Customs-Collector in certain cases.—Where a vessel or air-craft bound for a port other than a port in India calls at any port in India in the course of its voyage, and remains there for a period exceeding forty-eight hours, any arms or ammunition in the possession of any passenger not exempted from liability to take out a licence in respect of such possession shall be delivered by him to the Customs-Collector, to be detained until the departure by sea or air, as the case may be, of such passenger, and it shall not be necessary for such passenger to take out any licence in respect of the arms or ammunition so delivered and detained.

Notes

(1) As regards transit of consignments of firearms belonging to individual passengers through Indian airports without change of aircrafts, no prior authorization by way of transit permit is insisted upon by customs authorities at airports. In fact, no prior intimation is given in such cases by any passenger or the Captain of the aircraft in respect of firearms carried on board the aircraft in transit through Indian airports.

2. As regards transit involving change of aircraft, if the arms and ammunition are landed in bond and declared under manifest to be consignments for any port to which export is permitted within the purview of entry (1) of Schedule III to the Indian Arms Rules, 1951, neither a licence under the Arms Act, not a transit permit will be necessary; (the word 'port' includes both a seaport and an airport). If however the consignments of firearms belonging to passengers in transit through India are landed on Indian soil and are kept at customs bond for a few days pending transshipment such consignments are put on the

outgoing aircraft directly from customs custody under **Preventive supervision** and as such no 'transit permit' will be necessary. Rule 8 of the Indian Aircraft Rules, 1937, read with section 10 of the Indian Arms Act, 1878, also does not seem to require the production of a transit permit in such cases. Similar provisions have been made in Rule 18 of the Indian Arms Rules, 1951, which lays down that if a vessel halts for more than 48 hours in any Indian port in the course of its voyage to a port out of India, the arms and ammunition in the possession of any passenger shall be deposited with the customs-collectors until the departure of the vessel and it will not be necessary for the passenger to take out any licence for his arms and ammunition.

(2) The principle in respect of firearms carried as accompanied baggage²⁴ by air passengers will apply *mutatis mutandis* in the case of firearms carried as 'unaccompanied air baggage' by *bona fide* passengers.

37. Prohibition of transport of arms and ammunition.—

(1) Save as herein otherwise provided, no person shall transport over India or any part thereof any fire-arms or ammunition or any arms of category V, except under, and in accordance with the conditions of, a licence granted under these rules.

(2) Nothing in sub-rule (1) or in section 12 shall be deemed to apply to arms or ammunition—

- (a) transported personally or as personal luggage, in reasonable quantities for his own use, by a person lawfully entitled to possess or carry such arms or ammunition;
- (b) transported by a person licensed to manufacture such articles, for proof testing, in a case or package legibly addressed to a Government establishment or an establishment approved in this behalf by the Central Government, or re-transported by such establishment to such person;
- (c) of category V, transported through an area where the Central Government has, by notification in the

²⁴ See The Tourist Baggage Rules in Part V of the Manual.

Official Gazette, applied section 4, or from such area to an area where section 4 does not apply, provided that the weapons are properly packed and labelled, showing clearly the description of the articles and the name and address of the consignee;

(d) transported by a licensed dealer for export or after import, in accordance with a licence for their export or import,—

- (i) from the place of despatch to the port or other place of export, or
- (ii) from the port or other place of import to the place of destination, or
- (iii) by trans-shipment in the port of import for re-export by sea or air;

(e) transported—

- (i) by a person lawfully entitled to possess such articles, in reasonable quantities for his own use from the premises of a licensed dealer, or for purposes of examination or repair or test to or from any such premises, or to the address of any other person lawfully entitled to possess such articles; or
- (ii) by a licensed dealer, in a case or package legibly addressed to a person lawfully entitled to possess such articles, in compliance with an order given by such person for the supply of such articles, in reasonable quantities, for his own use or after carrying out necessary repairs thereto;

(f) being chlorates, transported for bona fide industrial, agricultural or medicinal purposes:

Provided that—

- (i) transport of arms or ammunition under clause (d), clause (e) or clause (f) shall be subject to obtaining a certificate of no objection from the licensing authority at the destination of the articles as provided for in rule 50;

- (ii) transport of arms or ammunition personally for any of the purposes stated in sub-clause (i) of clause (e) without using them through any area outside the area of validity of his possession licence, shall be subject to his obtaining a permit from the licensing authority at the starting place of transport; and
- (iii) prior intimation of the transport of arms of category V under clause (c) or of chlorates under clause (f) shall be given to the officer-in-charge of the nearest police station or a magistrate having jurisdiction over the place of despatch.

(3) The officer or magistrate receiving prior intimation under clause (iii) of the proviso to sub-rule (2) shall immediately inform the district magistrate and, if the articles are transported by rail, the Superintendent of railway police having jurisdiction,—

- (i) over the place of destination, in the case of transport of chlorates, and
- (ii) over the place of entry into the area where section 4 applies, in the case of transport of arms of category V.

Explanation.—For the purposes of this rule, 'transport' includes movement of arms or ammunition across any part of the country, but does not include movement of arms or ammunition by a licensed dealer from a ware-house, godown or any other similar place to his factory, shop or other place of business within the same village, town or city.

38. Transport of arms or ammunition.—(1) A copy of licence granted in Form XX for transport of arms or ammunition beyond the local limits of the jurisdiction of the authority granting it shall forthwith be sent to the district magistrate having jurisdiction over the area where the place to which the articles are consigned is situated, or if such place is in the State of Jammu and Kashmir, to the Government of that State.

(2) A copy of every such licence granted by a district magistrate for transport within the limits of his jurisdiction shall forthwith be sent to the subordinate magistrate (if any) having juris-

diction over the place to which the arms or ammunition are consigned.

(3) Where arms or ammunition are transported by rail, a copy of such licence or a copy of the no objection certificate referred to in rule 50 shall be attached to the way-bill or invoice, as the case may be, and telegraphic advice of every such consignment shall be sent by the railway authorities from the forwarding to the receiving station.

(4) A licence for the transport of arms or ammunition shall not, save for special reasons to be recorded by the authority granting it, be granted for a period longer than twice the time likely to be occupied in the journey to the place of destination by the route indicated in the licence:

Provided that a licence for a longer period, not exceeding a quarter of a year at one time, may be granted in connection with industrial purposes for transporting ingredients of ammunition in instalments from the godown to the factory of the licensee situated within the same district but not in the same locality. A licensee transporting any ingredients of ammunition under such licence shall give prior intimation to the nearest magistrate/officer-in-charge of police station; and he shall make necessary entries promptly in the stock registers maintained for the purpose at both the godown and the factory.

Notes

1. Railway authorities should not permit booking of any consignments of metal scrap unless the same is accompanied by a "Free-from-Explosives" Certificate obtained in the manner indicated below:—

- (i) When the metal scrap is recovered by the military authorities themselves from the ammunition which is being disposed of by them, then such a certificate should be obtained from them.
- (ii) In the case of metal scraps of other natures or even ammunition scrap obtained by private firms or individuals through import or through sources other than military, it is for the Railway authorities to verify the following from the party/parties concerned before accepting the scrap for booking:—

- (a) the nature of scrap metal — if recovered, the nature of material/stores from which it is recovered;
- (b) in case it is scrap recovered from ammunition, whether it was purchased from military authorities;
- (c) if reply to (b) above is in the affirmative, the party should be asked to produce the 'Free-from-Explosives' certificate from the military authorities i.e. Inspecting Ordnance Officer;
- (d) if it is scrap recovered from ammunition but not from military authorities, the party should indicate the source of purchase and advance a proof that it is "free-from-explosives".

2. The "Free-of-Explosives" Certificate should be tendered at the booking office before the goods are brought to the station.

3. The military authorities, however, take all possible steps to ensure that no live ammunition or explosives are left in metal scrap recovered by them, and the scrap is disposed of by them only after taking a "Free-from-Explosives" Certificate from their technical experts. If in spite of this any live ammunition or explosives of service origin are discovered in the scrap in the possession of private dealers, it may be taken for granted that they have come to possess such scrap in an unauthorized manner.

4. The following further procedure has been prescribed:—

(i) If the civil authorities discover the presence of explosives or scrap containing explosives, a report should at once be made by telegram to the Inspector of Explosives concerned. The Inspector of Explosives will inspect the scrap and, if any explosives/ammunition of Service origin are found, he should seek the help of the Brigadier Army Ordnance Corp. at Command Headquarters in inspecting and disposing of the explosives/ammunition of Service origin. The Ammunition Inspecting Ordnance Officer would take steps to destroy the explosive/ammunition after a bond in prescribed form is executed indemnifying him and his staff against injury/loss of life. It should be the duty of local civil authorities to obtain from the owner of the scrap the above indemnity bond and to give necessary facilities to the Ammunition Inspecting Ordnance Officer in the disposal of the explosives/ammunition. Local Police authorities

will be responsible for keeping such scrap guarded until the Inspecting Ordnance Officer certifies that the scrap is free from live explosives.

(ii) In the case of explosives/ammunitions of non-service-origin, it will be the responsibility of the Inspector of Explosives to dispose it of, and military authorities need not be consulted.

(2) A transport licence in Form VII is not necessary for the transport of manufactured fire-works of the kind commonly used at festive occasions.

(3) Persons entitled by virtue of a licence or otherwise to transport or export arms, whether to a State in India or elsewhere, are free to use the medium of post office to effect the transmission or export. Under clause 96(5) of the Post and Telegraph Guide, however, no sharp instrument, such as a sword, can be transmitted through the post unless it is properly protected. (H.D. letter No. F. 21-LXXXVI-30 dated 7th Feb. 1931.)

(4) In the matter of agency for transportation, what holds good in the case of transportation within the area of validity of a possession licence also holds good in respect of transportation outside the area of validity of that licence, and it is immaterial what agency is employed for transportation in both these cases.

39. Licence for import, transport and re-export of arms and ammunition.—Where under the authority of a licence for import, transport and re-export of arms or ammunition granted in Form XIX, the arms or ammunition are to be—

- (a) transported across Indian territory entirely by rail, a copy of the licence shall forthwith be sent by the authority granting it, to the licensing authority and to the railway authority at the place from which the consignment is to be despatched; or
- (b) transported across Indian territory and re-exported by land or river, a copy of the licence shall forthwith be sent by the authority granting it to the district magistrate having jurisdiction over the area out of which the consignment is to cross the frontier of India.

40. Scrutiny by authorities of consignments containing arms and ammunition.—(1) (a) (i) Where a package or case con-

taining arms or ammunition is brought for export or transport, to a railway authority or shipping agent or master of vessel or air carrier, the latter shall, before receiving the articles for despatch or despatching them, verify that they are accompanied by the original licence in the case of export or an attested copy of the licence in the case of transport or of export for re-import.

(ii) where a consignment is received after import or transport, by an authority at a port checking import or by a railway authority, such authority shall require the production of the original licence before delivering the consignment.

(b) Where arms or ammunition consigned to an area not on the frontier of India are imported, or where a consignment of arms or ammunition is exported, by land or river, the district magistrate having jurisdiction over the area in India into or out of which it crosses the frontier of India or an officer appointed by him in this behalf shall require the licensee to produce the original licence and may, in his discretion, require the licensee to produce the arms or ammunition for his inspection before allowing the articles to leave the area.

(c) The aforesaid authority shall satisfy himself—

- (i) that the licence accompanying the consignment or produced by the licensee is identical in substance with the copy sent to him; and
- (ii) that the arms or ammunition correspond with the description given in such licence.

(2) Where in any case referred to in sub-rule (1)—

- (a) the original licence is not produced by the consignee or the original or attested copy of the licence does not accompany the case or package, as the case may be, or
- (b) the licence is not identical in substance with the copy sent to the authority, or
- (c) the arms or ammunition do not correspond with the description given in such licence,

the authority shall not receive the articles for despatch or allow the articles to proceed further or deliver the consignment, as the

case may be, and shall, in case he is not a magistrate, forthwith inform the nearest magistrate.

Commentary

1. Corresponds to rules 11, 15(3) and 21(4) of the old Rules.
2. There was a great deal of repetition in the old Rules of certain provisions relating to import, export, transport regarding—

- (i) scrutiny of consignments (cf. rules 11, 15(3), 15(4), 16(5)(b) and 24(2)(b); and
- (ii) production and delivery of licences (cf. rules 12, 17, 22, 24(3)(ii).

The present provision attempts to make the rule simpler and concise by putting all these scattered provisions together at one place under two common rules, viz. present rule and rule 41.

41. Production and delivery of licence for import/export/transport.—(1) The consignee of arms or ammunition imported/transported under a licence or his agent in the case of arms or ammunition exported under a licence shall—

- (a) produce the licence, where the consignment in the course of import crosses the frontiers of India by land or river, within six days of such crossing, before the district magistrate having jurisdiction over the area into which the consignment so crosses or before such other officer as the district magistrate may appoint in that behalf;
- (b) deliver the licence within six days of the arrival of the consignment—
 - (i) at the destination, in case such consignment has been imported or transported to a place in India, or
 - (ii) in the area out of which such consignment being exported/transported across Indian territory for re-export, is to cross the frontier of India and before it so crosses—

to the district magistrate having jurisdiction over the area in which the destination or place of crossing, as the case may be, is situated, or such other officer as the district magistrate/State Government may appoint in that behalf.

(2) Every officer, to whom a licence is produced or delivered under sub-rule (1) shall satisfy himself that—

- (a) the arms or ammunition correspond with the description given in the licence, and
- (b) any deficiency is properly accounted for.

(3) If the officer to whom a licence is delivered under sub-rule (1) is an officer other than the district magistrate, the licence shall be forwarded by such officer to the district magistrate.

Commentary

- 1. Corresponds to rules, 12, 17 and 22 of the old Rules.
- 2. See comments on rule 40.

42. Import, transport and export of arms and ammunition for the Government of Nepal or the King of Nepal.—

(1) Where arms or ammunition are imported into India for despatch to the Government of Nepal or His Majesty the King of Nepal, the customs authorities at the port of disembarkation, or the licensing authority in other places, shall check the consignment against the list of arms or ammunition received from the Central Government; the packages shall be sealed thereafter in the presence of a Customs Examiner or any other authority appointed for the purpose by the Central Government.

(2) (a) Where arms or ammunition imported into, or acquired in, India are to be despatched to Nepal for the Government of Nepal or His Majesty the King of Nepal, they shall be accompanied by a certificate from the Collector of Customs or the licensing authority of the area concerned to that effect; the certificate shall also contain a description of the marks on each package or case sufficient to enable it to be readily identified and a general statement of the contents of such package or case;

(b) on receipt of requisition from the clearing agents or the firm concerned, as the case may be, the district magistrate shall arrange for necessary escort up to the railway station;

(c) the railway authorities shall not receive for despatch any package or case containing arms or ammunition unless accompanied by a certificate as required under clause (a).

(3) Where in any case—

- (i) the list referred to in sub-rule (1) is not received from the Central Government, or
- (ii) the arms or ammunition imported into, or intended to be despatched from, India do not correspond with the description given in such list,

the authorities concerned shall not allow the consignment to be despatched to Nepal and shall forthwith inform the Central Government.

Commentary

1. Corresponds to rule²⁵ 24-A of the old Rules.

2. Powers of the Central Government under sub-rule (1) have been delegated to the State Governments.

43. Transport of arms from any place in Nepal to any other place in Nepal through Indian territory.—(1) Notwithstanding anything contained in rules 8 and 28, the Ambassador of India in Nepal, on application made by or on behalf of His Majesty the King of Nepal, or the Government of Nepal, and subject to confirmation by the Central Government, may grant a licence in Form XXI for the import into, possession in, transport across, or export out of, India from any place in the territory of Nepal to any other place in that territory across the frontiers of India, of arms or ammunition of categories I and II or any other category, by His Majesty the King of Nepal, personnel accompanying him, his brothers, the Prime Minister of Nepal and Nepal Government's Troops or Police, as the case may be.

(2) Where under the authority of a licence granted under sub-rule (1), arms or ammunition are to pass across Indian territory—

- (a) if entirely by rail, a copy of the licence shall forthwith be sent by the Ambassador to the district magistrates having

²⁵ Added by M.H.A. notn. No. 22/19/56-PIV., dated 18-2-1958.

jurisdiction over the areas through which the arms or ammunition shall pass across the frontiers of India and also to the railway authorities of the place in the Indian territory through which the consignment shall pass;

- (b) if by road or river, a copy of the licence shall forthwith be sent to the district magistrates having jurisdiction over the areas through which the arms or ammunition shall pass to Nepal across the frontiers of India.

(3) The Central Government, or the Ambassador with the approval of the Central Government, may make any order regulating the safe transit to Nepal across the frontiers of India of the arms or ammunition mentioned in this rule.

Commentary

1. Corresponds to rule²⁶ 32-B of the old Rules.
2. Powers of the Central Government under sub-rule (3) have been delegated to the State Governments.²⁷

44. *Transit licences for bona fide travellers.*—(1) Where a licence is granted in Form XXII, the licensing authority shall endorse the passport/visa of the tourist to that effect.

(2) A copy of every licence granted in Form XXII shall forthwith be sent to such officer of the Government of the State in which the place of his departure from India is situated as may be specially empowered in this behalf by the State Government or the Administrator or Lieutenant Governor or Chief Commissioner of a Union territory, as the case may be.

(3) (a) The licensee shall not, while in India, sell or transfer any arms or ammunition covered by his licence without prior permission of the licensing authority of the place where such sale or transfer is to be effected. He shall produce the arms or ammunition or the permission of the licensing authority, as the case may be, at the time of leaving India and return his licence to the passport checking authority, or other authority empowered

²⁶ Added by M.H.A. notn. No. 9/61/51-PIV., dated 20-9-1955.

²⁷ *Vide* M.H.A. Notns. at S. Nos. 7 and 8, Part IV, Ch. 10.

by the district magistrate in this behalf, at the port or other place of departure from India:

(b) the passport checking authority or other authority to whom the licence is returned by the licensee, shall forward the same to the authority who issued it, with the remarks that the arms or ammunition have been duly exported, or sold or transferred with the permission of the authority concerned as required under clause (a).

Commentary

1. Corresponds to rule²⁸ 32-A of the old Rules.
2. The new features of this rule are:

- (a) It has been amplified to include provision for allowing *bona fide* tourists or visitors from abroad to acquire in India, country-made weapons (e.g. muzzle-loading guns, as curios, mementos or pieces of art) and take them out of India.

Note: As the weapons are to be used while in India, it should be possible to issue the licence forthwith without conducting any enquiry as is the usual practice in the case of issue of other possession licences.

- (b) it prohibits the licensee from selling or transferring any weapons covered by his licence either brought from abroad or purchased in India, without prior permission of the licensing authority concerned;
- (c) it requires the licensee to return his licence while leaving India to passport-checking authority instead of the licensing authority as in the old Rules — a procedure which is definitely inconvenient to the licensee; and
- (d) the Ambassador of India in Nepal, who was hitherto empowered to grant such licence by special order, has now been specifically included in the list of licensing authorities.

45. Licence to keep in custody arms and ammunition.—The licensee in Form XIV shall not accept for custody arms or ammunition without satisfying himself that there is no mala

²⁸ Added by M.H.A. Notn. No. 9/26/53-PL, dated 9-3-1954.

vide intention on the part of the depositor or any person on whose behalf the deposit is being made. The dealer shall either inform the nearest police station and the district magistrate personally, or despatch information to the office-in-charge of the police station and the district magistrate by registered post on the day of deposit or return or disposal, as the case may be, of such arms or ammunition.

46. Deposit of arms and ammunition under section 21.—

(1) When a licensing authority decides to suspend or revoke a licence or to refuse to renew it, he shall, while communicating his decision in writing to the licensee, inform him that—

- (a) under section 21 (1) he is required to deposit within such time as may be specified in the order suspending, revoking or refusing to renew the licence, the arms or ammunition covered by the licence, either with the officer-in-charge of the nearest police station or with a dealer holding a licence in Form XIV, or, in case he is a member of the armed forces of the Union, in the unit armoury;
- (b) subject to the proviso to section 21 (2), during the period prescribed under sub-rule (4), he or, in the case of his death, his legal representative is entitled to sell or otherwise dispose of the arms or ammunition to any person lawfully entitled to possess the same and to receive the sale proceeds, if any; and
- (c) if the arms or ammunition have not been disposed of or their possession by the licensee or his legal representative, as the case may be, has not become lawful within the prescribed period they shall, subject to the proviso to section 21 (3), be forfeited to Government by order of the district magistrate.

(2) Where any arm or ammunition is deposited by an owner under section 21 (1), in a police station or unit armoury or with a dealer holding a licence in Form XIV, the officer-in-charge of the police station or unit armoury or the licensed dealer, as the case may be, shall—

- (a) attach to each article deposited, a card showing the following:—

Deposit under section 21 (1):—

- (i) Description (No. etc.) of the article
- (ii) Particulars of licence or exemption (if any)
- (iii) Name and address of depositor
- (iv) Sl. No. in register and date of deposit
- (v) Date due for forfeiture/disposal
- (vi)
Signature of depositor
- (vii)
Signature of dealer or officer-in-charge
of police station/unit armoury.

- (b) issue to the depositor a receipt containing the same details as in (a); and
- (c) immediately send a copy of the receipt to the authority who granted the licence or renewed it last.

(3) (a) (i) Any arms or ammunition deposited in a unit armoury under section 21 (1) may, unless returned or disposed of earlier, be transferred, after the expiry of a period of 30 days after such deposit to the nearest police station;

(ii) any arm or ammunition deposited in a police station under section 21 (1) which have not been returned or disposed of within 30 days of the deposit and the arms or ammunition transferred under clause (i) may be transferred for the sake of better maintenance or safety to a police armoury in the district/taluka headquarters or such other place as may be specified by the district magistrate, in accordance with such instructions as may be issued by the State Government for the purpose:

Provided that the district magistrate, may, when he considers it desirable, extend the said period of 30 days.

(b) Intimation of such transfer shall be given to the depositor of the article and to the licensing authority who granted or last renewed the licence for the article.

(4) The period within which a depositor or his legal representative may exercise his rights under sub-section (2) or section 21 shall be—

- (a) six months from the date of deposit, if the arms or ammunition are deposited as a consequence of contravention by its owner of any provision of the Act or these rules or any condition of the licence;
- (b) one year—
 - (i) from the date of deposit, if the arms or ammunition are deposited as a consequence of its possession becoming unlawful under section 21 (1) otherwise than as under clause (a), or
 - (ii) if it is already in deposit, from the date of communication to the owner, of the order revoking, suspending, or refusing to renew the licence, or
 - (iii) from the date of notification issued under section 4:

Provided that any period under clause (a) or (b) shall be reckoned—

- (i) where an appeal is preferred by the owner under section 18—from the date of the final order of the appellate authority;
- (ii) where the arm or ammunition is the subject of a legal suit or dispute or is owned or inherited by a person who has not completed the age of sixteen years, from the date of termination of the dispute or of completion by that person of the age of sixteen years; and
- (iii) where the owner of the arms or ammunition is on active service outside India—from the date of his return to India:

Provided further that—

- (i) when the arm or ammunition is owned by a person who is considered by the licensing authority to be unfit, for the time being, to carry the arm or ammunition for reasons relating to maturity, physical or mental condition or other incapacitating or unfavourable circumstances of a temporary nature, the period prescribed under clause (a) may be extended suitably by the district magistrate; and

- (ii) the State Government may by general or special order, extend the period in any other suitable case.

(5) (a) Any arms or ammunition not returned or disposed of before the expiry of the period prescribed under sub-rule (4) shall be notified to the district magistrate; and, subject to the provisos to sub-rule (4) and the proviso to section 21(3), transferred to the district malkhana or such other place as required by order of the district magistrate, for the purpose of forfeiture under section 21 (3).

(b) The district magistrate shall, before making an order of forfeiture after the expiry of the prescribed period, serve a notice as required under section 21 (4) in like manner as for service of summons under the Code of Criminal Procedure, 1898 (5 of 1898):

Provided that, in the case of the depositor being a member of the armed forces of the Union, the notice shall be served personally through the Commanding Officer of such member.

(6) Charges for maintaining in good condition articles deposited may be levied at such rates as may be fixed from time to time by the State Government.

47. Deposit of arms and ammunition for safe custody (otherwise than under section 21).—(1) (a) A person lawfully possessing arms or ammunition may deposit them for safe custody with a dealer holding a licence in Form XIV or in a police station or, if he is a member of the armed forces of the Union, in a unit armoury.

(b) Before accepting the arms or ammunition for deposit otherwise than under section 21 (1), the dealer or officer-in-charge of a police station or unit armoury shall satisfy himself that they are possessed under a valid licence issued under the Act and these rules or under exemption from the need for such licence.

(c) Members of the armed forces of the Union may be allowed to keep their arms or ammunition in safe custody in a unit armoury only during the tenure of their service.

(2) Where the arms or ammunition have been deposited under sub-rule (1), the dealer or the officer-in-charge of the police station or unit armoury shall—

- (a) attach to each article deposited a card, easily distinguishable from that described in rule 46(2)(a) showing the following :—

Deposit for safe custody:—

- (i) Description (No. etc.) of article
- (ii) Name and address of depositor
- (iii) Particulars of licence/exemption
- (iv) Sl. No. in register and date of deposit
- (v) Date of expiry of licence
- (vi) Date up to which deposited
- (vii)
Signature of depositor.
- (viii)
Signature of dealer or officer-in-charge
of police station/unit armoury.

- (b) issue to the depositor a receipt containing the same particulars as in clause (a); and
- (c) on the same day send a copy of the receipt to the authority who granted the licence or renewed it last.

(3) (a) In the event of failure to get the licence renewed, the arms or ammunition shall continue to be possessed by the dealer on the authority of his licence in Form XIV or by the officer-in-charge of the police station or unit armoury; but, if the licence is not renewed for a period of 3 years after its expiry, the dealer or the officer-in-charge of the police station or unit armoury shall bring this to the notice of the district magistrate for such action as he may consider necessary;

(b) the articles shall in no case be returned to the owner unless the licence to possess them is renewed or a new licence is obtained.

(4) The depositor may be charged a fee for the custody of the articles deposited at the following rates:—

- | | |
|---|--|
| 1. For each fire-arm | One rupee per year or portion thereof. |
| 2. For every other weapon or package of ammunition .. | 50 nP. Per year or portion thereof. |

Any extra charges for maintenance of the articles in good condition may be levied at such rates as may be fixed from time to time by the State Government.

48. **Records and Returns of the articles deposited.**—(1) The dealer, or the officer-in-charge of the police station or unit armoury shall maintain such registers as may be prescribed by the Central Government.

(2) A copy of the entries in the registers relating to the quarters ending on the last day of March, June, September and December, each year, certified as true copy under the signature of the dealer or officer-in-charge of the police station or unit armoury, as the case may be, shall be forwarded, to the district magistrate as early as possible after the expiry of each quarter.

(3) The licensed dealer or the officer-in-charge of the police station or unit armoury or of any other place specified under rule 46 (3) (a) (ii) where the arms or ammunition are kept, shall submit to the district magistrate by the 15th December each year, a report showing the particulars of arms or ammunition in their custody which have, or will, become liable to forfeiture by the end of that year.

49. **Inspection.**—(1) Arms and ammunition deposited in a police station or with a dealer and those transferred to the district malkhana and the register maintained for the purpose shall be inspected periodically by the district magistrate or other officer appointed by the State Government in this behalf in accordance with such procedure as may be prescribed by the State Government.

(2) The arms or ammunition deposited in a unit armoury and the register maintained for this purpose shall be inspected periodically by the officer commanding the unit or any other officer empowered by him in accordance with the procedure prescribed by the Government of the State, where the unit is for the time being located.

Commentary

1. New provision.

2. Rules in this respect were hitherto framed by the State Governments (by virtue of the powers delegated to them under

s. 16(4) of the old Act). But a perusal of those rules show that they were not uniform and differed from State to State. Framing of rules in this behalf by the Central Government themselves is in the direction of meeting a frequent demand in the Union Parliament that the Arms laws should be uniformly applicable throughout the country.

Until now, arms deposited by their owners for safe custody (rule 47) often used to get fixed up with other arms deposited under compulsion of law (s. 21) and frequently forfeited to Government for no fault of their owners. Rule 47 seeks to avoid this contingency. Similarly, provision regarding separate register, token cards to be attached to the articles deposited, etc. would help in keeping these two kinds of deposits as distinct as possible from each other.

See also comments on s. 21 of the Act.

Powers of the Central Government under sub-rule (1) delegated²⁰ to State Governments.

Note

Fire-arms for which there is no immediate use can be deposited with the licensed Arms dealers for safe custody without showing any real necessity for availing of the facility for such deposit provided their possession at the time of deposit is lawful.

50. **Previous consent in certain cases.**—(1) A licence having effect beyond the local limits of the authority of the officer granting it shall not be granted for the transport or export or re-import of any arms or ammunition to a place, without ascertaining that there is no objection to the grant of such licence on the part of —

- (i) the district magistrate having jurisdiction over the area in which such place is situated, or
- (ii) the Government of the State of Jammu and Kashmir, if such place is in that State, or

²⁰ *vide* MHA. Notus. at S. Nos. 7 and 8, Part IV, Ch. 10.

(iii) the Secretary, General Administration Department, Government of Pondicherry, if such place is in any of the ex-French settlements in India.

(2) For the purposes of sub-rule (1) either—

- (i) a certificate of no objection may be obtained by the applicant for the licence, or
- (ii) an enquiry may be made by the authority to whom application for grant of such licence is made.

Commentary

1. Corresponds to rule 37 of the old Rules

2. Sub-rule (b) (i) of the old Rules would now be covered by sub-rule (1) (i) of the present rule in view of the definition of 'district magistrate' in rule 2. Sub-rule (1) (iii) is an addition necessitated by the recently changed political status of Pondicherry.

51. Application for licence.—Every application for the grant of a licence under these rules—

- (a) shall be submitted in Form 'A';
- (b) may be presented by the applicant in person or sent through the medium of post office or otherwise, to the licensing authority, as far as possible, having jurisdiction in respect of the place where he ordinarily resides or has his occupation;
- (c) shall contain all such information as is necessary for the consideration of the application; and in particular—
 - (i) where the application is for a licence for the acquisition, possession and carrying of arms or ammunition for crop-protection, shall specify details of the land and cultivation requiring protection and area within which the arms or ammunition are required to be carried;
 - (ii) where the application is for a licence for import by river or for export or for transport or for export and re-import, or for import, transport and re-export, of

arms or ammunition, shall specify the place of destination, the route, the time likely to be occupied in the journey and the quantity description and price of each kind of arms or ammunition in respect of which the licence is required and the purpose for which they are intended;

- (d) where the grant of licence requires a certificate of no objection from some other authority as provided in rule 50, shall state whether such certificate has been obtained and, if so, shall be supported by evidence thereof:

Provided that—

- (i) an application by a member of the armed forces of the Union shall be made through his Commanding Officer to the licensing authority having jurisdiction in respect of the place to which he is for the time being posted; and
- (ii) the licensing authority may, in accordance with any instructions issued by the State Government in respect of all or any class of fire-arms require the personal attendance of the applicant before granting or renewing the licence applied for.

Commentary

1. Corresponds to rule 38 of the old Rules.

2. The provision in clause (b) is more liberal than the corresponding provision in the old Rules in the sense that while submission of application for grant of a possession licence under the old Rules was limited to 'the nearest authority empowered to grant such licence', the current rule permits submission of such application to 'any authority competent to grant the licence applied for'. The new provision has both an advantage and disadvantage. On the one hand, while it has no doubt conferred a wider choice on the applicant in the matter of selecting the authority to whom he may apply for a possession licence, it may, on the other hand deprive the licensing authority of the place of residence of the applicant to have any say in the matter of issue of licence to a person residing within his

own jurisdiction—a matter vitally connected with law and order position. (The Rules as they stand at present, appear to impose no condition on a licensing authority to consult the other licensing authority having jurisdiction over the place of residence of applicant in such cases.)

52. **Form of licences** :—(1) A licence in Form II, Form III, Form III-A, Form IV, Form V or Form VI, if granted for more than one year, shall be in book-form.

(2) When a licence is granted in Form II, Form III, Form IV, Form V, or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence, or the arms or both, as the case may be, the licence shall cease to be in force:

Provided that, if during the period so specified or extended the licensee wishes to acquire and possess any weapon or weapons of a different description and the licensing authority has no objection to allow the acquisition and possession of such weapon or weapons, he may amend the licence accordingly.

Provided further that if the licensee, after the grant of licence, changes his place of residence, the licence or the arms or both may be produced before the licensing authority of the place of his new residence for inspection within the period so specified or extended and the authority who inspected the arms as well as the licensee shall intimate the fact of such inspection to the authority who issued the licence.

Commentary

Sub-rule (1) is a new provision.

(2) Sub-rule (2) is an adaption of the proviso to sub-rule (1) of rule 40 of the old Rules which is of a clarificatory nature. No

* Added by M.H.A., Notn. No. F. 13/7/62-Police (iv), dated 3-5-1963 [The Arms (Second Amendment) Rules], 1963.

fee is chargeable for amendment of a licence referred to herein [vide rule 57(8)(i)].

53. **Variation of conditions of licences.**—(1) On application from a licence-holder, a licensing authority may extend the area of validity specified in his licence, if he is satisfied about the need of such extension, subject to the condition that the licensing authority has the power to grant a licence in relation to the area to which extension is sought.

(2) On application from a company holding a licence in Form II or Form III for a change in the name of the member, agent or other representative of the company in whose name the licence has been granted or of a retainer included in the licence the necessary amendments may be made in the licence by the licensing authority.

Commentary

1. New provision.

2. The rule appears to be an adaptation of the provisions in some of the State Governments' Local Rules (cf. rule No. 159 of U. P. Rules, rule 59 of Bengal Rules, etc.).

No fee is chargeable for amendment of a licence referred to herein, vide rule 57(8)(ii) & (iii).

54. **Renewal of licences.**—(1) Every licence may, at its expiration and subject to the same conditions (if any) as to the grant thereof, be renewed by the authority mentioned in Schedule II as renewing authority.

(2) The authority issuing a licence shall ordinarily be responsible for watching all future renewals of the licence. Where a licence is renewed by an authority other than the authority who granted it, the former shall forthwith inform the latter of the fact of renewal and the period for which such renewal is valid. The applicant for the renewal of a licence under this rule shall always be required to state his permanent residence, and, if he notifies a change in his permanent residence to the district in which the renewal is sought, the licensing authority of such district shall thenceforward become responsible for watching all future renewals of his licence and shall inform the original issu-

ing authority accordingly. This procedure shall be repeated on each subsequent occasion of renewal of the licence, the necessary intimation being sent by the renewing authority to the original issuing authority or to the authority who last renewed the licence on a permanent change of residence, as the case may be.

(3) An application for renewal of a licence for arms or ammunition deposited under sub-rule (1) of rule 47 may be made by the depositor, or where it is not practicable to make the application direct, through the dealer or any other person authorised by him in this behalf, while the arms or ammunition continue to be so deposited.

(4) The licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and all renewal fees for the intervening period are paid; otherwise the application may be treated as one for grant of a fresh licence.

Commentary

Sub-rules (1) and (2) correspond to sub-rule (3) of rule 40 of the old Rules. Sub-rules (3) and (4) are new provisions. Sub-rule (3) may be read with sub-rule (3) of rule 47.

Notes

Under condition II(ii) of licence Form XVI appended to Sch. VIII of the Indian Arms Rules, 1924, half licence fees were payable in certain cases in which application for renewal of licence was made within one month from the date of which the licence expired. In view of the decision conveyed in para. 14 of the Home Department Resolution No. F. 829-1-22, dated the 3rd November 1923 to the effect that half fee should be chargeable on renewal, provided application was made within one month following the expiry of the period covered by the original licence. A question was raised whether it was intended that arms might be possessed without a valid licence for this period and without making the possessor liable to prosecution under sec. 19 of the Indian Arms Act, 1878. The position was explained as follows:

The proviso to para. II(ii) under the head 'fee' in Form XVI does not absolve the holder of a licence in that Form who fails to renew the same prior to its expiration from the provisions of sec. 19(f) of the said Act, if after expiration of the licence he remains in possession of the arms in respect of which the licence was granted. The effect of para. II(ii) is to fix the fee payable in respect of renewal of a licence and the fact that the licensing authority cannot charge the enhanced fee unless the application for renewal is made more than one month after the date of expiration, in no way affects his competence to order the prosecution of a licensee who, while retaining possession of the arms covered by the licence does not apply for renewal of a licence till after, though less than one month after, its expiration. The licence read with the relevant provisions of the Act only authorizes the licensee to possess, and go armed with, the arms covered thereby, up to a certain date. If he should apply for renewal of the licence more than one month after that date, then without prejudice to the right to prosecution for unlicensed possession, he remains liable to be charged the whole original fee for renewal. If he should apply for renewal after, but less than a month after, that date, then, again without prejudice to the right to prosecution for unlicensed possession he would be charged ordinary renewal fee amounting to half the original fee.

(2) Officers and staff serving the Indian Missions abroad who are in possession of arms licences which might have ceased to be valid on their return to India need not be put to any difficulty or inconvenience on this account and all facilities may be extended to renew their licences with the least amount of delay and trouble. These instructions were extended so as to cover employees of the Government of India or of a State Government stationed in Sikkim and Bhutan.

(3) Checking of condition of a weapon at the time of renewal of its licence does not appear to be the responsibility of the licensing authority, under the provisions of the Indian Arms Act and Rules and, therefore, it may be left to the licence-holders themselves to maintain their fire-arms in good condition.

(4) After a licence has expired for a long period (say 20 months) it would be hardly correct to "renew" it; but appropriate action would be to proceed as for grant of a fresh licence.

Though no definite maximum interval which may be allowed for renewal after a licence has expired has been laid down in the Indian Arms Rules, such interval is allowed as grace and has to be reasonable.

(5) There is no objection to the licensing authorities in India entering into direct correspondence with the concerned Indian Missions abroad in connection with renewal of licences granted by the latter or granting a licence to persons resident of Nepal, subject to the condition that a copy each of the communication sent to the Indian Mission in the matter is supplied to the Ministry of External Affairs for their information.

* 55. Appeal against the order of a licensing authority or an authority suspending or revoking a licence under section 17(6).— In any case in which an authority issues an order—

- (a) refusing to grant or renew a licence or to give a no objection certificate for such grant or renewal, or
- (b) varying any condition of a licence or suspending or revoking a licence under sub-section (1), or sub-section (3) or sub-section (6) of section 17, the person aggrieved by such order may, within thirty days from the date of issue of the order, and subject to the proviso to sub-section (2) of section 18 prefer an appeal against that order, to the concerned appellate authority.

Commentary

This rule is an adaptation of the corresponding provisions in rules 41 and 41-A²⁰ of the old Rules.

2. A noticeable feature of this rule is that there is no provision, as in the old rules (see proviso to sub-rule (2) of rule 41-A) requiring consideration of appeal by the next higher appellate authority in case the order appealed against had been issued in consultation with the prescribed appellate authority. The necessity of this redeeming provision is obvious.

* Amended by MHA. Notn. No. F.15/4/62-P. IV, dated 23-5-1963. [The Arms (Third Amendment) Rules, 1963].

²⁰ Added by M.H.A. Notn. No.9/15/52-P(I), dt. 3-10-1953.

3. See also commentary on sec. 18 of the Act.

56. Procedure to be followed by the appellate authority.—On receipt of an appeal, the appellate authority may call for the records of the case from the authority who passed the order appealed against and after giving the appellant a reasonable opportunity of being heard pass final orders.

Commentary

1. New provision made under the rule-making power conferred by s. 44(2)(i) of the Act.

2. Incidentally, it may be pointed out that the requirement of 'giving the appellant a reasonable opportunity of being heard' is mandatory (vide proviso to sub-section (5) of s. 18 of the Act) and not discretionary as the wording of the rule gives the impression.

57. Fees payable for licences.—(1)(a) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) specified in the Form in which it is granted or renewed.

(b) In any case where fee is prescribed for a year, fee for a fraction of a year shall be the same as for a whole year.

(2) Where a licensee submits his application for renewal of his licence after the expiry of the period for which the licence was granted the licensing authority may, if he decides to renew the licence, at his discretion levy—

(a) full fee as for initial grant of the licence, and

(b) if he is satisfied that the delay is not justifiable or excusable, nor serious enough to warrant revocation of the licence or prosecution of the licensee, a late fee not exceeding the amount of the licence fee if fee is charged, or Rs. 5 in other cases.

(3) The Central Government may, by general or special order and for reasons to be recorded in writing and subject to such conditions, if any, as it may specify in the order, grant exemption from, or reduction of, the fee payable in respect of any licence:

Provided that it shall be a condition of every exemption from payment of the fee chargeable in respect of the grant or renewal of any licence in Form III that if application for renewal of such licence is not made within one month of the date on which the licence expires, the licensing authority may, unless the applicant satisfies the licensing authority that he had sufficient cause for not making the application within that period, levy renewal fee at the rate specified in the Form.

(4) No separate fee shall be chargeable from retainers.

(5) No fee shall be chargeable in respect of the grant or renewal of a licence in Form XV by a State Government or the Board of Revenue (in the State of Andhra Pradesh, Kerala or Madras), for the import of sulphur in reasonable quantities, if the State Government or the Board of Revenue is satisfied that the sulphur is required in good faith for medicinal, industrial or agricultural purposes (other than for manufacturing arms, ammunition or explosives).

(6) Any political representative authorized to grant licences in Form XVIII may remit the fee payable in respect of the grant or renewal of any such licence in the case of arms or ammunition exported for personal use, or in the case of ammunition exported for use for blasting purposes (whether on a public work or not) of the Government of any territory or place outside India.

(7) (i) No fee shall be chargeable for the grant of a licence for export and re-import of any arms or ammunition in a case or package legibly addressed to a person lawfully entitled to possess such articles, in compliance with a requisition made by such person for the supply of such articles in reasonable quantities for his own use or after carrying out necessary repairs thereto.

(ii) Where any arms or ammunition are imported under a licence into any customs port in India and re-exported thence for re-import into any other customs port in India under rule 35 the necessary licence for such re-export and re-import under the said rule shall be chargeable with a fee of rupee one only.

(3) No fee shall be chargeable in respect of—

- (i) a change of description of the weapon entered in a licence granted for its acquisition under the proviso to rule 52(2) but if the licence fee in respect of the weapon so changed

- is higher than that for the original weapon, the difference of such fee may be charged;
- (ii) an endorsement under rule 12 of a licence granted in the State of Pondicherry or endorsement to extend or change the area of validity of a licence under sub-rule (1) of rule 53;
 - (iii) a change of name, under rule 53(2), of member, agent or other representative of the company or a retainer; or
 - (iv) a grant of consent or permit/certificate or endorsement or any other document under these rules, except as otherwise expressly provided.

Commentary

1. **Sub-rule (2) :** Clause (a)—corresponds to para. III under the head 'fee' in Form XVI of the old Rules; the difference being that the principle formerly confined to the possession licence in the said Form (now Form III) has now been made applicable to all licences which are renewable.

Clause (b)—new provision; it strikes a balance between the necessity of punishing the defaulters for negligence to get their licences renewed in time and of the desirability of avoiding unwanted prosecutions or cancellations of licences on minor omission of law.

2. **Sub-rule (4)**—new provision.

3. **Sub-rule (7)(i)**—new provision. It may be recalled that transport by land, under similar circumstances, is exempt from licensing requirement [vide rule 37(2)(e)(ii)]. Though carriage by air within India is treated as 'transport' by civil aviation authorities, under the Arms law, it has to be treated as 'export and re-import' in view of s. 10(3) of the Arms Act and consequently the transaction requires a licence. The present provision seeks to minimize this difference indirectly by exempting the transaction from the requirement of licence fee.

4. Powers of the Central Government under sub-rule (3) have been partially delegated³¹ to State Governments.

³¹ vide M.H.A. Notns. at S. Nos. 7 and 8, Part IV, Ch. 10.

58. Fee payable for copies and duplicates.—Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

- (a) where the original licence was granted without the payment of any fee, on payment of a fee of 50 nP.; and
- (b) in any other case—on payment of a fee of one rupee or of the fee with which the original licence was chargeable whichever is less.

Commentary

Corresponds to rule 45 of the old Rules; the only change being that a duplicate copy of licence would not now be issued free of fee as hitherto but would cost a nominal amount (50 nP.). This is apparently to discourage careless handling of licences.

59. Fee payable on a petition for appeal made under section 18(1).—Every petition for appeal under section 18(1) shall be accompanied by a fee of—

- (a) Rs. 10, if the fee for the licence in relation to which the appeal is preferred is Rs. 5 or more; and
- (b) Rs. 5 in any other case.

Commentary

1. New provision made under s. 18(4) of the Act.

2. Incidentally, it would be noticed that s. 44(2)(i) empowers the Central Government *inter alia* to make rules with regard to 'refund of fees'. In the absence of any provision to this effect in the rules, it appears that the fee once paid would not be refunded in any circumstances (e.g. in case the order appealed against is set aside by the appellate authority). It may be argued that the fee prescribed is somewhat on a high side, but the scale appears to have been purposely fixed with a view to discouraging frivolous appeals.

60. Collection of fees.—All fees payable shall be paid in cash either in person or, at the option of the person concerned, by money order/postal order, at the time of application.

Commentary

Corresponds to rule 46 of the old Rules with some modifications.

2. The practice of collecting fees by way of judicial stamps, which was in vogue earlier, was discontinued²² in 1939.

Notes

Passport is a Union subject and no fee is prescribed in the Court Fees Act, 1870, for applications in connection with passports, and the State Govts. are not competent to levy court fee under the State Acts on applications, the subject of which is exclusively in the Union field. As regards the levy of court fee on applications for arms licences, the power to levy fees or to grant remission in respect of applications under the Indian Arms Act and Rules does not exist by virtue of powers delegated to the State Government under Article 258 of the Constitution, but is derived under the Court Fees Act of 1870 itself, as shown below:—

Under Section 35 of the Court Fees Act, 1870 power is given to the "appropriate Government" to reduce or remit in whole or in part of the territory under its administration all or any of the fees mentioned in the First or Second Schedule to the Act. Under Section 1A the "appropriate Government" is defined to mean "in relation to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government, that Government and in relation to any other fees or stamps the State Governments." The applications under the Indian Arms Rules, 1951, are required to be made to a District Magistrate or to a Commissioner of Police in a Presidency town for grant of licences. Both of these officers are subordinate to the State Government. It, therefore, follows that in the case of applications falling under entry 1(b) of Schedule II to the Court Fees Act, 1870, it is only the State Government that is competent to grant remission.

(2) A licence fee is charged for each weapon possessed under a licence (in new Forms III, IV, V, VI). Fresh fees are charge-

²² M.H.A. Notn. No. F. 21/50/37-Police, dt. 22-2-1939.

able in respect of a new weapon for which licence is granted even if the weapon possessed earlier is substituted.

When the licensee wants to substitute his original weapon by a new one, whether or not of the same bore and class, for any reason whatsoever, he will have to pay the prescribed fees for the new weapon.

(3) According to rule 44 of the Indian Arms Rules, 1951 (rule 57 of the Arms Rules, 1962), a fee was chargeable for every licence granted or renewed and it follows that no fee could be charged when an application for grant or renewal of a licence was rejected and any fee prepaid for the purpose was refundable to the applicant (compare rule 159 of U.P. Local Rules and Orders). There would be no objection to the refund of the excess licence fees deposited in the treasury under the Arms Act and Rules.

As regards the authority competent to sanction such refund, the Act and Rules do not specify such authority and such refund may be made on the authority of the licensing authority concerned.

(4) There is no objection to the continuance of the practice of receiving arms licence fees in the form of crossed postal orders. The licensing authorities can, while sending the postal orders to the Treasury/Bank, indicate in the accompanying chalan, that the receipts are adjustable under the head "XXIII-Police-Receipts under the Arms Act (Central)".

(5) Payment of fee by money order/postal order has been allowed to minimize the difficulties of the applicants particularly those who reside far away from a branch of the Reserve Bank of India or a treasury or sub-treasury. This is, however, optional and does not preclude payment in cash direct to the officer concerned.

(6) If after a licence is granted, the applicant wishes to change the type or class of weapons before or after the particulars of the weapons are entered in the licence, but before the weapon is secured, the fees should be adjusted as follows:

- (a) For change for the same class of weapon, no fresh fees will be charged;

- (b) for change for a higher class of weapon, the difference between the prescribed fees for the two classes of weapons will be recovered from the licensee; and
- (c) for change for a lower class of weapon, no refund of the difference in fees will be made.

India Adhesive Court Fee Stamps

5 nP.= 1 anna	7 nP.= 1½ annas
10 nP.= 2 annas	20 nP.= 3 annas
25 nP.= 4 annas	35 nP.= 6 annas
50 nP.= 8 annas	55 nP.= 9 annas
Rs. 1.10 nP.= one rupee two annas	75 nP.= 12 annas
Rs. 1.25 nP.= one rupee four annas	Re. 1.50 nP.= one rupee eight annas

(7) As the Arms Act and Rules are being administered by all the State Governments on behalf of the Central Government, it is highly desirable that there should be uniformity of practice in all the States with regard to the fees levied on documents relating to arms licences and to the remission of court fees on these applications in accordance with the practice that existed in former part 'A' States with regard to 1924 rules (and earlier).

61. Dealers to maintain registers, etc., in certain cases.—Where no licence is required for the manufacture, sale, import, export or transport of any category or description of arms or ammunition by or through a dealer, the dealer, may be asked to register his name and address and place of business in such manner and at such place as the Central Government may prescribe and the dealer shall maintain such registers and furnish such information to the Central Government as it may require in respect of the arms or ammunition so manufactured, sold, imported, exported or transported.

Commentary

1. New provision. In this connection, the provisions of rules 19 and 37(2) may be referred to.

2. Powers of the Central Government under this rule have been delegated²³ to State Governments.

62. Production of licences.—(1) Any person who—

- (a) holds a licence granted or renewed or a pass, permit or certificate granted under these rules, or
- (b) is acting under colour of such licence, pass, permit or certificate,

shall forthwith produce such licence, pass, permit or certificate upon demand by any magistrate or any police officer of a rank not below that of an officer-in-charge of a police station.

(2) While granting or renewing a licence, no authority shall impose a condition inconsistent with sub-rule (1).

Commentary

1. Reproduces rule 42 of the old Rules with some modification.

63. Production of arms.—The authority by whom any licence in Form II, Form III, Form IV, Form V or Form VI has been granted or renewed, may, for the purpose of satisfying itself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by order in writing require the licensee—

- (a) to produce the arms at such time and place for inspection of such officer as may be specified in the order; or
- (b) at the option of the licensee, to produce a certificate from—
 - (i) a magistrate or the officer-in-charge of the nearest police station in whose jurisdiction the licensee resides or has his occupation,
 - (ii) if he is a Government servant, a gazetted officer to whom he is subordinate,

²³ vide M.H.A. Notns. at S. Nos. 7 and 8, Part IV, Ch. 10.

to the effect that he has seen the arms in the possession of the licensee and that they correspond to the description given in the licence.

Commentary

Clause (a)—corresponds to rule 43 of the old Rules.

2. Clause (b)—represents an earlier decision.

64. **Savings.**—(1) The Indian Arms Rules, 1951, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any exemption, exclusion or withdrawal made, fee imposed, levied, remitted or reduced or power conferred) or deemed to have been done or taken under the said rules, shall, so far as it is consistent with these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

Commentary

Corresponds to Rule 47 of the old Rules.

SCHEDULE I

(See rule 3)

Category	Arms	Ammunition
1	2	3
I.	I(a) Prohibited arms as defined in section 2 (1)(i) and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms.	Prohibited ammunition as defined in section 2 (1)(h) and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition.
	I(b) Semi-automatic fire-arms, smooth bore guns having barrel of less than 20" in length.	Ammunition for arms of category I(b).
	I(c) Rifles of .303 bore or of any other bore which can fire service ammunition of .303 bore; muskets of .410 bore; pistols or revolvers of .441, .455 or any intermediate bores; or of .38 or .380 bore or of 9 mm. calibre or firing rimmed cartridges having bore diameter across lands in the range between .340" and .365".	Ammunition for fire-arms of category I(c).
	I(d) accessories for any fire-arms designed or adapted to diminish the noise or flash caused by the firing thereof.	Nil.
II.	Machinery for manufacture or proof-testing of fire-arms.	Machinery for manufacturing ammunition.
III.	Fire-arms other than those in categories I, II and IV, namely:	Ammunition for fire-arms other than those in categories I, II and IV, namely:
	III (a) Revolvers and pistols.	Ammunition for fire-arms of category III(a).
	III (b) Breech-loading rifles other than .22 bore rifles mentioned in category III(c) below.	Ammunition for fire-arms of category III(b).
	III (c) .22 bore (low velocity) rifles using rim-fire cartridges, breech loading smooth bore guns and air-rifles.	Ammunition for fire-arms of category III(c).
	III (d) Air guns and muzzle loading guns.	Ammunition for fire-arms of category III(d).

1	2	3
IV.	Curios and historical weapons, other than those excluded under section 45(c).	Curios and historical ammunition.
V.	Arms other than fire-arms: Sharp-edged and deadly weapons namely—Swords (including sword-sticks), daggers, bayonets, spears (including lances and javelins); battle-axes, knives, (including Kirpans and Khukries) and other such weapons with blades longer than 9" or wider than 2" other than those designed for domestic, agricultural, scientific or industrial purposes, steel baton; "Zipo" and other such weapons called "life preservers"; machinery for making arms, other than category II; and any other arms which the Central Government may notify under section 4.	Nil.
VI.		VI (a) Articles containing explosives or fulminating material; fuses and friction tubes. VI (b) Ingredients as defined in section 2(1)(b)(vii).

Note:—Parts and accessories of any arms or ammunition and charges for fire-arms and accessories for charges belong to the same category as the arms or ammunition.

Category 1(b) amended by M.H.A. notn. No. F.13/7/62-Police (V), dt. 3-5-1963.

SCHEDULE II
(See rule 4)
Licensing Authorities etc.

Item No.	Purpose	Categories of arms/ammunition as defined in Schedule I	Place/class of persons	Licensing authority	Areas for which the licence can be granted	Renewing authority	Form No.	Conditions.
1	2	3	4	5	6	7	8	9
1	Acquisition/possession/import and transport.	I(a), II		Central Government.	Whole of India or any specified area.	Central Government.	I	
2	Acquisition and possession only.	III(b), III(c), III(d), V, VI		District Magistrate or any other officer specially empowered by the Central Government. ¹	Whole of India or any specified area.	Same as licensing authority.	II	
3	Acquisition/possession and carrying for protection/sport/display.	(a) I(b).		State Government.	Whole of India or any specified area.	Same as licensing authority.	III	
		(b) I(c), I(d), III(a).		District Magistrate.	Whole of India or any specified area.	Same as licensing authority.	III	
		(c) III(b), III(c), III(d), V, VI.		District Magistrate.	Whole of India or any specified area.	Licensing authority or sub-divisional magistrate or any First Class Magistrate specially empowered by the State Government in this behalf.	III	
		(d) III(c), III(d), V.		Sub-Divisional Magistrate.	Throughout the district or his area of jurisdiction or any specified part of his jurisdiction.	Sub-Divisional Magistrate or any First Class Magistrate specially empowered by the State Government in this behalf.	III	

¹ Powers of the Central Government delegated to State Governments.

1	2	3	4	5	6	7	8	9
		(e) III(d), V.		Ind. Class Magistrate or Tahsildar specially empowered by State Government in this behalf.	Throughout the subdivision or his area of jurisdiction or any specified part of his jurisdiction.	Same as licensing authority.	III	
		(f) III(a), III(b), III(c), III(d).	In case of persons residing in Nepal.	Ambassador of India in Nepal.	India or any specified part thereof.	Same as licensing authority.	III	
		(g) III(a), III(b), III(c), III(d).	In case of <i>bona-fide</i> tourists as defined in section 10(1)(b) if the place of arrival of the tourist is—					
			(i) In Jammu and Kashmir.	(i) State Government or an officer specially empowered by that Government.	India or any specified part thereof.	No renewal	III*	*The licence shall be valid for a period of six months only and granted only for the purpose of sport and possession.
			(ii) Any other place in India.	(ii) Head of the Indian Mission in the country notified under section 10(1)(b) to which tourists belong or district magistrate or any other officer specially empowered by Central Government. ²	India or any specified part thereof.	No renewal	III*	
		(h) I(b), I(c), I(d), III(a), III(b), III(c), III(d), V and VI.	In case of retainers of exempted.	District Magistrate.	India or any specified part thereof.	Same as licensing authority.	IIIA	

² Power of the Central Government delegated to State Governments.

1	2	3	4	5	6	7	8	9
4	Acquisition/possession and carrying for destruction of wild animals which do injury to human beings/cattle.	(a) III(b), III(c), III(d) and V.		(a) District Magistrate.	India or any specified part thereof.	Sub-Divisional Magistrate or any First Class Magistrate specially empowered by the State Government in this behalf.	IV	
		(b) III(c), III(d), V.		(b) Sub-divisional Magistrate and First or Second Class Magistrate specially empowered by the State Government in this behalf.	Throughout the District or his area of jurisdiction or any specified part of his jurisdiction.	Same as licensing authority.	IV	
5	Acquiring, possessing and carrying for protection of crops and cattle.	III(c), III(d), V.		District Magistrate, Sub-Divisional Magistrate and Tahsildar or II nd class magistrate specially empowered by the State Government.	Throughout the District or his area of jurisdiction or any specified part of his jurisdiction.	Same as licensing authority.	V	
6	Acquisition/possession and use for target practice.	I(c), III.		†District Magistrate.	Throughout the District; the premises for target practice to be specified.	Same as licensing authority.	VI	†With the sanction of State Government or in the State of Madras, Andhra Pradesh or Kerala, of the Board of Revenue.
7	Carrying on journey in or through any part of India.	All.	(i) In Jammu and Kashmir.	(i) State Government.	India or any specified part thereof.	No renewal	VII	

1	2	3	4	5	6	7	8	9
			(ii) In other places.	(ii) District Magistrate; Sub-Divisional Magistrate specially empowered by the State Government.				
			(iii) In case of persons residing in Nepal.	(iii) Ambassador of India in Nepal.				
8	Temporary possession by bona fide travellers visiting India.	I(c), III(a), III(b), III(c), III(d), V.	At place of arrival:					
			(i) In Jammu and Kashmir.	(i) State Government or an officer specially empowered by that Government.	India or any specified part thereof.	No renewal.	VIII	
			(ii) elsewhere in India.	(ii) District Magistrate or an officer specially empowered by the State Government.	India or any specified part thereof.	No renewal.	VIII	
9	Manufacture, conversion, shortening, repair, test (other than proof test), sale, transfer, keeping for sale, transfer, conversion or test of arms and ammunition.	(a) All	Throughout India.	(a) Central Government.	Within the premises to be specified in the licence.	(a) State Government.	IX	
		(b) V, VI.	Throughout India.	(b) District Magistrate or any other officer specially empowered in this behalf by the State Government/ Administrator of Union Territory.	Within the premises to be specified in the licence.	(b) Same as licensing authority.	IX	

1	2	3	4	5	6	7	8	9
9-A.	Proving of All firearms.		Throughout India.	Central Government.	Within the premises to be specified in the licence.	State Government.	X	
10	Conversion, repair or test (other than proof test) transfer, sale, keeping for sale, repair or test or transfer.	I(b), I(c), I(d), III(a), III(b), III(c), III(d), V, VI.	(i) In Madras, Andhra Pradesh and Kerala. (ii) In other places.	(i) Board of Revenue. (ii) State Government.	Within the premises to be specified in the licence. Within the premises to be specified in the licence.	Board of Revenue. State Government.	XI XI	
10A	Conversion of ingredient of ammunition into Explosives/ fireworks.	VI(b)	(i) In Jammu and Kashmir. (ii) In other places.	State Government. District Magistrate or any officer specially empowered by the State Government.	Within the premises to be specified in the licence. Within the premises to be specified in the licence.	State Government. Same as licensing authority.	XI XI	
11	Sale, transfer or test (other than proof test), and keeping for sale, transfer or test.	I(b), I(c), I(d), III(a), III(b), III(c), III(d), V, VI.	(i) In Madras, Andhra Pradesh and Kerala. (ii) In other places.	(i) Board of Revenue. (ii) State Government.	Within the premises to be specified in the licence. Within the premises to be specified in the licence.	Board of Revenue. State Government.	XII XII	
12	Sale, transfer, or test (other than proof test); keeping for sale, transfer or test.	III(c), III(d), V, VI.		State Government or any officer specially empowered by State Government.	Within the premises to be specified in the licence.	Same as licensing authority.	XIII	
13	Keeping for safe custody.			State Government or an officer specially empowered by State Government.	Within the premises to be specified in the licence.	Same as licensing authority.	*XIV	*To be given only to holders of a licence in any of the Forms IX, XI, XII, XIII.
14	Import by sea or air.	(a) I(b), I(c), I(d). (b) III, IV, V, VI.	(a) At any customs port in India. (b) At any customs port in India.	(a) Central Government. (b) District Magistrate in whose jurisdiction the port lies.		No renewal. No renewal.	I XV	

1	2	3	4	5	6	7	8	9
		(c) Sulphur	(c) At ports of Kakinada, Tuticorin & Cochin.	(c) Board of Revenue* in Andhra Pradesh, Madras or Kerala.		No renewal.	XV	*In reasonable quantities for medicinal, agricultural or industrial purposes.
15 Import by land or river.	(a) I(b), I(c), I(d), (b) III, IV, V, VI.		(a) Throughout India. (b) (i) In Jammu & Kashmir. (ii) At other places.	(a) Central Government. (b) (i) State Government. (ii) District Magistrate.		No renewal. No renewal. No renewal.	I XVI XVI	
16 Export by sea or air to foreign territory including Commonwealth countries.	(a) All (b) III(b), III(c), III(d), IV, V, VI. (c) III(b), III(c), III(d), IV, V, VI.		From any customs port in India to a port in a foreign territory. From any customs port in India to a port in a foreign territory.	Central Government or an officer specially empowered for the purpose by the Central Government. Government of the *State in which the port is situated.		No renewal No renewal	XVII XVII	*Subject to the condition that the licensing authority is satisfied that— (i) the arms are not meant for sale or for military purposes but are meant for the personal use of the consignee, and (ii) any rifles or parts of or fittings for rifles are intended in good faith for sporting purposes only. Subject to condition (i) above.
				District Magistrate.		No renewal	XVII	
17 Export by land or river.	(a) All		To any place outside India.	Central Government or any officer specially empowered for the purpose by the Central Government.		No renewal	XVIII	

1	2	3	4	5	6	7	8	9
		(b) III, V; Sulphur or chlorate re- quired for manufacture of matches, Bengal lights and paper caps for toy pistol.	Sikkim, Bhutan.	Political Officer in Sikkim.		No renewal	*XVIII	*To be given only for the personal use of the licensee in Sikkim and Bhutan.
		(c) All	To Nepal	*Ambassador of India in Nepal.		No renewal	XVIII	*Subject to previ- ous sanction of the Central Govern- ment, in respect of categories I and II.
18 Export and re- import; Import, transport, and re-export.	(a) I(a), I(b), II,	(a) Between one port of India and another.	(a) Central Gov- ernment.		No renewal	XIX		
	(b) I(c), I(d), III(b).	(b) Between one port of India and another.	(b) Central Gov- ernment or any officer specially empowered for the purpose by the Central Govern- ment.		No renewal	XIX		
	(c) III(a), III(c), III(d), IV, V, VI.	(c) Between one port of India and another.	(c) District Ma- gistrate.		No renewal	XIX		
	(d) III, IV, V, VI.	From any place in Nepal.	Ambassador of India in Nepal.		No renewal	XIX		
19 Transport	I(b), I(c), I(d), III, IV, V, VI.	(i) In Jammu and Kashmir. (ii) In other pla- ces.	(i) State Govern- ment. (ii) District Ma- gistrate.		No renewal	XX		
					No renewal	XX		

1	2	3	4	5	6	7	8	9
20	Import into, All possession in, and transport out of, India by His Majesty the King of Nepal, personnel accompanying him, his brothers, the Prime Minister of Nepal and Nepal Government's troops and police.		Nepal	*Ambassador of India in Nepal.		No renewal.	XXI	*Subject to confirmation by Central Government.
21	Import into, possession (without use) for the duration of his journey in, transport across and export out of India by <i>bona fide</i> travellers of their personal arms and ammunition passing through India.	I(b), I(c), I(d), III, IV, V.		District Magistrate or an officer specially empowered by the Central Government ³ or in the case of persons residing in Nepal by the Ambassador of India in Nepal.		No renewal	XXII	
22	Acquiring, possessing during the course of his stay in, (but not use) and carrying in, and export out of India, by <i>bona fide</i> tourists.	III, IV, V. (countrymade weapons only)		District Magistrate or an officer specially empowered by the State Government.		Same as licensing authority.	XXII	

³ Powers of the Central Government delegated to State Governments.

Licence for —

- (a) acquisition/possession/import and transport of fire-arms or ammunition of categories I(a) and II, and
 (b) import of fire-arms and ammunition of categories I(b), I(c), I(d).

COLUMNS TO BE FILLED IN
CASE OF IMPORT OR TRANSPORT

Name, description and residence of licensee and (agent if any)	Number of packages	Description with specification of calibre of artillery or other articles	Number of articles	Place of despatch and route	Place of destination	Name, description and residence of consignee	Period for which the licence is valid	Use to which the articles are to be put
1	2	3	4	5	6	7	8	9

From
 To

The of 19 (Date on which a copy is sent to—
 (1) The district magistrate of district.
 (2) The Government of the State of Jammu and Kashmir.

The of 19
 (SEAL)

(Signature)
 Secretary/Joint Secretary to the Govt. of India,
 Ministry of Home Affairs.

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal	Date on which renewed licence expires	Signature and designation of renewing authority	SEAL
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Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the arms and ammunition specified in columns 2, 3 and 4 and for the purposes shown in column 9.

3. In case of import or transport—

- (a) an account of the contents of each package shall be legibly written thereon;
- (b) bulk shall not be broken before the articles reach the place of destination;
- (c) the articles shall be delivered only to a person lawfully entitled to receive them.

4. In cases of transport by rail, each package shall be marked with the words "Firearms, Category I" or "Firearms Category II" as the case may be, in such manner as to be readily recognizable by the Railway authorities.

5. In the case of possession, the licensee shall—

- (a) on demand by an authorized officer produce the firearms possessed under this licence;
- (b) not sell or transfer any fire-arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any fire-arms or ammunition or any part thereof (otherwise than as mentioned in the note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

6. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the

possession of the licensee, and may require the production of the weapon for the purpose of such an enquiry.

Note.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer together with the particulars of the firearms and ammunition and the person to whom they have been sold or transferred (Section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3) of the Act].

FEE: FREE OF FEE.

FORM II

Licence for acquisition and possession of arms or ammunition of categories III(b), III(c), III(d), V, or VI

Name, description and residence of licensee and agent (if any)	Number and description of arms	Ammunition		Place (with des- cription) where articles are to be kept*	Period for which the licence is valid
		Description	Quantity		
1	2	3	4	5	6

The	of	19	(SEAL)	(Signature) Licensing Authority	.....
				Designation	.....
				Place	.....

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal	Date on which renewed licence expires	Signature and designation of renewing authority	SEAL

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the arms or ammunition specified in columns 2, 3 and 4, so long as they are kept in the place described in column 5, but does not authorize the licensee—

- (i) to carry arms,
- (ii) to keep Government arms or ammunition.

Explanation.—For the purposes of this condition :

- (a) "Government arms" means a fire-arm or other weapon which is the property of Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

3. Condition 2(ii) may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms or ammunition which the licensee is authorized to possess.

4. The licensee shall—

- (a) on demand by an authorised officer produce the arms possessed under this licence;
- (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any fire-arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

5. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an enquiry.

6. Where a licence in this Form is granted for the possession of Potassium Chlorate by an educational institution, the following further conditions shall apply :—

- (a) The quantity of chlorate stored should be the minimum required for laboratory purposes as certified by the Head of the Institution to the licensing authority.
- (b) The stock of chlorate possessed should be kept in a well-made cup-board or almirah under lock and key under the control and supervision of a responsible member of the staff and the place where the chemicals are kept should be adequately secured.
- (c) Accounts of issues and balances of chlorate possessed should be kept and checked with the actual stock at frequent intervals by a responsible member of the staff. The account book should be available for inspection on demand by any Magistrate or any Police Officer of a rank not below that of Inspector.

7. Chlorates shall be kept in a building constructed of unflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance not less than 10 feet;

Provided that where the total quantity stored does not exceed 100 kgs. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

8. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 5:

Provided that where the quantity of each does not exceed 100 kgs. sulphur and saltpetre can be kept in separate closed receptacles in the same room.

9. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 5, or in the

vicinity of the receptacles mentioned in provisos to conditions 7 and 8.

10. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

11. Any accident, fire or explosion occurring within the premises specified in column 5 which is attended with loss of human life or serious injury to person or property shall be reported at once by the licensee to the Officer-in-charge of the nearest police station having jurisdiction over the premises as well as to the Inspector of Explosives of the circle concerned.

Note.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer together with the particulars of the firearms and ammunition and the person to whom they have been sold or transferred (Section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3) of the Act].

Powers of the Central Government under condition 3 have been delegated to State Governments.

FORM III

I. The fees payable in respect of the initial grant and each subsequent year of grant or renewal of licences in this Form shall be at the following annual rates:—

Class of weapon	For initial year of grant		For each subsequent year or fraction of year of grant or renewal	
	Rs.	nP.	Rs.	nP.
(a) Pistol, revolver and repeating rifle	10	..	5	..
(b) Rifles other than those mentioned in (a) & (c)	6	..	3	..
(c) 22 bore rifle (low velocity) firing rimmed cartridges, B.L. gun and air rifle	4	..	2	..
(d) M.L. gun, air gun, sword, bayonet, dagger and spear lance	1	..	..	50
(e) Weapons of category V other than those mentioned in (d)	..	..	..	..

Licence for the acquisition, possession and carrying of arms or ammunition for sport/protection/display.*

*The inappropriate terms(s) should be deleted. The word 'Tourist' shall be stamped across a licence issued under entry 3(g) of Schedule II.

- II. The reduced fees for renewal will ordinarily be available only if application for renewal is made within one month after the date of expiry of the licence and if application is not made within that period, the licensing authority may in his discretion, levy—
- full fee as for initial grant of the licence; and
 - if he is satisfied that the delay is not justifiable or excusable, nor serious enough to warrant revocation of the licence or prosecution of the licensee, a late fee not exceeding the amount of the licence fee if fee is charged, or Rs. 5/- in other cases, unless he considers it not necessary to renew the licence.
- III. Where a licence in this Form is granted or renewed for a period exceeding one year, the fee shall be calculated at the rates prescribed in paragraph I above, fractions of a year being reckoned as one whole year for the purpose:
- Provided that the fee shall be—
- the actual rates prescribed in paragraph I for initial grant in respect of the first year; and
 - the annual rate prescribed in paragraph I for renewal in respect of each year or part thereof beyond the first year:

Serial No. of licence	Name, description and residence of licensee	Arms and ammunition that licensee is entitled to possess		Name, father's name and address of retainer (if any) covered by the licence	Arms or ammunition that retainer is entitled to possess		Area within which the licence is valid	Date on which licence expires	Date on which the licence or the arms or both shall be produced for inspection before licensing authority under rule 52(2).
		Brief description of each weapon with details e.g., identification marks, register number, etc.	Quantity and description of each kind of ammunition		Arms	Ammunition			
1	2	3	4	5	6	7	8	9	10
			Maximum to be possessed at any one time	Maximum purchasable during the year					11

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(Signature)

Licensing Authority
Designation
Place

*Provided that where a licence is granted in Forms III, IV, V or VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that within a period specified by him in this behalf which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

FORM OF RENEWAL OF THE LICENCE

<i>Date and year of renewal</i>	<i>Date on which renewed licence expires</i>	<i>Signature and designation of renewing authority</i>	<i>SEAL</i>

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the person named, and the arms or ammunition described therein and such retainers (if any) as may be entered in column 6:

Provided that if the licensee is a recognized shikar agent in possession of a certificate to that effect from the Central Government he shall be able to lend his weapons covered by his licence for use by any foreign tourist accompanying him and in possession of a shooting licence under the local games rules, valid for the area where shooting by the latter is intended:

Provided further that the licensee shall be able to lend his weapon temporarily for a period not exceeding a fortnight for the purpose of sport only to a person lawfully entitled to possess such type of weapon and subject to the conditions that—

- (a) the weapon is used by the borrower in the presence of the licence holder or under his written authority, which shall show the number and other identification marks of the weapon and the period for which it is lent;
- (b) in the event of the weapon being misused by, or stolen or lost due to the gross negligence of, the borrower, the licence thereof shall be liable to be revoked; and
- (c) the borrower shall, on demand produce proof of such lending.

3. If the licensee is a bona fide foreign tourist, the word "TOURIST" shall be stamped on his licence by the licensing authority.

4. This licence is valid to the extent specified in column 9 subject, in the case of a licence having effect in any area outside the State in which it is granted or renewed, to any restrictions which may be imposed in such area by any general or special order of the Central Government.

5. The licensee or any retainer acting under this licence shall not carry any arms covered thereby otherwise than in good faith for the purpose of sport/protection/display; and, save where he is specially authorized in this behalf by the district magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage.

6. The licensee, at the time of purchasing any arms or ammunition shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased, the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

7. He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time. If, however, a licensee exhausts the total quantity of ammunition purchasable in a year earlier than the close of the year, he may

for good and sufficient reasons be given a temporary increase in the total quantity purchasable at the discretion of the licensing authority.

8. He shall not possess Government arms and ammunition.

Explanation.—For the purpose of this condition—

- (a) "Government arm" means a firearm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

9. The licensee shall—

- (a) on demand by an authorized officer produce the arms possessed under this licence;
- (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any fire-arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which, proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

10. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms or ammunition which the licensee is authorized to possess.

11. Where the licence is granted for the purpose of sport, the licensee or any retainer or any foreign tourist or other person referred to in the proviso to condition 2 or any other person using the weapon under the licence shall observe such close season as may be prescribed by the State Government concerned in respect of the game-birds and animals.

12. The licensee shall report any change of his ordinary residence either to the authority who granted him the licence, or, in the event of the licence having been renewed by some other authority on a previous occasion of change of ordinary residence, then to such authority. In case of any change of residence, whether permanent or temporary, he may, at his option, apply to the nearest licensing authority having jurisdiction for renewal of this licence, should it be necessary.

13. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if—

- (a) the licensee dies, or
- (b) any weapon covered thereby—
 - (i) is sold, or transferred, or
 - (ii) is attached in execution of a decree.

14. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether the weapon or weapons for which it has been granted is or are still in the possession of the licensee and to require its or their production for the purposes of such enquiry.

Note 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to 3 months or with fine which may extend to Rs. 500 or with both (Section 30 of the Act).

Note 2.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station, of such sale or transfer, together with the particulars of the firearms and ammunition and the person to whom they have been sold or transferred (Section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [Section 25(3) of the Act].

Powers of the Central Government under conditions 4, 7 and 10 have been delegated to State Governments.

FORM III-A

FEE: FREE OF FEE

Licence for possession and carrying by a retailer of arms or ammunition for the purpose of sport/protection/display.

Serial No. of licence	Name, description and residence of person exempted under Section 41, who has nominated the licensee	Name and residence of licensee	Name and residence of father of licensee	Arms or ammunition that licensee is entitled to possess and carry	Brief description of each weapon with details, e.g., identification marks, register No., etc.	Quantity and description of each kind of ammunition	Area of validity of licence, i.e., throughout India State or district	Date on which licence expires, (or the date on which the person specified in column 2 ceases to be exempted under Section 41, whichever ever is earlier)
1	2	3	4	5	6	7	8	

The

of

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(SEAL)

(Signature)

Licensing Authority

Designation

Place

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal	Date on which renewed licence expires	Signature and designation of renewing authority	SEAL
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Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the person named in column 3 of this licence and the arms or ammunition described in columns 5 and 6.

3. This licence is valid to the extent specified in column 7, subject in the case of a licence having effect in an area outside the State in which it is granted or renewed, to any restrictions which may be imposed in such area by any general or special order of the Central Government.

4. This licence shall only be granted to a person nominated in that behalf and certified to be his own retainer by a person exempted under section 41 of the Act, and it shall only be granted in respect of the arms or ammunition specified in this behalf by, and being the property of, such exempted person.

5. The grant/renewal of this licence is subject to the condition that it shall expire on the date on which the person specified in column 2 of this licence ceases to be exempted under section 41 of the Act where such date is earlier than the date on which it would otherwise expire in the normal course.

6. The licensee shall not carry any arms covered by this licence otherwise than in good faith for the purpose of sport/protection/display; and save where he is specially authorized in this behalf by the district magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage.

7. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee and to require its production for the purposes of such enquiry.

Note.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500 or with both (section 30 of the Act).

FORM III-B

PERMIT

Shri _____ son of _____ of
Village/town _____ district _____

is hereby appointed to be an armed retainer of the company _____
entitling him to possess, carry and use, for all lawful orders, issued by me
as a representative of the company, the following arms or ammunition
covered by the said licence:—

Arms

Ammunition

Shri _____ must carry this permit with him
when carrying the arms or ammunition; he shall not carry the arms or
ammunition to an area not covered by the licence.

Signature _____

Designation _____

and full address _____

of the Company _____

Dated

No. _____

Valid for the period _____

Signature or Thumb impression and
Identification marks of the retainer.

FEE: FREE OF FEE.

FORM IV

Licence for the acquisition/possession and carrying of arms or ammunition for destruction of wild animals which do injury to human beings or cattle.

Name, des- cription and residence of licensee	Brief des- cription of each wea- pon with details, e.g., registered No. and identification marks	Arm and ammunition	Place or area for which of the wild licence bears which is granted	Period for which the licence is valid	Title and resid. Date on which the Magistrate the licence or the to whom licence arms or both shall and weapon must be produced for be shown between inspection before the 15th Novem. the licensing au- ther and the 31st thortly under rule 52(2) year			
1	2	3	4	5	6	7	8	9

The

of

19

(SEAL)

(Signature)

Licensing Authority

Designation

Place

*Provided that where a licence is granted in Form III, Form IV, Form V or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both as the case may be, the licence shall cease to be in force on the expiry of such period.

and an endorsement added showing the Government arms or ammunition which the licensee is entitled to possess.

6. He shall not purchase or possess ammunition of any kind in excess of the maximum allowed under columns 3 and 4 of the licence or of the maxima which may from time to time be fixed by the Central Government for the amount purchasable in a year and for the amount that may be possessed at any one time.

7. At the time of purchasing any arms or ammunition he shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms are purchased from any person other than a licensed dealer, he shall also cause the particulars specified in clauses (b) and (c) to be furnished, in writing, to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

8. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if:—

- (a) the licensee dies, or
- (b) any weapon covered thereby—
 - (i) is sold or transferred, or
 - (ii) is attached in execution of a decree.

9. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether any weapon for which it has been granted is still in the possession of the licensee and to require the production of the weapon for the purposes of such enquiry.

10. The licensee shall—

- (a) on demand by the licensing authority or any authorized officer produce the weapon covered by this licence;
- (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any arms or ammunition or any part thereof (otherwise than as mentioned in note below) failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

Note 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500/- or with both. (Section 30 of the Act).

Note 2.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer together with the particulars of the firearms or ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3) of the Act].

Powers of the Central Government under conditions 5 and 6 have been delegated to State Governments.

FORM 9

Licence for the acquisition/possession and carrying of arms or ammunition for the protection of crops or cattle.

1	2	3	4	5	6	7	8
Name, description and residence of licensee.	Name and description of any member of the licensee's family or servant employed to watch crops or cattle, residing with him, by whom the arms or ammunition covered by this licence may also be used.	Brief description of each weapon with detail e.g. Registered No. and other identification marks	Quantity and description of each kind of ammunition	Maximum to be possessed at any one time	Maximum purchasable during the year	Place or area within which the licence is valid	*Period for which the licence or the arms or both shall be produced for inspection before the licensing authority under rule 59(2)

The _____ of _____ 19____

(SEAL)

(Signature)
Licensing Authority _____
Designation _____
Place _____

*Provided that where a licence is granted in Form III, Form IV, Form V or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf which may be extended from time to time, the arms covered by the licence shall be acquired and that the licensee or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

FORM OF RENEWAL OF THE LICENSE

<i>Date and year of renewal</i>	<i>Date on which renewed licence expires</i>	<i>Signature and designation of renewing authority</i>	<i>SEAL</i>

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. The licensee shall not carry any arms covered by this licence otherwise than in good faith for the destruction of wild animals which do injury to crops or cattle, nor shall he take any such arms to a fair, religious procession or other public assemblage or to any considerable distance beyond the place or area entered in column 6.

3. He shall not lend any arms or ammunition covered by this licence to any person, other than a member of his family or servant who may be employed by the licensee to protect the crops or cattle situated in the area specified in the licence and who is mentioned in column 2 of the licence.

4. The licensee shall—

- (a) on demand by an authorized officer produce the weapons covered by this licence;
- (b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;
- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any arms or ammunition or any part thereof [otherwise than as mentioned in (b) above]; failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

5. He shall not keep Government arms or ammunition.

Explanation:—For the purposes of this condition:—

- (a) "Government arm" means a firearm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufac-

tured in any Government factory, or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

6. Condition 5 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

7. He shall not purchase or possess ammunition of any kind in excess of the maximum allowed under columns 3 and 4 of the licence or of the maximum which may from time to time be fixed by the Central Government for the amount purchaseable in a year and for the amount that may be possessed at any one time.

8. At the time of purchasing any arms or ammunition he shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely:—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms are purchased from any person other than a licensed dealer, he shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

9. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if,—

- (a) the licensee dies, or

Powers of the Central Government under conditions 6 and 7 delegated to State Governments.

(b) any weapon covered thereby—

- (i) is sold or transferred, or
- (ii) is attached in execution of a decree.

10. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether any weapon for which it has been granted is still in the possession of the licensee and to require the production of the weapon for the purpose of such enquiry.

11. Where, after the end of any harvest season, the State Government considers it expedient that for the protection of wild life in any area, any fire-arm or ammunition licensed in this Form should be deposited in a police station or with a licensed dealer, it may, by order, require any licensee to so deposit such fire-arm or ammunition for such period as the arms are not required for protection of crops or cattle and as may be specified therein, and thereupon the licensee shall be bound to comply with such order.

Note 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500/- or with both. (Section 30 of the Act).

Note 2.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer together with the particulars of the firearms or ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3) of the Act].

FORM VI

License for acquisition, possession, and use, for the purpose of target practice, of fire-arms or ammunition.

FEE: ANNUAL RATES:

(a) Pistol or revolver	Rs. 10/-
(b) Rifle other than those mentioned in (c)	Rs. 6/-
(c) .22 bore rifle (low velocity) firing rimmed cartridges, B.L. gun or air rifle	Rs. 4/-
(d) M.L. gun or air gun	Rs. 1/-

Note: For a period exceeding one year a compounded fee shall be levied reckoning fractions of a year as one whole year.

Sl. No. of licence	Name, description and location of mess, club or association	Arms, ammunition that licensee is entitled to possess		Place within which the licence is valid	Date on which the licence expires	Date on which the licence or the arms or both shall be produced for inspection before the licensing authority under rule 52(2)
		Maximum to be possessed at any one time	Maximum purchasable during the year			
1	2	3	4	5	6	7

The _____ of 19 _____ (SEAL)

(Signature)
Licensing Authority _____
Designation _____
Place _____

*Provided that where a licence is granted in Form III, Form IV, Form V or Form VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same direct that within a period specified by him in this behalf, which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended, the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal	Date on which renewed licence expires	Signature and designation of renewing Authority	SEAL
1	2	3	4

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

3. The licensee shall, at the time of purchasing any arms or ammunition, cause the following particulars to be endorsed upon its licence under the vendor's signature, namely:—

- (a) the name, description and residence of the person who takes delivery of the articles purchased on behalf of the mess, club or association;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed by that authority for this purpose. No purchase of ammunition shall, however, be permitted except on a written certificate from the licensee certifying that with the amount proposed to be purchased the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

4. The mess, club or association shall not purchase or possess ammunition in excess of the quantities allowed under columns 3 and 4 of the licence or the maximum which may from time to time be fixed by the Central Government for the amount purchasable in a year and for the amount that may be possessed at any one time.

5. The mess, club or association shall—

- (a) on demand by an authorised officer produce the weapons covered by this licence;
- (b) not sell or transfer any arms or ammunition or any part

Powers of the Central Government under condition 4 have been delegated to State Governments.

thereof covered by this licence to any person not lawfully entitled to possess them;

- (c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and
- (d) give prior intimation to the licensing authority concerned of its intention to break up or dispose of any arms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

6. The licence does not authorize any member of the mess, club or association to keep Government arms or ammunition.

Explanation.—For the purposes of this condition:—

- (a) "Government arm" means a firearm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in a Government factory or prepared for and supplied to Government other than such ammunition as released by Government for civilian use.

7. The Central Government or the State Government or in the State of Madras, Andhra Pradesh or Kerala, the Board of Revenue, may require any firearm or ammunition possessed by the mess, club or association to be registered in such manner as the Central Government or the State Government or the Board of Revenue may think fit.

8. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such enquiry.

Note.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having juris-

diction or the officer-in-charge of the nearest police station of such sale or transfer together with the particulars of the firearms or ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3) of the Act].

FEE: ONE RUPEE PER WEAPON

FORM VII

Licence for carrying arms or ammunition on a journey in or through any part of India.

Name, description and residence of licensee and agent (if any)	Arms or ammunition that licensee is entitled to carry		Retainers (if any covered by the licence)				Place of departure, route and place of destination	Period which the journey is likely to occupy	Period for which the licence is valid
			Name of retainer	Name of retainer's father	Address of retainer	Arms or ammunition that retainer is entitled to carry			
	Brief description of each weapon with details e.g., register No. and other identification marks	Quantity and description of each kind of ammunition				Description				Quantity

From the
to the 19

The of 19 (SEAL)

(Signature)
Licensing Authority
Designation
Place

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal

Date on which renewed
licence expiresSignature and designation
of renewing authority

SEAL

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Author	Title	Year	Volume	Page	Notes
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Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and the Arms Rules, 1962.

2. It covers only the persons named, and the arms or ammunition described therein and such retainers (if any) as may be entered in column 4.

3. The licensee or any retainer acting under this licence shall not, unless specially empowered in this behalf by the authority granting the licence, carry any arms to a fair, religious procession or other public assemblage.

4. He shall not carry Government arms or ammunition.

Explanation.—For the purposes of these conditions:—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.

5. He shall—

(a) on demand by any authorized officer produce the weapons covered by this licence, and

(b) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

Note 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500 or with both. (Section 30 of the Act).

Note 2.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer, together with the particulars of the arms or ammunition and the person to whom they have been sold or transferred. (Section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [Section 25(3) of the Act].

FEE: ONE RUPEE FOR EACH WEAPON FORM VIII

Traveller's (temporary) licence for the possession and carrying of arms or ammunition for the duration of his journey from the port or other place of his arrival in India to the place of his destination in India.

Name and description of licences	Arms or ammunition that licensee is entitled to possess and carry	Place of destination	Period for which the licence is valid
Brief description of each weapon	Quantity and description of each kind of ammunition		
1	2	3	5
The of 19 of 19	Date on which copy is sent to the district Magistrate of district [Rule sub-rule (2) of rule 17].	From the to the 19	
(SEAL)	(Signature) Licensing Authority Designation Place		

FORM OF RENEWAL OF THE LICENCE

Date and year of renewal	Date on which the renewed licence expires	Signature and designation of renewing authority	SEAL

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the persons named, and the arms or ammunition described therein.

3. The licensee shall not, unless specially empowered in this behalf by the authority granting the licence, carry arms or ammunition to a fair, religious procession or other public assemblage.

4. He shall not carry Government arms or ammunition.

Explanation.—For the purpose of this condition:—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.

5. Condition 4 may be cancelled by the authority granting the licence if empowered to do so by the Central Government and an endorsement added showing the Government arms or ammunition which the licensee is authorized to possess.

6. He shall—

(a) on demand by an authorized officer produce the weapons covered by this licence;

(b) not sell or transfer any arms or ammunition or part thereof covered by this licence to any person not lawfully entitled to possess them; and

(c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence.

7. The licensee shall, on arrival at his destination, forthwith apply to the nearest licensing authority for a licence in Form II or Form III, as the case may be, in respect of the arms or ammunition described herein and shall at the same time deliver this licence in original to the authority.

Note 1.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500 or with both. (Section 30 of the Act).

Note 2.—Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer, together with the particulars of the arms or ammunition and the person to whom they have been sold or transferred. (Section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [Section 25(3) of the Act].

Powers of the Central Government under condition 5 delegated to State Governments.

Condition 6(b) amended by M.H.A. Notu. No. F. 13/7/62—Police (IV), dt. 3-5-1963. [The Arms (Second Amendment) Rules, 1963].

FEE: THIRTY RUPEES

Licence to—

- (1) Manufacture;
 (2) Convert, shorten, repair or test (other than proof-test) sell or transfer; keep for sale or transfer, conversion, repair or test of arms or ammunition.

FORM IX

Serial No. of licence	Name, description and residence of licensee and of duly authorized agent or agents, if any	Place of business, factory or shop	Description and number of arms		Description and quantity of ammunition		Name of range or other place where allowed to test	Date and year on which the licence expires
			To be manufactured, converted, shortened, repaired	To be sold or kept for sale	To be manufactured, converted, etc.	To be sold or kept for sale, etc.		
1	2	3	4	5	6	7	8	9
The	of 19	The date on which copy sent to the district magistrate of .....district vide sub-rule (2) of rule (20).						The 31st December, 19
The	of 19	(SEAL)			(Signature)			
					Licensing authority Designation			
					Place			
FORM OF RENEWAL OF THE LICENCE								
Date and year of renewal	Date on which the renewed licence expires	Signature and designation of renewing authority	SEAL					

Conditions

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1956 and of the Arms Rules, 1962.

(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose or to prove any fire-arms.

(c) This licence is valid only so long as the licensee carries on the trade or business in the premises shown in column 3 thereof, and will ipso facto lapse if the business is discontinued for a continuous period exceeding six months.

2. The licensee shall maintain registers of all arms manufactured or converted or shortened or repaired or tested or transferred, of all ammunition manufactured, converted, repaired or transferred, of all stock in hand, and of all sales, showing the particulars in such Forms as may be prescribed for the purpose by the Central Government.

3. He shall make available for inspection his stock and his registers on the demand of any magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licensed to manufacture/convert/shorten/repair/test/transfer/sell arms or ammunition."

(2) He shall also affix in his place of business, factory or shop a copy of section 36 of the Arms Act, 1959, either in English/Hindi or in the language of the district.

5. He shall not manufacture fire-arms of any category or description other than those allowed to be manufactured under column 4; nor expand his business, except with the prior permission of the Central Government and subject to such conditions as may be prescribed by the Central Government.

6. He shall not sell to anyone any fire-arm manufactured by him unless such fire-arm—

- (a) is duly proof-tested at a Government establishment or an establishment approved in this behalf by the Central Government;

- (b) bears proof-mark; and
- (c) bears identification marks as required by rule 25.

7. He shall not sell arms or ammunition elsewhere than at the place of business, factory or shop specified in column 3.

8. He shall not keep Government arms or ammunition except under the special or general orders of the Central Government.

Explanation.—For the purposes of this condition :—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to the Government other than such ammunition as may be released by Government for civilian use.

9. He shall, at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence:—

- (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
- (b) the nature and quantity of the articles sold or transferred, and
- (c) the date of sale or transfer,

and shall sign the endorsement (and affix his seal).

10. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

11. He shall give information of all sales or transfers of arms and ammunition, to such persons and in such manner as the Central Government may direct.

12. He shall not sell or transfer any quantity of ammunition to any person licensed to possess or carry arms or ammunition without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be purchased by him, the total quantity of ammunition in his

possession will not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not, in any case, sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

13. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

14. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition without a special permit from a magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

15. The licensee shall not sell or transfer any arms of category V to a person residing in an area to which section 4 applies, unless the said person produces a licence, or is exempted from the obligation to take out a licence, to acquire, possess or carry such arms in that area.

16. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

17. Chlorates shall be kept in a building constructed of un-inflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance of not less than 10 feet:

Provided that, where the total quantity stored does not exceed 100 kgs. chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

18. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 3:

Provided that when the quantity of each does not exceed 100 kgs., sulphur and saltpetre may be kept in separate closed receptacles in the same room.

19. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 3, or in the vicinity of the receptacles mentioned in provisos to conditions 17 and 18.

20. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

21. Any accident, fire or explosion occurring within the premises specified in column 3 which is attended with loss of human life or serious injury to persons or property shall be reported at once by the licensee to the officer-in-charge of the nearest police station having jurisdiction over the place of his business, factory or shop as well as to the Inspector of Explosives of the circle concerned.

Powers of the Central Government under conditions 2, 3, 8, 11, 12 (proviso) and 13 (in the case of West Bengal and Assam only) delegated to State Governments.

FORM X

FEE: FREE OF FEE

(i) To a holder of licence in Form IX.—

(ii) To others—Rupees twenty.

License for proof-test and keeping for proof-test of firearms

Serial No. of licence	Name, description and residence of licensee and of duly authorized agent(s), if any	Place of business, factory or shop	Categories of firearms allowed to be proof-tested	Range or other place where allowed to test	Date on which the licence expires
1	2	3	4	5	6

The of 19 . Date on which copy is sent to the district magistrate.....district
(vide rule 23).

(Signature)
Secretary/Joint Secretary to the Government of India,
Ministry of Home Affairs.

The of 19 . Date of issue of the licence.
(SEAL.)

FORM OF RENEWAL OF THE LICENCE

Date of renewal	Date on which the renewed licence expires	Signature and designation of the renewing authority	SEAL
-----------------	---	---	------

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. The licensee shall carry on the work of proof-testing and stamp proof-marks on the firearms which are proved, in accordance with regulations framed or approved by the Central Government for the purpose.

3. This licence is valid only so long as the licensee carries on the work of proof-test and if the work is discontinued for a continuous period of more than one year, the licence shall *ipso facto* expire.

4. The licensee shall maintain a register of all fire-arms received for proving or of those proof-tested, of all stock in hand, of all fire-arms disposed of after proof-test, showing the particulars in such Forms as may be prescribed by the Central Government for the purpose.

5. He shall make available for inspection his stock and his registers on the demand of any magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

6. (1) He shall affix on a conspicuous part of his place of business factory or shop a signboard on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licensed to proof-test fire-arms of categories". (As shown in col. 4 of the licence).

(2) He shall also affix in his place of business or factory a copy of section 36 of the Arms Act, 1959 either in English/Hindi or in the language of the district.

7. He shall not proof-test fire-arms elsewhere than at the place of business or factory specified in column 3.

8. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

Powers of the Central Government under conditions 4 and 5 delegated to State Governments.

FEE: RUPEES FIFTEEN

FORM XI*

Licence to convert, repair, test (other than proof-test), sell or transfer or keep for sale, repair or test, or transfer arms or ammunition of categories I(b), I(c), I(d), III(a), III(b), III(c), III(d), V, VI.

Sl. No. of licence	Name, description and residence of licensee and of factory or shop duly authorised agent or agents if any	Place of business	Description and number of arms		Description and quantity of ammunition		Name of the range or other place where allowed to test	Date and year on which the licence expires
			To be converted or repaired	To be sold or kept for sale etc.	To be converted or repaired	To be sold or kept for sale		
1	2	3	4	5	6	7	8	9
The of 19					(Signature) Licensing Authority Designation Place		The 31st December, 19...	
			(SEAL)					

FORM FOR RENEWAL OF THE LICENCE

Date and year of renewal	Date on which the renewed licence expires	Signature and designation of renewing authority	SEAL

* The heading of this form amended by MHA. Notn. No. F.13/7/62- Police (IV), dt. 3-5-1963. [The Arms (Second Amendment) Rules, 1963]

Conditions

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence entitles the licensee to fabricate components and parts of fire-arms and ammunition for the purpose of conversion or repair of fire-arms or ammunition of the categories shown in column 4, but does not entitle him to manufacture such components or parts for the purpose of, or utilised for, assembling into complete arms or ammunition.

(c) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(d) This licence is valid only so long as he carries on the trade or business in the premises shown in column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.

2. The licensee shall maintain registers of all arms and ammunition in stock, and of all sales, showing the particulars in such Forms as may be prescribed by the Central Government for the purpose.

3. He shall make available for inspection his stock and his registers on the demand of any magistrate or any police Officer of a rank not below that of Inspector, or, if the Central Government so directs of sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licenced to convert/repair/test (other than proof-test)/sell/transfer arms and ammunition."

(2) He shall also affix in his place of business, factory or shop a copy of section 36 of the Act, either in English/Hindi or in the language of the district.

5. He shall not convert an imitation firearm into a firearm or shorten a firearm on the strength of this licence.

6. He shall not sell the arms or ammunition covered by the licence, elsewhere than at the place of business, factory or shop specified in column 3.

7. He shall not keep Government arms or ammunition unless

he is specially authorised in this behalf by the Central Government.

Explanation.—For the purposes of this condition—

- (a) "Government arm" means a firearm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means, ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

8. He shall at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence—

- (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
 - (b) the nature and quantity of the articles sold or transferred and,
 - (c) the date of sale or transfer,
- and shall sign the endorsement and affix his seal.

9. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks if any, stamped on the weapon at the time of manufacture or otherwise.

10. He shall give information of all sales or transfers of arms and ammunition to such person and in such manner as the Central Government may direct.

11. He shall not sell or transfer ammunition to any person, licensed to possess or carry arms, without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be acquired by him, the total quantity of ammunition in his possession shall not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

12. He shall not sell arms or ammunition to an officer, non-

commissioned officer or soldier of the armed forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

13. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition, without a special permit from a magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

14. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

Powers of the Central Government under conditions 2, 3, 7, 10, 11 (proviso) and 13 (in the case of Assam and West Bengal) delegated to State Governments.

FEE: RUPEES TEN

FORM XII

Licence to sell, transfer or test (other than proof test) and to keep for sale, transfer or test, arms or ammunition of categories I(b), I(c), I(d), III(a), III(b), III(c), III(d), V.

Sl. No. of licence	Name, description and residence of licensee, and of duly authorised agent or agents (if any)	Place of business or shop	Description and number of arms	Description and quantity of ammunition	Name of the range or other place where allowed to test	Date and year on which the licence expires
1	2	3	4	5	6	7

The

of

19

(SEAL)

(Signature)

The 31st December, 19

Licensing Authority
 Designation
 Place

FORM FOR RENEWAL OF THE LICENCE

Date and year of renewal	Date on which the renewed licence expires	Signature and designation of renewing authority	SEAL
--------------------------	---	---	------

Conditions

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(c) This licence is valid only so long as he carries on the trade or business in the premises shown in column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.

2. The licensee shall maintain registers of all arms and ammunition in stock and of all sales showing the particulars in such Form as may be prescribed by the Central Government for the purpose.

3. He shall make available for inspection his stock and his registers on the demand of any magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop a signboard, on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licenced to sell/transfer or test (other than proof test) arms or ammunition".

(2) He shall also affix in his place of business or shop a copy of section 36 of the Act in English/Hindi or in the language of the district.

5. He shall not sell the arms or ammunition covered by the licence, elsewhere than at the place of business, factory or shop specified in column. 3.

6. He shall not keep Government arms or ammunition unless he is specially authorised in this behalf by the Central Government.

Explanation.—For the purposes of this condition :—

(a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and

(b) "Government ammunition" means, ammunition manufactured in any Government factory or prepared for and

supplied to Government other than such ammunition as may be released by Government for civilian use.

7. He shall at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence:—

- (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
 - (b) the nature and quantity of the articles sold or transferred, and
 - (c) the date of sale or transfer.
- and shall sign the endorsement and affix his seal.

8. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

9. He shall give information of all sales or transfers of arms and ammunition, to such person and in such manner as the Central Government may direct.

10. He shall not sell or transfer ammunition to any person, licensed to possess or carry arms, without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be acquired by him, the total quantity of ammunition in his possession shall not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year :

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

11. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition without a special permit from a magistrate, to any member

of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

13. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

Powers of the Central Government under conditions 2, 3, 6, 9, 10 (proviso) and 12 (in the case of Assam and West Bengal) delegated to State Governments.

FEE:

FORM XIII

- (i) To the holders of a licence in Form IX Free of fee
 (ii) For arms of category V only RUPEES FIVE
 (iii) Otherwise RUPEES TEN

Licence to sell, transfer or test (other than proof-test) and keep for sale, transfer or test arms or ammunition of categories III(c), III(d), V or VI.

Sl. No. of licence	Name, description and residence of licensee, and of duly authorised agent or agents, if any	Place of business or shop	Description and number of arms	Description and quantity of ammunition	Name of the range or other place where allowed to test	Date and year on which the licence expires
1	2	3	4	5	6	7

The of 19 (SEAL) (Signature)
 Licensing Authority
 Designation
 Place
 SEAL
 The 31st Dec. 19

FORM FOR RENEWAL OF THE LICENCE

Date and year of renewal Date on which the renewed licence expires Signature and designation of renewing authority SEAL

Conditions

1. (a) This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

(b) This licence does not entitle the dealer to take any arms or ammunition for testing to a testing range or other place without a permit for the purpose, or to prove any fire-arms.

(c) This licence is valid only so long as he carries on the trade or business in the premises shown in column 3 thereof, and will *ipso facto* lapse if the business is discontinued for a continuous period exceeding six months.

2. The licensee shall maintain registers of all arms or ammunition in stock and of all sales showing the particulars in such Forms as may be prescribed by the Central Government for the purpose.

3. He shall make available for inspection his stock and his registers on the demand of any magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English/Hindi and in the language of the district his name and the words "Licenced to sell, transfer or test (other than proof-test) arms or ammunition.

(2) He shall also affix in his place of business, factory or shop a copy of section 36 of the Act either in English/Hindi or in the language of the district.

5. He shall not sell the arms or ammunition elsewhere than at the place of business, factory or shop specified in column 3.

6. He shall not keep Government arms or ammunition, except under the special or general orders of the Central Government.

Explanation.—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means, ammunition manufactured in any Government factory or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

7. He shall at the time of sale or transfer of any arms or ammunition to a person holding a licence in Form III, Form IV, Form V, Form VII or Form VIII endorse on the licence—

- (a) the name, description and residence of the person who takes delivery of the articles sold or transferred,
 - (b) the nature and quantity of the articles sold or transferred, and
 - (c) the date of sale or transfer,
- and shall sign the endorsement and affix his seal.

8. He shall at the time of sale or transfer of a weapon enter in his register the number and other identification marks, if any, stamped on the weapon at the time of manufacture or otherwise.

9. He shall give information of all sales or transfers of arms or ammunition, to such person and in such manner as the Central Government may direct.

10. He shall not sell or transfer ammunition to any person, licensed to possess or carry arms, without his first obtaining a written certificate from such person to the effect that, with the quantity of ammunition proposed to be purchased by him, the total quantity of ammunition in his possession will not exceed the maximum quantity which he is entitled to possess at any one time or his total allowance for the year:

Provided that he shall not in any case sell or transfer to any person any quantity of ammunition in excess of the maximum which may be fixed by the Central Government for such person or which is endorsed on such person's licence.

11. He shall not sell arms and ammunition to an officer, non-commissioned officer or soldier of the armed forces of the Union unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

12. Where the licence is granted in and for any local area in West Bengal or Assam, the licensee shall not sell arms or ammunition without a special permit from a magistrate, to any member of a hill-tribe to which the Central Government may from time to time by notification apply this condition.

13. The licensee shall not sell or transfer any arms of category V to a person residing in an area to which section 4 applies, unless the said person produces a licence, or is exempted from the obligation to take out a licence to acquire, possess or carry such arms in that area.

14. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by the licence.

15. Chlorates shall be kept in a building constructed of un-inflammable materials only and separated from any dwelling house, other building, highway, street, public thoroughfare or public place by a distance of not less than 10 feet:

Provided that, where the total quantity stored does not exceed 100 kgs., chlorates may be kept exclusively in a closed and secured receptacle placed in a building used for the keeping of other articles not being of an explosive or highly inflammable nature.

16. Sulphur shall not be kept in the same room with saltpetre in the premises specified in column 3:

Provided that, where the quantity of each does not exceed 100 kgs., sulphur and saltpetre can be kept in separate closed receptacles in the same room.

17. No person shall smoke and no open fires shall be allowed at any time in the premises specified in column 3, or in the vicinity of the receptacles mentioned in provisos to conditions 15 and 16.

18. Where any building used for storage of such materials is fitted with electric lighting or power, the licensee shall get these installations tested at least once a year or once during the currency of the licence, by an Electrical Inspector appointed under the Indian Electricity Act, 1910, to ensure that there is no danger of fire or sparking.

19. Any accident, fire or explosion occurring within the premises specified in column 3 which is attended with loss of human life or serious injury to persons or property shall be reported at once by the licensee to the officer-in-charge of the nearest police station having jurisdiction over his place of business, factory or shop as well as to the Inspector of Explosives of the circle concerned.

Powers of the Central Government under conditions 2, 3, 6, 9, 10 (proviso) and 12 (in the case of Assam and West Bengal) delegated to State Governments.

FEE: FREE OF FEE.

FORM XIV

License for the possession by holders of licenses in Form IX, Form XI, Form XII or Form XIII of arms or ammunition deposited by their owners under section 21 of the Act, or for safe keeping.

Name, description and residence of licensee and of duly authorised agent or agents (if any)	Description of arms and ammunition	Place where articles are kept	Period for which the license is valid
1	2	3	4
The of 19	(SEAL)	(Signature) Licensing authority Designation Place	From to

FORM FOR RENEWAL OF THE LICENSE

Date and year of renewal	Date on which the renewed license expires	Signature and designation of renewing authority	SEAL
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Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only arms or ammunition of the description given in column 2 so long as they are kept in the place described in column 3, but does not authorize the licensee—

- (i) to carry arms or
- (ii) to keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

- (a) "Government Arm" means a firearm or other weapon which is the property of Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government other than such ammunition as released by Government for civilian use.

3. (a) The licensee shall maintain separate registers of all arms or ammunition deposited with him under this licence—

- (i) under Section 21(1), and
- (ii) for safe custody otherwise than under section 21(1),

showing particulars in such Forms as may be prescribed by the Central Government for the purpose.

(b) A copy of each of the registers certified by the dealer as a true copy, relating to each preceding quarter of a calendar year, shall be forwarded within one week after the expiry of the quarter, to the district magistrate, the quarters ending on the last day of March, June, September, December.

4. He shall not receive for deposit arms or ammunition without verifying—

- (a) that they are not being deposited with any mala fide intention, and

- (b) in case they are being deposited otherwise than under section 21(1), that they are covered by a valid possession licence or are exempt from the need for such licence.

5. He shall not charge fees for keeping or maintaining the deposited articles in excess of the prescribed rates.

6. He shall not return to the depositor or sell the arms and ammunition deposited except in the manner and to the extent permitted for the sale of arms and ammunition to such depositor or purchaser.

7. On the expiry of the period prescribed for forfeiture of the arms or ammunition deposited, he shall deposit them in the malkhana of the district or such other place as may be specified by the State Government for the purpose.

8. He shall make available for inspection such arms or ammunition and his registers on the demand of any magistrate or any police officer of a rank not below that of Inspector, or, if the Central Government so directs, of Sub-Inspector.

9. The licensee shall—

- (a) either inform the nearest police station and the district magistrate personally or despatch information to the officer-in-charge of the police station and the district magistrate concerned by registered post on the day of deposit or return or disposal, as the case may be;
- (b) forthwith inform the police station and the district magistrate concerned of the loss or theft of any deposited article.

Note.—A licence in this form will be granted for a period ending on the day on which the licensee's licence in Form IX, Form XI, Form XII, or Form XIII as the case may be, is due to expire.

Powers of the Central Government under conditions 3 and 8 delegated to State Governments.

FEE:

FORM XV

*For single weapon**In other cases (i.e. consignment
of more than one weapon and
of ammunition)**Licence for import (by sea or
air) of arms or ammunition into
the port of _____*

- 1 (i) Firearms and ammunition Rs. 5/- Rs. 10/-
 (ii) Arms of Category V Re. 1/- Rs. 2/-
 (where a licence is required)
 2 For sulphur imported under rule 57(5)—Free of fee.

Name, description and residence of licensee and agent (if any)	Number of packages	Arms		Ammunition		Purpose for which required	Value of the arms per piece	Place where articles are to be depo- sited or to which they are to be despatched	Period for which the licence is valid
		Description	No.	Description	Weight in Kgs or number				
1	2	3	4	5	6	7	8	9	10

From.....

To.....

(Signature)

Licensing Authority

Designation

Place

The of 19 .

(SEAL)

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. An account of the contents of each package shall be legibly written thereon.

3. The articles shall be either—

(a) deposited—

(i) in a warehouse appointed under section 15 of the Sea Customs Act, 1878, or

(ii) subject to the general or special sanction of the Central Government under section 34 of the Arms Act, 1959, in a warehouse licensed under section 16 of the Sea Customs Act, 1878, or

(b) forthwith despatched to their place of destination.

Powers of the Central Government under condition 3(a)(ii) delegated to State Governments.

FORM XVI

Licence for Import (by land or river) of arms or ammunition

FEE: *For single weapon In other cases (i.e. consignment of more than one weapon and of ammunition)*

- (1) Fire arms and ammunition
(2) Arms of category V

Rs. 5/-
Re. 1/-

Rs. 10/-
Rs. 2/-

Name, description and residence of licensee and agent (if any)	Number of packages	ARMS		Ammunition		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the licence is valid
		Description	No.	Description	Weight in kilograms or number.					
1	2	3	4	5	6	7	8	9	10	11

From.....
To.....

(Signature)
Licensing Authority
Designation
Place

The of 19

(SEAL)

The of 19

{ Date on which a copy is sent to the Government of the State of
[rule 31(1)]
District Magistrate of District [Rule 31(1)]
Station Master at the Station [Rule 31(2)]

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word "Arms" or "Ammunition", as the case may be, so as to be readily recognizable by the railway authorities.

FORM XVII

FEE:

	For single weapon	In other cases (i.e., con- signment of more than one weapon and of ammuni- tion)	Licence for export (by sea or air) of arms or ammunition. From.....to.....
--	----------------------	---	--

	Rs.	Rs.
(1) Firearms and ammunition	5	10
(2) Arms of category V (where a licence is required)	1	2

Name, description & residence of licensee and agent (if any)	ARMS			AMMU- NITION			Place of despatch and route	Purpose for which required	Place of destination	Name, description & residence of con- signee	Period for which the licence is valid
	Number of packages	Description	Number	Description	Weight in kilograms or number						
1	2	3	4	5	6	7	8	9	10	11	

From the

to the

The of 19
(SEAL)

(Signature)

Licensing Authority

Designation

Place

The of 19

Date on which a copy is sent to the
—Agent or Master of vessel or
air carrier at the port,
[rule 33(1)].

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. The articles shall not be conveyed by any route other than that specified in column 7 and bulk shall not be broken nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon and where the articles are conveyed by rail, each package shall be marked with the word "Arms" or "Ammunition", as the case may be, so as to be readily recognisable by the railway authorities.

FEE:

FORM XVIII

	For single weapon	In other cases (i.e., consignment of more than one weapon and of ammunition)	Licence for export (by land or river) of arms or ammunition From.....to.....
		Rs.	Rs.
(1)	Firearms and ammunition	5	10
(2)	Arms of category V (where a licence is required)	1	2

ARMS				AMMUNITION						
Name, description & residence of licensee and agent (if any)	No. of packages	Description	Number	Description	Weight in Kgs. or number	Place of despatch and route	Purpose for which required	Place of destination	Name, description & residence of consignee	Period for which the licence is valid
1	2	3	4	5	6	7	8	9	10	11
						From the				
						to the				
						19				
The		of		19		Date on which a certificate of 'no objection' is obtained from the Government of the State of Jammu and Kashmir				
						District Magistrate of the district of (vide rule 50)				
The		of		19		Date on which a copy is sent to the—District Magistrate of the District/Govt. of the State of Jammu and Kashmir [vide rule 34(a)].				
						District Magistrate of district [vide rule 34(b)].				
						(Signature)				
The		of		19		Licensing Authority				
						Designation				
						Place				
						(SEAL)				

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word "Arms" or "Ammunition", as the case may be, so as to be readily recognizable by the railway authorities.

FEE:

FORM XIX

For single weapon *In other cases (i.e., consign-ment of more than one weapon and of ammunition)* *Licence for export and re-import/ import, transport and re-export of arms and ammunition*

		Rs.	R.
(1)	(i) Firearms and ammunition	5	10
	(ii) Arms of Category V	1	2
(2)	For re-export and re-import under rule 35	..	1

			ARMS		AMMU- NITION						
Name, description & residence of licensee and agent (if any) authorised for the purpose of this consign-ment	Licensee's place of business, if any	Number of packages	Description	Number	Description	Weight in Kg. or number	Place of despatch, route and mode of transit	Place of destination	Name, description & residence of con- signee	Period for which the licence is valid	
1	2	3	4	5	6	7	8	9	10	11	
						From the					
						to the					
						19					
The	of		19	Date on which copy is sent to the—							
				(a) Secretary, General Administration Department, Government of the State of Pondicherry.							
				(b) District Magistrate							
				(c) Station Master at the Railway Station.							
				(d) Authority at the port of export/reimport (<i>vide</i> rule 35).							
The	of		19	(Signature)							
				Licensing Authority							
				Designation							
				Place							
(SEAL)											

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. The articles shall not be conveyed by any route other than that specified in column 8; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon and where the articles are conveyed by rail, each package shall be marked with the word "Arms" or "Ammunition", as the case may be, so as to be readily recognizable by the railway authorities.

4. The articles shall be delivered only to a person lawfully entitled to receive them.

FORM XX

FEE:

	For single weapon	In other cases (i.e., consign- ment of more than one weapon and of ammuni- tion)	Licences for the transport of arms or ammunition.
	Rs.	Rs.	
1. (i) Firearms and ammunition	5	10	
(ii) Arms of Cate- gory V	1	2	
2. Where the arms or ammunition are transported for re-export and re-import under rule 35.	—	1	

Name, description & residence of licensee and agent (if any) authorised for the purpose of this con- signment	Licensee's place of business, if any	ARMS			AMMU- NITION			Place of destination	Name, description & residence of consi- gnee	Period for which the licence is valid
		Number of packages	Description	Number	Description	Weight in Kgs. or number	Place of despatch, route and mode of transit			
1	2	3	4	5	6	7	8	9	10	11

From the

to the

19

The of 19

Date on which certificate of "no
objection" is obtained from—

Commissioner of Police,

Government of the State of

District Magistrate of the district
..., (vide rule 50).

The	of	19	Date on which a copy is sent to— The District Magistrate district
			Government of the State of
			Magistrate at (vide rule 38).
The	of	19	(Signature)
			Licensing Authority
	(SEAL)		Designation
			Place

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. The articles shall not be conveyed by any route other than that specified in column 8; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

Provided that where the consignment is ready but could not be despatched in one bulk, for reasons beyond the control of the licensee, the articles may be sent in lots provided proper intimation is sent to the licensing authority, who may extend the time limit in column 11, if necessary.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word "Arms", or "Ammunition" as the case may be, so as to be readily recognizable by the railway authorities.

4. The Articles shall be delivered only to a person lawfully entitled to receive them.

5. Where a licence granted for industrial purposes has been made valid for a period longer than the normal period of twice the time taken in journey from godown to factory [vide proviso to sub-rule (4) of rule 38], necessary entries shall promptly be made in the stock registers maintained by the dealer for the purpose at both the places (viz., godown and factory).

FEE; FREE OF FEE

FORM XXI

Licence for the import into, possession for the duration of the journey in, transport across, and export out of, India of arms or ammunition carried by His Majesty the King of Nepal, personnel accompanying him, his brother, the Prime Minister of Nepal and Nepal Government troops or police, from one place in Nepal to another place in Nepal through India territory.

Description of licensee/agent(s)	No. of retainers	Arms and ammunition that licensee is entitled to import/possess/transport/export	Place of entry in India	District(s) through which the arms or ammunition shall pass	Place of departure from India	Period for which the licence is valid
		Brief description of the arms		Quantity and description of each kind of ammunition		
1	2	3	4	5	6	7
						8
From the.....						
to the 19						

The.....of.....19..... Date on which copy is sent to the district magistrate of

The.....of.....19..... district [vide rule 43(2)] (SEAL)

(Signature)
Ambassador of India in Nepal

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959, and of the Arms Rules, 1962.

2. It covers only the person named, and the arms or ammunition described therein.

3. The licensee shall not, while in India, sell or transfer any arms or ammunition covered by this licence.

Note.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500 or with both. (Section 30 of the Act).

FORM XXII

FEE: ONE RUPEE PER WEAPON

Transit licence for import into, or acquiring in, possession and transport in, and export out of, India of personal arms or ammunition in reasonable quantities by bonafide travellers/tourists.

Name and description of licensee	Arms or ammunition that licensee is entitled to import or acquire in India/possess/transport/export.	Place of departure from India [Vide rule (44)].	Period for which the licence is valid
1	2	3	4
The Officer specially empowered by the State Government Administrator/Lt. Governor/Chief Commissioner			
19	Date on which copy is sent to— [vide rule 44(2)].		
The		19	(SEAL)
of			(SEAL)
(Signature)			
Licensing Authority			
Designation			
Place			

Conditions

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the persons named, and the arms or ammunition described therein.

3. The licensee shall not, unless specially empowered in this behalf by the authority granting the licence, carry arms to a fair, religious procession or other public assemblage.

4. The licensee shall not carry Government arms or ammunition.

Explanation.—For the purposes of this condition:—

(a) "Government Arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for and supplied to the Government other than such ammunition as released by Government for civilian use.

5. The licensee shall, on demand by any magistrate or police officer, produce the weapons covered by this licence.

6. The licensee shall not while in India sell or transfer any arms or ammunition covered by this licence without previous approval of the licensing authority of the place of sale or transfer.

7. The licensee shall produce the weapon or permission of the licensing authority [vide rule 44 (3) (a)] at the time of leaving India and return his licence to the passport-checking authority or other officer empowered by the direct magistrate in this behalf at the port or other place of departure from India.

Note.—Any breach of the condition of this licence is punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 500 or with both. (Section 30 of the Act).

SCHEDULE III

FORM "A"

FORM OF APPLICATION FOR AN ARM LICENCE

(See rule 51)

I, son of request that a licence in
(name in full)

Form for may be granted to me.
The necessary particulars are stated below:—

PART A—Identity of applicant

1. (a) Present Address.
- *(b) Permanent Address.
2. Date of birth; age.
3. Occupation; and designation of office held if any.
4. Signature/thumb impression.

PART B—Other particulars of applicant

5. Whether the applicant has been—
 - (a) convicted—if so, the offence(s), the sentence and date of sentence;
 - (b) ordered to execute a bond under chapter VIII of Cr. P.C. for keeping the peace or for good behaviour—if so, when for what period;
 - (c) prohibited under the Arms Act, 1959, or any other law from having the arms/ammunition.
6. (a) whether the applicant applied for a licence before—if so, when, to whom and with what result;
- (b) whether the applicant's licence was ever suspended or cancelled/revoked—if so, when and by whom and on what account;

(c) whether any other member of the applicant's family is in possession of an arms licence—if so, particulars thereof.

7. Whether the applicant—

(a) is a licensee or exemptee—if, so, description of arms held.

(b) has a safe place to keep the arms.

PART C.—Particulars of Licence

8. Need for licence.

9. Description of arms/ammunition.

10. (a) Area within which applicant wishes to carry arms.

(b) Place where arms/ammunition will be kept/manufactured etc.

(c) Place/route of import/export/transport.

11. Other particulars required as in the relevant licence Form.

12. Any claims for special consideration.

PART D.—For applicant requiring licence for import/export/transport/export and re-import.

13. (a) Whether the previous sanction of the concerned authority required under rule 50, if any, has been obtained, and, if so,

(b) the evidence in support thereof.

I declare that the above particulars are true and correct to the best of my knowledge and belief.

Signature of applicant.

Date/-

[Note:—Strike off the entries not relevant].

[No. 15/13/59(I)-Police (IV).]

PART III

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PART III

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CHAPTER VII

THE ARMS LAW: GUIDE FOR THE LAYMAN

Introduction: A brief and simple explanation of the Rules affecting persons in various walks of life who may be concerned with possession, etc., of arms and ammunition is given in this Chapter. The Rules necessarily contain many technical directions of no interest to private persons who desire to possess arms for private and lawful purposes. As they have to be read in conjunction with the Act, various Gazette Notifications issued thereunder and the Schedules appended to the Rules, the layman sometimes finds it difficult to ascertain the procedure that should be followed in order to secure a licence and to understand the various conditions subject to which he may keep and use arms. As a result of the policy of the Government of India to give every legitimate encouragement to tourists in the country, a larger number of tourists visit this country every year who bring with them arms and ammunition for self-protection or sport. They generally face great difficulty and consequent hardship in securing licences for their weapons because of ignorance of procedure to get them. An attempt has, therefore been made in this Chapter to explain to public in a simple language the procedure laid down and the various legal requirements for obtaining and renewing licences, purchasing ammunition, carrying weapons on journey, importing, exporting, transporting weapons for private use and the like. It does not purport to be an exhaustive paraphrase of the Rules but merely sets forth in language, free from legal technicalities, what the procedure is.

2. Articles which are Arms for the Purposes of the Arms Act : Fire-arms, sharp-edged and other deadly weapons, parts of arms, machinery for manufacturing arms and any other article which is so designed or adapted as to be capable of being used as a weapon of defence or offence, are arms for which licences may be required under the Arms Act and Rules.

3. (1) Arms for which Licences are Required: Generally speaking a licence is necessary for acquiring, possessing (for sport, protection or display) and carrying only in respect of fire-arms and ammunition and no licence for the purpose is necessary for other weapons. But in emergency and trouble-spotted areas, any State Government or Administrator of a Union Territory can, by issuing a notification in the official Gazette, require licences for such other arms also as are specified in category V of Schedule I appended to the Arms Rules, 1962. As orders to this effect are issued in a time of emergency and rescinded when the emergency has passed, it is not possible to include details in this Chapter, but persons who may have doubts are advised to make enquiries from the Commissioners of Police in Calcutta, Madras, Bombay, Hyderabad and Ahmedabad and elsewhere, from the nearest magistrate.

(2) It is just possible that a person residing in an area where no licence is required for possession and carrying of arms other than fire-arms, may require to carry them through an area where licence is required for possession of such arms. In such cases, the necessity of taking out licence for possession and carrying of such arms within that area can be avoided if the person concerned transports the arms (either personally or through some other agency) in a packet properly packed and labelled, showing clearly the description of the articles and the name and address of the person to whom they are intended to be delivered.

4. Arms which do not Require Licence: It is not necessary to take out licence for possession and carrying of—

- (a) any weapon of an obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a fire-arm either with or without repair;
- (b) minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by any person;
- (c) sharp-edged weapons except in areas where section 4 is applied by special Gazette notification;
- (d) air guns, air rifles and air weapons which satisfy a prescribed test;

- (e) toy cannon not exceeding 27 Kg. in weight and having calibre less than 1", length of bore less than 24" and interior of bore unrifled;
- (f) leaden bullets, bird shot, pellets for air guns and old iron cannon balls; and
- (g) recapper, decapper and turnover machines provided their use is restricted to loading or reloading cartridges for one's own personal use and for no other purpose.

Note 1—If the air-weapons of the type mentioned at (d) above are brought from abroad, it would be advisable for the importer to get a certificate from their manufacturers to the effect that the weapons satisfy the required test otherwise they will require to be re-tested in India to determine their licensing requirement.

Note 2—As the State Governments have power to require licence, if they consider it necessary, in respect of these air-weapons, persons possessing or intending to possess them are advised to ascertain from the State Government of the place of their residence whether that Government have imposed any restrictions on the possession of such weapons.

5. Circumstances in which Arms may be possessed, carried or used without licence : It is not necessary to take out a licence by a person :

- (a) for possession and carrying arms and ammunition in the presence or under the written authority of the licence-holder when such arms and ammunition are being carried for repair or for renewal of the licence or for use by the licence-holder;
- (b) being a member of a military mess, club or association for using the arms or ammunition possessed by such mess, club or association under a valid licence provided they are used for the purposes of the mess, club or association and the conditions of the said licence are satisfied;
- (c) not below the age of 12 years for using the fire-arms in connection with training in the use of such fire-arms provided the training is imparted in the immediate presence or under the direct supervision of an adult instructor or the person holding licence for such fire-arms;
- (d) for taking arms other than fire-arms from an area where no licence is required for them through an area where licence

is necessary for their possession if they are carried in a packet properly packed and labelled, showing clearly the description of the arms and the name and address of the person to whom they belong.

6. Persons who are required to take out Licences : Every person who is not specially exempt from the operation of those provisions of the Act which prohibit the keeping and carrying of arms without licence must take out proper licences to cover any arms or ammunition requiring licence which he possesses or wishes to purchase. In case he happens to be in possession of any arms or ammunition for which he holds no licence, he should immediately deposit it in a police station or with a licensed dealer or, if he is member of the armed forces of the Union, in the concerned unit armoury. If he fails to do so, he is liable to be prosecuted according to law.

7. (1) Persons who are not required to take out Licences : There are certain persons and classes of persons who have been exempted in public interest to take out licences in respect of the arms and ammunition possessed by them. A list, showing such persons, the arms and ammunition in respect of which they are exempt and the conditions if any, subject to which they are exempt, will be found in Schedule I of the Ministry of Home Affairs notification at Sl. No. 5 in Chapter 8, Part IV of this Manual. Apart from any general conditions as shown in the Schedule referred to, an exemptee should (i) report forthwith at the nearest police station loss or theft of any arms or ammunition, (ii) not import through the medium of post office any arms or ammunition and (iii) not sell or transfer any arms or ammunition to a person who is not licensed or exempted from the requirement of licence to possess such arms or ammunition.

(2) Certain exemptees may not be accustomed to handle arms and it may be necessary for them to employ retainers or servants to possess and carry arms on their behalf. Such retainers or servants are granted, on a request from the exemptee, separate licence in Form III-A to cover possession and carrying of arms and ammunition by them. It must be remembered that such retainers or servants have no right, independent of their masters,

in the matter of possession (which includes use) and carrying of arms and ammunition covered by their licences. In the event of the person so exempted ceasing to be an exemptee or the retainer or servant quitting the service of the exemptee, the licence of the retainer automatically lapses.

(3) Coorgies and Jumma tenure holders in Coorg, who by their tenure, are liable to perform military or police duties are exempt under the former Rules from taking out for a period ending 31-5-1965.

8. Possession of Arms by Government Servants: Arms and ammunition may be possessed by a Government servant under two circumstances, namely, (a) as a Government servant in the course of his official duty and (b) in his private capacity for his own personal use. No licence is necessary for possession etc. under (a) as such possession etc. is saved from the operation of the Arms Act. He has, however, to take out proper licence like other persons under (b) and he cannot claim any special privilege or preference for his being a Government servant in the matter of granting licence to him.

Sometimes it so happens that a Government servant may not possess arms in the course of his official duty but such possession may nevertheless be considered to be in the public interest. In such cases, he is entitled to the concession of free of fee licence, if granted to him in respect of such of the arms and ammunition possessed by him as are specifically declared (by his competent superior authority) to be in the public interest.

9. Circumstances in which licences must be granted: Except where the applicant for a licence belongs to the category mentioned in sub-para 1(c) of the succeeding paragraph, it is incumbent upon a licensing authority to grant a licence:

- (a) for protection or sport, provided the weapon to be licensed is a smooth bore gun;
- (b) for bona fide crop protection, provided the weapon to be licensed is a muzzle loading gun;
- (c) for target practice by a member of a rifle club or association licensed or recognised by the Government provided

that the weapon to be licensed is a .22 bore rifle or an air-rifle;

- (d) in any other case where the applicant proves it to the satisfaction of the licensing authority that he has a good reason to possess the weapon(s) for which licence is required.

10. Circumstances in which licence is refused : A licence for possession and carrying of arms and ammunition is not granted if :

- (a) the arms and ammunition for which licence is required are of category I(a) of Schedule I (called "prohibited arms" and "prohibited ammunition") appended to the Arms Rules, 1962.
- (b) the arms and ammunition for which licence is required are those mentioned in rule 8 and have not already been imported under a valid licence or exemption from such licence;
- (c) the applicant for the licence is prohibited under any law in force, from possessing or carrying any arms or ammunition or is unfit for any reason to hold a licence under the Arms Act or is of unsound mind.

(2) As a matter of Government policy to curtail the number of fire-arms of certain description (generally called "prohibited bore weapons") in the hands of public, licences to possess them are generally refused. They are :

- (a) automatic pistols or other pistols or revolvers of .441 or .455 or any intermediate bore or of 9 mm. calibre, or firing rimmed cartridges having bore diameter across lands in the range between .340" and .365", rifles of .303 bore or of any other bore which can fire service ammunition of .303 bore; muskets of .410 bore; semi-automatic guns; smooth-bore guns having a barrel of less than 20" in length;

Persons are accordingly advised in their own interest to avoid applying for licence in respect of any of these weapons or

acquiring them with the intention to get necessary possession licence for them.

11. Persons who may apply for licence : It may be asked whether everybody is entitled to a licence on payment of the prescribed fee. The answer is simply in the negative. Any person has of course the liberty to apply for a licence, but the grant of licences is governed by the well known broad principle that the arms and ammunition must not be allowed to fall into the hands of lawless persons and those engaged in anti-social activities. Obviously, a licensing authority cannot be expected to know personally all the applicants for licences. In order to discharge properly the responsibility laid on him, a licensing authority has, therefore, to conduct such enquiries and through such agencies as it deems fit, about the *bona fides* of the applicants and his fitness to possess arms, before he can grant a licence to him. There are no hard and fast qualifications prescribed for possessing arms but there are certain broad principles, governing the grant of licence to individuals, namely that the applicant should be :

- (a) reliable, unlikely to misuse the arms and capable of keeping the arms safe from theft; and
- (b) in real need of the arms for which licence is required if the arms are other than those mentioned in clauses (a) and (b) of para 10.

It is true that under the new Arms Act the licensing authorities have been precluded from refusing a licence merely on the ground that the applicant does not have sufficient property, but there cannot be two opinions on the view that it would always be dangerous to grant a licence to a person who has no place to keep his weapon safe from theft.

12. Licences most generally required and from whom obtainable : The licence which is most generally required is that which enables its holder to acquire, possess and carry arms for the purpose of self-protection, sport or display. This licence is granted in Form III and is obtainable as a written application

(in Form A appended to Schedule III to the Arms Rules), to be submitted either in person or by post, to the Commissioners of Police in Calcutta, Bombay, Madras, Hyderabad and Ahmedabad and elsewhere to the nearest district magistrate or Sub-divisional magistrate. If the applicant is a member of the Armed Forces of the Union, he should send his application through his Commanding Officer to the appropriate licensing authority of the area in which he is posted at the time of applying. Applicants for licence must remember that the licensing authority has power to require personal attendance of any applicant before granting or renewing licence.

13. **Area covered by licence and period of its validity:** Licences in Form III are normally granted for three years from the date on which it is granted, but if any applicant requires it for a shorter period, he should specifically mention it in his application. Licences in this Form are made valid according to the need of the licensee which is to be indicated in the application, but the practice of giving all-India licences appears to have been encouraged in order to minimise the inconvenience otherwise caused to persons who have to move frequently from one district to another or from one State to another, for instance, business men or Government servants liable to frequent transfers. It should be remembered that, a condition attached to all-India licences is that its validity is subject to much restrictions as may be imposed by a local Government in respect of its own territory (e.g. in certain States, counter-signature by a local officer is required on a licence granted or renewed by an officer of another State). Holders of such licences are, therefore, advised in their own interest to ascertain, when they have occasion to go outside the State in which they originally obtained their licences or subsequently had them renewed, whether any such restrictions have been imposed in the State in which they have gone. This information will be readily obtainable from the nearest licensing authority in the new State, who will also, in most cases, be the authority to regularise the licence, if necessary.

14. **Taking arms on journey:** If a person holding a possession licence in Form III proceeds on a journey within the

area for which his licence is valid, there is no need to take out a separate journey licence. But if he wishes to carry his weapons on a journey outside such area, he has to take out a licence in Form VII. Such a licence can be obtained from the Commissioners of Police in Calcutta, Madras, Bombay, Hyderabad and Ahmedabad, from the State Government in Jammu and Kashmir, from the Ambassador of India in case of persons residing in Nepal and elsewhere from the nearest district magistrate or specially empowered sub-divisional magistrates. The officer who receives an application for a journey licence is required to obtain the previous sanction to its grant of the authority of the place of residence of the applicant in cases where the applicant does not reside within the jurisdiction of the officer to whom the application is made or the applicant is not personally known to him (unless for any special reason the licensing authority considers this precaution unnecessary). As such, applicants for such licence are advised in their own interest to allow time for the delay that such enquiries must cause by submitting their applications some time before the actual date of journey. It should also be noted that the journey licence does not entitle the holder to use the arms covered by it for sport in the course of his journey. A person holding a restricted licence wishing to proceed outside the area covered by his licence for sport has either to make his licence valid for that area or to take out a separate possession licence valid for that area. In order to avoid this difficulty, intending holders of arms are advised to apply in the beginning for all-India licences.

15. (1) **Renewal of licences:** A licensee wishing to get his licence renewed should normally apply to the authority who granted the licence. But if it is not convenient to him for any reason to do so (for instance, when he changes his place of residence or is posted to another area), he can also apply to any other authority competent to grant licences for the type of weapons covered by his licence. In respect of certain types of weapons, some other authorities who are not competent to grant fresh licences for them, have, however, been specially empowered to renew licences for those weapons. They are as follows:

<i>If the licence is for</i>	<i>Authority empowered to renew licence</i>
1 B.L. rifle, articles containing explosives etc. and ingredients of ammunition.	Sub-divisional magistrate or specially empowered 1st class magistrate.
2 .22 bore (low velocity rifle, B.L. smooth bore gun, air rifle, air gun, M.L. gun, sharp edged weapon).	Specially empowered 1st class magistrate.

Though it is not obligatory, as stated above, to apply for renewal of licence only to the authority who granted it, however, if the application is made to that authority, the licence is expected to be renewed by him almost immediately after consulting the earlier relevant records in his office; this facility would not be available to other renewing authority and consequently some delay may be involved in renewing licence by him.

(2) Persons holding licences for possession of arms must make it a point to submit their application for renewal of licences soon after the date of expiry of their licences and in any case before the grace period (of one month) allowed for the purpose expires. Failure to do so would make them liable :

- (a) to be prosecuted for unlicensed possession of arms, or
- (b) to lose the concession of reduced fee for renewal, or
- (c) if the licensing authority is satisfied that the delay is not justified or excusable or serious enough to warrant prosecution of the licensee, to pay in addition to the usual fee, a late fee upto the amount of the licence fee or if the licence is free of fee, a sum of Rs. 5/-, or
- (d) to lose the benefit of possessing the arms under licence.

(3) The procedure for renewal of licence in respect of the arms and ammunition deposited with a licensed dealer etc., is explained in para. 26.

16. (1) **Fee payable for licences :** The fees payable for possession licences are indicated at the top of every licence Form. It must be understood that the rate of fee indicated therein is in respect of each weapon and connected ammunition per year

or a fraction thereof and not in respect of each licence. For example, if a licence for the possession of one B.L. gun is originally granted for a period of three years, the licensee has to pay Rs. 12.00 (rate being Rs. 4.00 per weapon per year). When such a licence is renewed, the fee is charged at half the original rate, provided application for renewal is made within one month after the date of expiry of the licence.

The prescribed fee for licence has to be paid in cash along with the application for licence. This can be remitted by money order or postal order or paid in person.

The licence fee for possession of arms and ammunition for various purposes is as follows :

S. No.	Purpose	Arms	Fee	Licence Form
			Rs. nP.	
1	Acquisition, possession, import, transport.	Prohibited arms, prohibited ammunition, machinery for proof testing of fire-arms.	10.00 per weapon	I
2	Import.	Prohibited bore arms and ammunition, accessories of any fire-arms designed or adapted to diminish the noise caused by the firing thereof.	—Do—	I
3	Acquisition and possession only.	ALL	Free of fee	II
4	Sport, protection, display.	(a) Pistol, revolver and repeating rifle; (b) .22 rifle, BL gun and air rifle; (c) other rifle; (d) ML gun and air-gun; (e) Sword, bayonet dagger and spear lance;	10.00 4.00 6.00 1.00 1.00	III

<i>S. No.</i>	<i>Purpose</i>	<i>Arms</i>	<i>Fee</i>	<i>Licence Form</i>
		(f) Sharp-edged weapons other than those at (e).	—	
5	Sport, protection, display — by a retainer of an exemptee.	ALL	Free of fee	III-A
6	Destruction of wild animals.	—Do—	—Do—	IV
7	Protection of crops and cattle	—Do—	—Do—	V
8	Target Practice.	As in S. No 4		VI
9	Carrying on journey.	ALL	One rupee per weapon	VII
10	Possession and carrying by traveller.	—Do—	—Do—	VIII
11	Taking personal arms by traveller in transit through India.	—Do—	—Do—	XXII
12	Acquiring in India for taking out of India by tourist and traveller.	—Do—	—Do—	XXII

17. **Loss or theft of arms or licence :** It must be borne in mind that one of the factors for determining eligibility of a person to possess arms is that the person should be in a position to keep the arms safe from theft. If a person who has lost his arms by way of theft or otherwise, applies for a fresh licence for his arms, his application is likely to be refused on the ground that he is not likely to ensure the safety of the arms. It is, therefore, of utmost importance that every care should be taken to ensure safety of arms. If the licensee happens to reside in an unprotected house, or if he is temporarily put in such circumstances

as to be not in a position to take care of his weapon, the best and safest course for him would be to deposit the weapons for safe custody in a police station or with a licensed dealer or in the Unit armoury as explained in para. 26, till such time as the circumstances become favourable.

(2) In case of loss or theft of any weapon or ammunition, the licensee must forthwith inform the nearest police station of the occurrence with full particulars of the articles lost or involved in theft. Failure to do so is punishable with imprisonment up to 3 months or with fine up to Rs. 500 or with both.

(3) In case of the licence being lost or destroyed, a duplicate copy of it can be had from the licensing authority on payment of the prescribed fee.

18. (1) **Import or Export of Arms covered by possession Licence or exemption from such Licence:** If a person holding a valid possession licence or exempted from the need to hold such licence wishes to take with him out of India or bring into India, arms or ammunition covered by his licence, he need not take out any separate export or import licence for the purpose, provided such arms or ammunition are in reasonable quantity and are meant for his personal use. Persons should remember that in case the Customs authorities at ports have any doubt in the matter (e.g. about the validity of the possession licence or exemption or reasonableness of the quantities of such arms or ammunition etc.), they have the power to detain the arms or ammunition until they receive the orders of the Government in the matter.

(2) In case a person holding a restricted possession licence intends to take out of India or import into India, arms covered by his licence, he should take out a journey licence for the area not covered by his licence or get his licence made valid for that area (or for all-India) as explained in para. 14.

(3) Persons, particularly exemptees, taking out of India their licensed weapons of prohibited bore with the intention to re-import them may find difficulty in getting them cleared from Customs while re-importing them. They are, therefore, advised in their own interest to obtain export passes from the Collector of Customs concerned containing full description of the weapons to be exported. At the time of re-import these passes should

be shown to the Customs authorities as proof of export. In the absence of such passes, the Customs authorities will be free to accept or not any other proof of export.

19. **Right of appeal against refusal of licences:** If the application for a licence or renewal of licence is turned down or a licence is cancelled or suspended or any condition of a licence is changed to the adverse detriment to licensee, the aggrieved person is entitled to file an appeal to the appellate authority concerned. Ordinarily, the reasons for such order of refusal of licence, etc., are to be furnished to the aggrieved person on his making a request for the same. The appellate authorities for this purpose are as follows :—

<i>Officer who passed the order.</i>	<i>Appellate authority.</i>
1. Tahsildar, 1st or 2nd class magistrate, sub-divisional magistrate.	District Magistrate.
2. Addl. District Magistrate, District Magistrate.	(i) In the States of Madras, Andhra Pradesh and Kerala—Board of Revenue. (ii) In Jammu and Kashmir, Rajasthan and West Bengal—State Government. (iii) Elsewhere—Commissioner of Division.
3. Commissioner of Police.	Commissioner of the Division or in an Union territory, the Administrator thereof.
4. Commissioner of a Division.	State Government.
5. Head of Indian Mission or Political Officer.	Central Government.
6. Specially empowered officer.	The authority who empowered him/her.

Note: No appeal lies against the order passed by Government.

The appeal should be filed by a written petition within 30 days of issue of the order appealed against. If it is filed after

this period, it is liable to be treated as time-barred. If the appellant is unable for any reason beyond his control, to submit the appeal in time, the appellate authority may admit his appeal after this period if it is satisfied about the cause for not submitting it in time. The person appealing should send along with his petition :

- (a) a fee of Rs. 5.00 if the fee for licence in connection with which the appeal is filed, is less than Rs. 5, otherwise Rs. 10, and
- (b) a brief statement of the grounds on which the order appealed against are based.

It would be advisable in the interest of expeditious disposal of appeal if the appellant submits with his petition an attested copy of the order appealed against.

20. (1) Import of Arms and Ammunition by Foreign Tourists :

A liberalising feature of the new Arms law is the facility of getting licence in their own country by bona fide tourists from certain foreign countries in respect of the arms and ammunition intended to be imported provided such arms and ammunition are lawfully possessed by them in their own country and are being imported for sport only. A list of such countries is appended at Sl. No. 10 of Chapter IX, Part IV of this Manual. Such tourists can now obtain necessary possession licence in Form III from the Heads of the Indian Missions in their respective countries. The Head of the Indian Mission will issue the requisite licence after satisfying himself about the eligibility of the tourist to get such a licence and after obtaining a written undertaking from him that he will not sell or transfer the arms and ammunition to anyone in India without the prior approval of a competent authority in India and in case he sells the arms or ammunition, will inform the Customs authorities and pay the necessary duty, if any. The tourist can then import the weapons covered by his possession licence on the strength of his possession licence. It must be understood that such licence can be issued only for a maximum period of six months and only for breech-loading rifles, .22 rifles, breech-loading smooth bore guns, air rifles, air-guns and muzzle loading guns.

(2) At present, a *bona fide* tourist is permitted to bring with him into India for the purpose of sport only :

- (i) free of duty, 3 sporting fire-arms including one admissible under the Tourist Baggage Rules, without any 'guarantee' but only on filling a prescribed Form giving an undertaking that he shall re-export the weapon(s) on his departure from India, and
- (ii) a total quantity of 400 cartridges out of which 100 cartridges will be passed free of customs duty. No licence under the Import Trade Control Regulations is necessary for importing ammunition up to this quantity. This limit is however, without any reference to the number of fire-arms brought in by the tourist or to the period of his stay in this country.

(3) Many visitors from abroad often like to take with them weapons made in this country, particularly muzzle-loading guns, as souvenir pieces of art or as mementos. To facilitate acquisition, possession and export of these weapons, a separate licence (Form XXII) has been prescribed for the purpose. Persons intending to take with them such weapons should apply for a licence in this Form to the nearest district magistrate or any other officer specially empowered to issue such licences. It must be remembered that a licence in this Form does not entitle the licensee to use the weapons while in India.

21. (1) **Arms required by Tourists for big game hunting :** As stated earlier, foreign tourists are permitted to bring into India only certain types of fire-arms. Some tourists coming to India for big game hunting often require more superior fire-arms which are not permitted to be imported. To obviate this difficulty, Government of India have specially permitted certain Shikar Agents or Shikar Outfitters in the country to lend their licensed fire-arms to any foreign tourist accompanying them during shooting. The tourist need not take out a separate licence to possess and use such fire-arms during shooting, but he has only to obtain necessary shooting licence under the local games rules valid for the area of shooting. Further details in respect of these Shikar Agents or Shikar Out-fitters can be obtained

from any of the Government of India's Tourist Information Offices located in the country of the tourist concerned.

(2) Tourists from countries other than those mentioned in para 20(1) above, bringing arms for the purpose of sport or persons from any foreign country bringing arms for the purposes of self-protection (which may include sport also) have to obtain licences in India in the manner explained in para 21.

22. (1) **Arrangement for travellers visiting India for short period:** Private individuals visiting India for short duration frequently bring with them their fire-arms as part of their personal luggage. If a licence (in Form III) covering possession of such arms in India has been obtained beforehand, no difficulty arises as no separate import license is required in these cases and the arms and ammunition can be cleared at once on production of the possession licence before the Customs authorities. In the majority of cases, however, arms are not covered by a possession licence. In cases of this kind where a person's final destination in India is not the place of arrival, a licence (in Form VIII) covering temporary possession during the period occupied in journeying from the place of arrival to the place of destination in India can be obtained on payment of a fee of Re. 1 per weapon from the Commissioner of Police in Calcutta, Bombay, Madras, Hyderabad and Ahmedabad, in Jammu and Kashmir from the State Government or any other officer empowered for the purpose and in other places, from the district magistrate or from an officer empowered for the purpose. [In Delhi, the Superintendent of Central Excise, New Delhi, in-charge of airports and the Superintendent of Central Excise (outdoor) Delhi Customs House, have been empowered to grant such licence]. The objection that there may be no time on arrival to obtain the requisite temporary licence can be met by the individual instructing his travel Agent in advance to obtain this licence on his behalf who should be furnished with full description of the arms to be licensed. The great advantage of this procedure is that the traveller will be able to proceed at once on his journey with the arms in his possession avoiding the necessity of depositing them with the Customs authorities until a proper licence covering their possession in India is obtained.

(2) In order to avoid delay in getting a regular possession

licence on arrival at the destination, the traveller may apply for such licence in advance to the licensing authority of the place where he intends to ordinarily reside in India with a recommendation from the Indian Mission abroad. The prescribed licence fee should also be sent to the licensing authority either by money order or postal order. As the Indian Mission makes such recommendation only after satisfying itself about the fitness of the traveller to hold a licence, the traveller is advised in his own interest that he should include in his application all relevant information showing his fitness to possess arms in India. Where the traveller intends to visit different parts of the country during his stay, in India, he should apply for an 'all-India' licence. The great advantage of this procedure is that the licensing authority will keep the licence in readiness for the traveller.

23. (1) **Import of arms by travellers passing through India.**—Travellers en route to other countries who have to pass through India, should take out a transit licence (in Form XXII) to cover import into, carrying during the course of their journey in, and export out of, India their personal arms and ammunition in reasonable quantities. This licence is obtainable from the licensing authority of the place of arrival in India viz. Commissioners of Police at Calcutta, Madras, Bombay, Hyderabad and Ahmedabad and at other places, district magistrate or any other authority specially empowered to grant such licences. In Delhi, the Superintendent of Central Excise, New Delhi, in-charge of airports and the Superintendent of Central Excise (outdoor), Delhi Customs House, have been specially empowered to grant such licences. In case of persons residing in Nepal, the Ambassador of India in that country can also grant such licence. This licence does not entitle the licensee to use the weapons covered by it while passing through India. Two of the prominent conditions attached to this licence are :—

- (a) the licensee shall not, while in India, sell or transfer the arms and ammunition covered by his licence without the prior approval of the licensing authority of the area of sale or transfer, and
- (b) he shall produce the weapons or in case they have been

sold, the permission for such sale, to the authorities at the port or other place of his departure.

(3) It is not necessary for persons in transit by sea or air to take out a licence in respect of their personal arms and ammunition if the vessel or aircraft in which they are travelling :—

- (a) is bound for a foreign port to which export is not prohibited, and
- (b) calls at the Indian port in the course of its voyage (in such cases, arms and ammunition should not be taken out of the vessel or aircraft), and
- (c) leaves the port within 48 hours of its arrival.

In case the vessel or aircraft halts at the port for more than 48 hours, a licence will still not be necessary if the arms and ammunition are kept in the custody of customs authorities at the port till the departure of the passenger concerned. In all other cases, proper licence should be taken out from the licensing authority of the place of arrival in respect of the arms or ammunition in possession of the travellers.

24. (1) Fire-arms not generally allowed to be imported.—A licence (in Form I) for the import of arms or ammunition described in para 10(2)(s) is granted by the Central Government. As already explained, possession licences are not generally granted in respect of these arms and ammunition. Consequently, licences are generally refused for the import of these arms and ammunition. Persons are therefore advised in their own interest that unless they are sure of getting possession licences or have some exceptional ground to do so, they should avoid applying for the import of these arms. It must be remembered that licensing authorities can grant possession licences in respect of these weapons only after they have been duly imported under a valid import licence or exemption from such licence granted under the Arms Act and Rules.

(2) Travellers from abroad who pass through India en route to other countries are, however, permitted to import these weapons under a transit licence (in Form XXII) subject to certain conditions.

25. **Privileges granted to members of foreign diplomatic missions:**—Every member of the foreign diplomatic Missions in India has to take out, like a citizen of India, proper licence for possessing arms and ammunition in India. However, as a matter of diplomatic courtesy, certain members of these Missions have been granted some privileges in the matter of import of arms and ammunition for their personal use or of payment of fees for licences in respect of such arms. The persons and the privileges enjoyed by them are as follows:—

- (a) **Import:** Diplomatic personnel and home-based personnel of Foreign and Commonwealth diplomatic Missions in India and Foreign (career) Consular officers and Trade Commissioners in India are permitted to bring with them into India the following fire-arms (and reasonable quantities of ammunition therefor) for their personal use provided such arms and ammunition are not transferred to anyone in India for consideration or otherwise—

Rifles of .303 bore or of any other bore which can fire service ammunition of .303 bore; muskets of .410 bore; pistols or revolvers of .441, .455 or any intermediate bore, or of 9 mm calibre, or firing rimmed cartridges having bore diameter across lands in the range between .340" and .365", and ammunition for use in these fire-arms.

- (b) **Licence Fee:** All heads of Foreign Missions and Commonwealth Missions in India including their staff and all Consular officers and Consular Agents including their staff are exempted from payment of fee in respect of licence (in Form III) for possession of such arms and ammunition as may be owned officially or privately from the date of their appointment in India.

26. **Depositing of Arms in certain circumstances:**—Persons possessing arms and ammunition have been allowed the facility of depositing them with the nearest police station or with a licensed arms dealer or if they are members of the Armed Forces of the Union, in their unit armoury. The circumstances in which

deposit may be necessitated are of the following two types, namely,—

- (a) **Compulsory** : When possession of arms or ammunition becomes unlawful for any reason (e.g. due to cancellation or suspension of licence or the renewal of licence being refused or withdrawal of exemption, etc.). In such circumstances, arms and ammunition must be deposited without loss of time otherwise the person concerned would run the risk of being prosecuted for unlawful possession of arms or ammunition.
- (b) **Optional** : When the holder of the arms or ammunition under valid licence or exemption desires to keep them temporarily in the safe custody of somebody, the necessity for such deposit may arise when the depositor feels that his house is not safe enough to keep the arms there or he may be going abroad and feels it unsafe to leave the arms behind in his house or when he has no immediate need of the arms and the like.

In the case of deposit under (a), the articles can remain with the depositor only for a limited period. Different periods have been prescribed in the Arms Rules for the arms or ammunition deposited in different circumstances. The deposited articles can be taken back any time during this period if a valid licence or proof of exemption from requirement of such licence can be produced. The articles can also be disposed of by the owner during this period to any person having a licence to possess them or exempt from the need of such licence. If this is not done, the arms or ammunition are forfeited to Government on the expiry of the prescribed period.

Where the articles are deposited under (b) above, they can remain in deposit for an indefinite period, but if the licence in respect of them is not renewed for a continuous period of three years, the licensing authority can treat the deposit as under (a) above and proceed to take action accordingly. If the depositor is not in a position to apply direct for renewal of his licence in time, he can submit his application for renewal of his licence through the dealer or officer-in-charge of the police station or unit armoury where the arms and ammunition are deposited or

through any other person who would get his licence renewed on his behalf. If the weapons continue to remain with the licensed dealer without renewal of their licences, the owner is not liable to any legal action for unlicensed possession of arms or ammunition as their possession is covered by the dealer's licence. The depositor has, however, no authority to take them back at any time without getting the licence in respect of them renewed or obtaining a fresh possession licence for them.

PART IV

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CHAPTER VIII

GAZETTE NOTIFICATIONS UNDER THE ARMS ACT, 1959 AND THE ARMS RULES, 1962.

1. Ministry of Home Affairs Notification No. 15/13/59 (VII)—Police (IV), dated the 13th July 1962.

G. S. R. 992.—In exercise of the powers conferred by sub-section (3) of section 1 of the Arms Act, 1959 (54 of 1959), the Central Government hereby appoints the 1st day of October, 1962, as the date on which the said Act shall come into force.

2. Ministry of Home Affairs notification No. 15/13/59(II)—Police (IV), dated the 13th July 1962.

G. S. R. 988.—In exercise of the powers conferred by sub-clause (vii) of clause (b) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959), the Central Government hereby specifies the following as ingredients of ammunition, namely :—

- (i) lead, sulphur, saltpetre, and sodium azide;
- (ii) chlorates and per chlorates;
- (iii) fissionable material; and
- (iv) asphyxiating, poisonous, irritant or other gases and analogous liquid, materials or devices which are not used in any bona fide industrial process in India.

3. Ministry of Home Affairs notification No. 15/13/59(III)—Police (IV), dated the 13th July 1962.

G. S. R. 989.—In exercise of the powers conferred by clause (i) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959), the Central Government hereby specifies the following arms as prohibited arms in addition to those mentioned in that clause, namely :—

Hand grenades, riot pistols, fire-arms for discharging projectiles by atomic energy, cannon, mortars and other ordnance and machineguns, all carriages, accessories and appliances for mounting, transporting and serving the same.

4. Ministry of Home Affairs notification No. 15/13/59 (IV)-Police (IV), dated the 13th July 1962.

G. S. R. 990 :— In exercise of the powers conferred by clause (h) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959), the Central Government hereby specifies the following articles as prohibited ammunition in addition to those mentioned in that clause, namely :—

Ammunition for any of the prohibited arms, articles designed for land mining and ammunition containing or designed or adapted to contain any fissionable material or any noxious liquid, gas or other such thing.

5. Ministry of Home Affairs notification No. 15/13/59(V)—Police (IV), dated the 13th July 1962.

G.S.R. 991.—Whereas the Central Government is of opinion that it is necessary and expedient in the public interest to exempt certain persons and classes of persons and exclude certain descriptions of arms and ammunition from the operation of all or some of the provisions of the Arms Act, 1959 (54 of 1959):

Now, therefore, in exercise of the powers conferred by section 41 of that Act, the Central Government hereby,—

- (i) exempts the persons and classes of persons specified in column (1) of Schedule I hereto annexed, in respect of the arms and ammunition of the category or description specified in column (2) thereof, when carried or possessed (save where otherwise expressly stated) for their own personal use, from the operation of such of the provisions of the said Act and subject to such conditions as are mentioned in columns (3) and (4) respectively of that Schedule;
- (ii) excludes the arms and ammunition of the description specified in column (1) of Schedule II hereto annexed, from

such of the provisions of the said Act and subject to such conditions as are mentioned in column (2) and (3) respectively of that Schedule :

Provided that the exemption hereby granted shall be subject to the following further conditions, namely :—

- (a) it shall not be deemed to render lawful the import of arms or ammunition through the medium of post office;
- (b) the persons or classes of persons exempted shall —
 - (i) unless specifically exempted by the Central Government by notification in the Office Gazette, register in such manner and at such place as the Central Government may prescribe from time to time, any fire-arm or ammunition in respect of which the exemption has been granted;
 - (ii) render such statistical information about different descriptions of arms and ammunition in respect of which the exemption has been granted in such **proforma**, if any, as may be required by the Central Government;
 - (iii) whenever any arm or ammunition in respect of which exemption is granted is lost or stolen, forthwith report the occurrence of such loss or theft together with the details of the articles lost or stolen at the nearest police station.

Powers of the Central Government under provisos (b)(i) and (b)(ii) delegated to State Governments.

SCHEDULE I
Persons Exempted

<i>Persons or classes of persons</i>	<i>Categories/descriptions of arms and ammunition</i>	<i>Provisions of the Act</i>	<i>Conditions</i>
1	2	3	4
1 (a) President of India; Governor of a State or in the case of the State of Jammu and Kashmir, the Sadr-i-Riyasat, Lt. Governors or Chief Commissioners of Union Territories.	All except 1 (a).	Those contained in Sections 3 and 4.	
2 (a) Ruler of any Indian State having salute of guns.	Saluting cannon; 1(b) & 1(c) provided that such arms and ammunition have been lawfully imported into India; III, IV, V and VI.	Those contained in Sections 3 and 4.	The exemption shall apply to the saluting cannon belonging to the Ruler, subject to the conditions that — (i) the cannon shall be so re-conditioned as to restrict their use or application to the firing of salutes; (ii) no cannon shall be sold or exported outside the

State in which the ruler ordinarily resides; and

(iii) the cannon shall be made available for firing of salutes on ceremonial occasions in the State when firing of such salutes is necessary under any law, usage or custom for the time being in force.

(b) Any legitimate son of such ruler who is not less than 16 years of age and has been nominated by such ruler.

I(b) and I(c), provided that such arms or ammunition have been lawfully imported into India; III, IV, V and VI.

Those contained in Sections 3 and 4.

(c) Aides-de-Camp and/or personal bodyguards of such ruler.

I(b) and I(c), provided that such arms or ammunition have been lawfully imported into India; III, IV, V and VI.

Those contained in Sections 3 and 4.

(d) Servants of such ruler, when carrying arms for, and not accompanying, the ruler.

Saluting cannon; I(b) and I(c), provided that such arms or ammunition have been lawfully imported into India; III, IV, V and VI.

Those contained in Sections 3 and 4.

The exemption shall apply only to the arms and ammunition belonging to the ruler and carried by such aides-de-camp or personal bodyguards.

The exemption shall apply only to the arms and ammunition belonging to the ruler and carried by such servants and shall be subject to the conditions that—

1	2	3	4
<p>3 (a) Ruler of an Indian State not having a salute of guns.</p>	<p>I(b) and I(c), provided that such arms and ammunition have been lawfully imported in India; III, IV, V and VI.</p>	<p>Those contained in Sections 3 and 4.</p>	<p>(i) the number of servants entitled to the exemption in the case of each such ruler shall not exceed 4; and</p> <p>(ii) their names shall have been specified in a general authorisation to any such ruler issued by the State Government or by the Lt. Governor or Chief Commissioner in a Union territory.</p>
			<p>This exemption shall be subject to such conditions (if any) as may be proscribed by the Central Government and may, where necessary, be of a general nature dispensing with the necessity of a fresh order on each occasion.</p>

The exemption in respect of the saluting cannon belonging to the ruler shall be subject to the conditions that —

- (i) the cannon shall be so reconditioned as to restrict their use or application to the firing of salutes;
- (ii) no cannon shall be sold or exported outside the State in which the ruler ordinarily resides; and
- (iii) the cannon shall be made available for the firing of salutes on ceremonial occasions in the State, when firing of such salutes is necessary under any law, usage or custom for the time being in force.

The Aides-de-camp and/or personal bodyguards entitled to the exemption shall not exceed such numbers as the

Those contained in Sections 3 and 4.

(b) Aides-de-camp and/or personal bodyguards of the ruler of an Indian State, not lawfully imported into India;

1	2	3	4
having a salute of guns.	III, IV, V and VI.		Central Government may, from time to time, specify. The exemption shall apply only to the arms and ammunition belonging to the ruler and carried by such <i>vides-de-camp</i> or personal bodyguards.
(c) Such members of the family of a ruler of an Indian State as may be specified by the Central Government.	I(b) and I(c) provided that such arms and ammunition have been lawfully imported into India; III, IV, V and VI.	Those contained in Sections 3 and 4.	This exemption shall apply to such numbers of the arms and ammunition of the categories shown in column 2, and be subject to such conditions (if any), as may be prescribed by the Central Government and may, where necessary be of a general nature dispensing with the necessity of a fresh order on each occasion.
4 His Exalted Highness the Nizam of Hyderabad and the Prince of Arcot.	Saluting cannon; I(b) and I(c), provided that such arms and ammunition have been lawfully imported into India; III, IV, V and VI.	Those contained in Sections 3 and 4.	The exemption shall be subject to — (i) the order of the Central Government regarding the number of retainers

and the quantity and description of arms and ammunition to be permitted, and the purposes for which such arms may be carried; and

(ii) the annual registration of the retainers and weapons exempted.

The exemption shall apply in the case of all serving members of the armed forces only in respect of the arms and ammunition and to the areas and for the dates specified in the pass and, in the case of officers Commanding, only in respect of the purchase and stocking of arms and ammunition which are provided for sporting purposes by Government or from a regimental fund.

The exemption shall apply when the arms or ammunition

Those contained in Sections 3 and 4.

Such arms and ammunition as are provided for sporting purposes by Government or from a regimental fund under the authority of the Officer commanding the Unit.

5 The Officer Commanding a Unit of the armed forces or of the Territorial Army and when he is in possession of a pass granted and signed by his Officer Commanding, every serving member of the armed force,

Those contained in Sections 3 and 7(a).

Arms and ammunition in respect of which the club/association

6 A member of a rifle club/association approved by

1	2	3	4
<p>the Central Government, when engaged as such member, in connection with target practice or shooting competition.</p>	<p>association holds a licence in Form VI.</p>		<p>are intended to be taken out of the premises of the club/association, only if he possesses a pass signed by the President/Secretary of the club/association and then only in respect of the arms or ammunition and in the areas and for the dates specified in the pass; and when the arms or ammunition are intended to be taken out of the district, the pass shall be attested by a First class magistrate or Justice of the Peace.</p>

Powers of the Central Government under entries 3(b), col. 4; 4, Col. 4(1); and 6, col. 1 delegated to State Governments.

SCHEDULE II

Arms and Ammunition Excluded

<i>Arms and ammunition</i>	<i>Provisions of the Act</i>	<i>Conditions</i>
1	2	3
1. (1) (a) Toy cannon weighing not more than 27 Kgs. and having — (i) calibre of less than one inch; (ii) length of bore of less than 24 inches; and (iii) interior of the bore unrifled. (b) Old iron cannon balls.	All except section 5.	
(2) Recapper, decapper and turnover machines.	All; provided that the use of these machines is restricted to loading or re-loading cartridges for one's own personal use and for no other purpose.	
(3) Air guns, air rifles and air pistols which satisfy following test, namely, that—the projectiles discharged from such guns or pistols do not perforate a target 12 inches square formed by dead-wood boards of even grain, free from knots, planed on both sides and of thickness of $\frac{3}{4}$ " and 1" for air pistols and air guns/rifles respectively.	All; provided that the Central Government may by notification in the Official Gazette, retain all or any of the provisions of the Act in respect of air pistols or of any class thereof in the case of any class of persons or of any specified area.	

1	2	3
<p>Provided that in making and estimating the test the following conditions shall be observed, namely :—</p>		
<p>(a) the weapon shall be held horizontally with the muzzle at a distance of five feet from the target;</p>		
<p>(b) the test shall be repeated twenty times for each class of projectile which can be discharged from the weapon; and</p>		
<p>(c) perforation shall be deemed to be effected.—</p>		
<p>(i) in a case where the projectile is a dart, if the point of the dart pierces the back of the target, and</p>		
<p>(ii) in any other case, if the projectile passes completely through the back of the target.</p>		
<p>(4) Air guns, air rifles and air pistols required for imparting training in their use.</p>	<p>Those contained in sections 3 and 9(a)(i); provided that the exemption shall be valid only when the weapons are used in connection with training in their use and the training is imparted under the supervision of a licensee or an instructor approved by the Central Gov-</p>	

1	2	3
	ernment in this behalf.	
(5) All arms.	Those contained in section 5, in so far as it relates to petty repairs without the use of spare parts, carried out by or in the presence of, or under the written authority of, the owner lawfully possessing the weapon, subject to such conditions and restrictions as may be imposed by the Central Government in this behalf.	
(6) Arms and ammunition required for, and not kept or used for any purpose other than, the navigation or operation of aircraft.	All	
(7) Arms, other than filled or empty grenades, which are in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display.	All	
(8) Sights for rifles imported for the use of, or for sale to, officers, Junior Commissioned Officers, Warrant Officers, & Petty Officers of the Indian Navy, Army or Air-Force or of the Indian Territorial Army or Non-Commissioned Officers and soldiers of	All	

1	2	3
<p>the Indian Army on a written permit from the Officer Commanding the regiment to which they belong.</p>		
<p>(9) (a) All explosive substances which may be used for filling the ammunition defined in section 2(1)(b)(iii), other than 'ingredients of ammunition', in item (cii) of that sub-clause, unless and until any of them becomes a part of such ammunition; fuses for blasting (safety or otherwise); tubes for firing explosives.</p>	<p>All except those relating to export; provided that the Central Government may by notification in the Official Gazette retain all or any of the provisions of the Act, in the case of any class of persons or of any specified area.</p>	
<p>(b) Cartridges made with not more than 15 Kgs. of gunpowder, and not containing their own means of ignition, when intended <i>bona fide</i> for private blasting purposes.</p>	<p>Those contained in section 3; provided that the Central Government may by notification in the Official Gazette, at any time prohibit possession without a licence in the case of any class of persons or of any specified area, if it considers necessary to do so in the interest of public safety.</p>	
<p>(10) Gun wads and wire cartridges.</p>	<p>Those contained in section 10.</p>	
<p>(11) Cartridge cases of arms of one or more than one inch bore.</p>	<p>All.</p>	
<p>(12) (a) Lead bullets and bird shot not exceeding 5 Kgs.</p>	<p>All.</p>	

1

2

3

(b) Pellets for air guns and lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) up to any quantity.

All, provided that the Central Government may impose in respect of any class of persons or of any specified area, any restriction in regard to the quantity of lead to be so exempted.

(13) (a) Chlorates acquired, possessed or sold by *bona fide* medical practitioners and dispensing chemists in accordance with such conditions as may be prescribed by the Central Government;

Those contained in sections 3 and 5.

(b) Medicinal preparations (including tablets) containing chlorates acquired, possessed or sold by medical practitioners or dispensing chemists or acquired or possessed by anyone on the basis of a prescription or certificate by a medical practitioner, in accordance with such conditions as may be prescribed by the Central Government.

Those contained in sections 3 and 5.

2. Arms of category V.

Those contained in sections 10 and 12, subject to the condition that the arms are exported or transported by or through a dealer and in accordance with rule 61:

The exemption shall apply to the whole of India except where section 4 applies.

1	2	3
	<p>Provided that the Central Government may, by notification in the Official Gazette, retain all or any of the provisions of the Act, relating to any area in respect of any type or description of arm.</p>	
<p>3. (1) Kirpans possessed or carried by Sikhs, (2) Khukris possessed or carried by Gurkhas of all classes.</p>	<p>Those contained in Section 4. Those contained in Section 4.</p>	<p>The exemption shall apply to any part of India where section 4 applies.</p>
	<p>Provided that the Central Government may, by notification in the Official Gazette retain all or any of the provisions of the Act in this behalf in respect of all Classes, or any Class of Gurkhas, or of any specified area.</p>	
<p>(3) Uniform swords and dirks of recognised military or official patterns, when possessed by, or intended to be supplied to, persons entitled to wear them as part of their uniforms. (4) Swords of honour possessed or carried by persons or by the heirs of persons to whom they were awarded by the Central Government or the State Government.</p>	<p>Those contained in section 4. Those contained in section 4.</p>	

1	2	3
(5) Swords imported for presentation as prizes for members of the regular or auxiliary force.	Those contained in sections 4 and 10.	
4. (1) Sulphur in quantities not exceeding 50 Kgs.	All.	The exemption shall apply to the whole of India except all districts on the external land frontier of India, and the districts of Sibsagar, Lakhimpur, and United Mikir and North Cachar Hills in Assam.
(2) Saltpre .	All.	
5. Saltpetre required for medicinal or gold-smith's purposes in quantities not exceeding 5 Kgs.	All.	The exemption shall apply only to the districts on the external land frontier of India, and the districts of Sibsagar, Lakhimpur and North Cachar Hills in Assam.
6. Any arms or ammunition brought into and landed in bond at, or brought in to any port in India and declared under manifest to be consignments for, any port to which export is not prohibited by rules or orders for the time being in force.	Those contained in Section 10.	
7. Arms and ammunition of category I (c) imported by officers of the Indian Foreign service.	Those contained in Section 10.	

1	2	3
8. Arms and ammunition of category 1(c) imported by—	Those contained in section 10.	Such arms and ammunition shall not be transferred to anyone in India for consideration or otherwise.
(a) diplomatic personnel and home-based personnel of Foreign and Commonwealth Diplomatic Missions in India, and		
(b) Foreign (Career) Consular Officers, Consular Agents, Trade Commissioners, Assistant Trade Commissioners and Trade Agents in India.		
9. Arms and ammunition for despatch to the Government of Nepal or King of Nepal from or through India.	Those contained in section 10.	The arms etc., imported into, or acquired in, India for transport or export to Nepal, shall correspond to the list furnished by the Central Government to the Customs authorities at the port of disembarkation or the licensing authority at other places.

Powers of the Central Government under the following entries delegated to State Governments—

Entry 1—clauses 3 (proviso in col. 2), 4, 5, 9(a), 12(b), 13(a) and 13(b);

Entry 2—proviso in col. 2;

Entry 3—proviso in col. 2.

**5(c). Ministry of Home Affairs Notification No. 17/4/62-P. IV,
dated 6-7-1963.**

Whereas the Central Government is of opinion that it is necessary and expedient in the public interest to exempt certain classes of persons from the operation of some of the provisions of the Arms Act, 1959 (54 of 1959);

Now, therefore, in exercise of the powers conferred by section 41 of that Act, the Central Government hereby exempts the classes of persons specified in column 1 of Schedule 1 hereto annexed, in respect of the arms and ammunition of the category or description specified in column 2 thereof when carried or possessed for their own personal use, from the operation of such of the provisions of the said Act and subject to such conditions as are mentioned in column 3 and 4 respectively of that Schedule :

Provided that the exemption hereby granted shall be subject to the following further conditions, namely:—

- * (a) It shall be valid for a period of ending 31st May 1967.
- (b) It shall not be deemed to render lawful the import of arms or ammunition through the medium of post office;
- (c) the classes of persons exempted shall—
 - (i) unless specifically exempted by the Central Government by notification in the Official Gazette, register in such manner and at such place as the Central Government may prescribe from time to time, any fire-arm or ammunition in respect of which the exemption has been granted;
 - (ii) render such statistical information about different description of arms and ammunition in respect of which the exemption has been granted in such proforma, if any, as may be required by the Central Government;
 - (iii) whenever any arm or ammunition in respect of which exemption has been granted is stolen, forthwith report the occurrence of such loss or theft together with the details of the articles lost or stolen at the nearest police station.

SCHEDULE

<i>Classes of Persons</i>	<i>Categorical descriptions of arms and ammunition.</i>	<i>Provisions of the Act.</i>	<i>Conditions.</i>
Every person of Coorg race and every jumma tenure holder in Coorg.	All except categories I and II of Schedule I to the Arms Rules, 1962.	Those contained in sections 3 and 4.	The arms or ammunition carried or possessed by any person herein exempted whilst residing or travelling outside the district of Coorg shall not exceed one rifle with 100 rounds of ammunition for the same and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent or in leaden shot and gun powder.

2. In the Table appended to the Ministry of Home Affairs Notification No. F.15/13/59(VI)-PIV, dated 13th July, 1962 (GSR No. 693 published in the Gazette of India, Part II, Section 3(I), dated 28th July, 1962), clause (b) in Column 3 against Item 7 thereof shall be deleted.

5(d). Ministry of Home Affairs Notification No. 17/1/64-P. IV, dated the 9th July 1964, exempting certain classes of persons, under section 41 of the Arms Act, 1959, from the operation of certain provisions of the Act.

Whereas the Central Government is of opinion that it is necessary and expedient in the public interest to exempt certain classes of persons from the operation of some of the provisions of the Arms Act, 1959 (54 of 1959);

Now, therefore, in exercise of the powers conferred by clause (a) of section 41 of that Act, the Central Government hereby exempts the classes of persons specified in column 1 of the Schedule hereto annexed, in respect of the arms and ammunition of the category or description specified in column 2 thereof when carried or possessed for their own personal use, from the operation of such of the provisions of the said Act and subject to such conditions as are mentioned in column 3 and 4 respectively of that Schedule.

SCHEDULE

Classes of persons	Descriptions of arms	Provisions of the Act	Conditions
1	2	3	4
(1) Every Officer holding commission in the regular Army.	One sword	Those contained in Section 3 and 4.	The exemptions hereby made shall be operative after the retirement of the classes of persons mentioned in Column 1 from their service.
(2) Every Officer of the Territorial Army.	—do—	—do—	—do—
(3) Every Junior Commissioned Officer, including that of the Territorial Army.	—do—	—do—	—do—
(4) Every Officer and Junior Commissioned Officer of the Gurkha Regiments and Garhwal Rifles.	One "Khukri" and two small "knives" in addition to one sword	Those contained in Section 3 and 4.	—do—
(5) Every Officer and Junior Commissioned Officer of the Assam Regiments.	One 'dab' in addition to one sword.	—do—	—do—

6. * Ministry of Home Affairs notification No. 15/13/59(VI)-P.IV., dated the 13th July 1962, granting exemption to certain persons or classes of persons from the payment of fee for the grant or renewal of licences in Form III.

ORDER

New Delhi, the 13th July 1962.

G. S. R. 993.—In pursuance of sub-rule (3) of rule 57 of the Arms Rules, 1962, the Central Government hereby exempts in the public interest the persons or classes of persons specified or described in the first column of the sub-joined table, from the payment of fees for the grant or renewal of any licence in Form III set out in Schedule III to the said rules in respect of the arms or ammunition described in the second column of that table:

Provided that if application for renewal of any such licence is not made within one month of the date on which the licence expires, the licensing authority may, unless the applicant satisfies the licensing authority that he had sufficient cause for not making the application within that period, levy renewal fee at the rate specified in the Form.

TABLE

Item 1	Persons 2	Arms or Ammunition 3
1.	(a) Any Junior Commissioned Officer, Chief Petty Officer, Petty Officer, Warrant Officer, Non-Commissioned Officer, Soldier, Sailor or Airman of the armed forces of the Union, whether in service, or retired and in receipt as such of a pension, or any persons below the	One sporting gun or rifle together with a reasonable quantity of ammunition for the same.

* Published in the Gazette of India, Part II, section 3, sub-section (i), dated the 28th July, 1962.

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rank of Warrant Officer transferred to the Reserve and designated in this behalf by the Officer Commanding Unit;

- (b) any person holding any rank in the Territorial Army who has been awarded the Territorial Army Decoration or the Territorial Army Medal;
- (c) any person who was enrolled as a member of a corps of Volunteers under the Indian Volunteers Act, 1869 (XX of 1869) or who was a member of the late Indian Defence Force and who was awarded the Volunteer Officer's Decoration or the Long Service Medal and any person who held any rank in the late Auxiliary Force, India and was awarded the Volunteer Officers' Decoration or the Long Service Medal or the Efficiency Decoration or the Efficiency Medal and any person who held any rank in the late Indian Territorial force, who was awarded the Efficiency Decoration or the Efficiency Medal or any person who held any rank in the Indian States Forces maintained by the former Indian States;
- (d) Officers and Warrant Officers of the Assam Rifles, Malabar Special Police, Eastern Frontier Rifles, the Bihar Military Police Units

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and the Andaman and Nicobar Islands Military Police, whether in service or retired and in receipt as such of a pension; and

- (e) Non-commissioned Officers and men of the Assam Rifles, Malabar Special Police, Eastern Frontier Rifles, and the Andaman and Nicobar Islands Military Police nominated in this behalf by Commandants of Battalions to a number not exceeding five in each Company.

2. Any ex-Indian Commissioned Officers of the Army, Navy, Air Force or of the Territorial Army, so long as he is entitled to wear the uniform of such force.

3. All ex-soldiers who on the 6th November 1935 were settled in Ajmer.

4. Retired Police Officers who are permitted to wear on ceremonial occasions or when calling on Government officials the uniform of the rank which they held in the force at the time of retirement.

5. Government servants whose possession of arms—such possession not being exempt from the provision of the Act under section 45 (b) thereof—is declared by the Central Government to be in the public interest.

Revolvers or automatic pistols which formed part of equipment when in employment as such officer, together with a reasonable quantity of ammunition for the same, in respect of which licence may be granted/renewed.

Such arms or ammunition as may be considered reasonable by the district magistrate, Ajmer.

Swords or revolvers which formed part of equipment as a police officer, together with a reasonable quantity of ammunition for the same.

Such arms or ammunition as are specified in the declaration.

1	2	3
6. The heirs or successors of persons holding swords or other arms received by them as gifts from the Central Government or the State Government, and who were exempt under Schedule 1 of the Indian Arms Rules, 1924, before its revision with effect from the 1st August 1950, from the operation of the prohibitions and directions contained in the Indian Arms Act, 1878 (11 of 1878).		Such arms as were received as gifts together with, where necessary, a reasonable quantity of ammunition for the same.
7. Any person who was exempt from the operation of the prohibitions and directions contained in sections 15-15 of the Indian Arms Act, 1878 (11 of 1878) on 15-8-47 or immediately before the coming into force of the Arms Rules, 1962, but who is no longer exempt under the Arms Rules, 1962 and does not fall within the purview of section 14 of the Arms Act, 1959 (54 of 1959).	(a) Such arms or ammunition in respect of which the person was exempt on the dates as specified in column 2 and for which licence may be granted/renewed.	
8. Indian citizens who have received away of the following honours or awards, namely:— (i) The Param Vir Chakra. (ii) Ashoka Chakra Class I. (iii) The Maha Vir Chakra. (iv) Ashoka Chakra Class II. (v) The Vir Chakra. (vi) Ashoka Chakra Class III.	Such arms or ammunition as may be considered reasonable by the authority or officer issuing the licence.	

* Item 7 (provision relating to persons of Coorg race and Jumma tenure holders deleted); amended by M.H.A. Notn. No. 17/4/62-P.IV, dt. 6-7-63.

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- (vii) The Victoria Cross.
- (viii) The Distinguished Service Order.
- (ix) The Distinguished Service Cross.
- (x) The Distinguished Flying Cross.
- (xi) Awards for meritorious service which are not lower than the Meritorious Service Medal. Provided that the person concerned is an Indian national and that he was in receipt of the Award before the 15th August, 1947.
- (xii) The George Cross.
- (xiii) The Military Cross.
- (xiv) The Albert Medal.
- (xv) The King's Police and Fire Services Medal.
- (xvi) The George Medal.
- (xvii) The Edward Medal.
- (xviii) The Indian Distinguished Service Medal.
- (xix) The Medal for Saving Life at sea.
- (xx) The Indian Order of Merit (Civil and Military Division).
- (xxi) The Indian Police Medal.
- (xxii) The British Empire Medal.
- (xxiii) The President's Police and Fire Services Medal.
- (xxiv) The Police Medal.
-

1	2	3
9.	Such members of village defence societies or other similar organisations formed under schemes sponsored by the Central Government or any State Government, as are issued arms licences and are supplied arms and/or ammunition under such schemes.	Such arms or ammunitions as are covered by the licences.
10.	Heads of Foreign and Commonwealth Missions and Consular Officers and Consular Agents and their staff: provided that they are nationals of the country represented.	Such arms or ammunition as may be owned in the official or private capacity from the date of appointment in India.

Powers of the Central Government under item 5 of the Table delegated to State Governments.

(1) See the order of Procedure issued by the President's Secretariat on the next page.

PRESIDENT'S SECRETARIAT

* Notification dated, New Delhi, the 13th Nov. 1961.

No. 49-Press-61.

The President has been pleased to determine the following order of precedence of wearing of the various medals and decorations. The President's Secretariat Notification No. 2-Press/59, dated the 2nd January 1959, is hereby cancelled.

1. Bharat Ratna.
2. Param Vir Chakra.
3. Ashoka Chakra Class I.
4. Padma Vibhushan.
5. Padma Bhushan.
6. Vishisht Seva Medal Class I.
7. Maha Vir Chakra.
8. Ashoka Chakra Class II.
9. Padma Shri.
10. Vishisht Seva Medal Class II.
11. Vir Chakra.
12. Ashoka Chakra Class III.
13. The President's Police and Fire Service Medal for gallantry.
14. Sena/Nao Sena/Vayu Sena Medal.
15. Vishisht Seva Medal Class III.
16. The Police Medal for gallantry.
17. The General Service Medal, 1947.
18. Sainya Seva Medal.
19. Videsh Seva Medal.
20. The President's Police & Fire Services Medal for distinguished service.
21. The Meritorious Service Medal.
22. The Long Service and Good Conduct Medal.
23. The Police Medal for Meritorious Service.
24. The Territorial Army Decoration.
25. The Territorial Army Medal.
26. The Indian Independence Medal, 1947.
27. The Independence Medal, 1950.

28. Commonwealth awards.
29. Other awards.

Sd/- A. V. PAI

Secretary to the President.

* Published in Part I, Section 1 of the Gazette of India, dated 18-11-1961.

7. *Ministry of Home Affairs notification No. 18/2/62(I)-P.IV., dated the 1st October 1962 delegating to the State Governments certain powers and functions of the Central Government under the Arms Act, 1959, the Arms Rules, 1962 and notifications issued thereunder.

G. S. R. 1309—In exercise of the powers conferred by sub-section (1) of section 43 of the Arms Act, 1959 (54 of 1959) and clause (1) of article 258 of the Constitution, the President, with the consent of all the State Governments, entrusts to each Government the functions of the Central Government under the provisions of the Arms Act, 1959, the Arms Rules, 1962, and the notifications mentioned in column 1 of the Schedule below subject to such conditions as are specified in column 2 thereof and also to the general conditions hereinafter mentioned, namely:—

- (a) that the State Government shall, in the exercise of these functions, be subject to the like control by the Central Government as was exercisable by it immediately before the 1st October, 1962;
- (b) that the State Government shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of that Government; the entrustment is limited to the territories under the administration of the State Government and is without prejudice to the overall jurisdiction of the Central Government.

* Published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (1), dated October 1, 1962.

SCHEDULE

<i>Provisions of the Act, Rules or notifications</i>	<i>Conditions, if any, subject to which functions have been entrusted</i>
1	2
I. Sections of the Act:	
2(4), 4, 10(2), 13(3)(a)(ii) 17(9)	Nil This entrustment is limited to the territories under the administrative control of the State Government and is without prejudice to the power of the Central Government to revoke or suspend licences throughout the whole or any part of India.
19(1), 22(2), 23, 24 34	Nil Sanction is to be accorded in consultation with the local Customs authorities.
42(1), 45(b)(i), 45(b)(iii)	Nil
II. The Arms Rules, 1962:	
(1) Rules—	
2(c) 11	Nil The restriction is limited to the territories under the administrative control of the State Government.
26, 27, 42(1), 43(3), 48(1) 57(3)	Nil The entrustment under this rule is of the following power only, namely, by general or special order to remit or reduce the fees payable in respect of the grant or renewal of any licence— (a) for the transport or possession of sulphur in reasonable quantities proved to the satisfaction of the State Government to be required in good faith for medicinal, agricultural, manufacturing or industrial

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	<p>purposes other than the manufacture of ammunition, or— (b) under rule 28 to any person for the import of any arms or ammunition in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons and property.</p>
61	Nil
(ii) <i>Schedules</i> —	
II—Item Nos. 2, 3(g) and 21	Nil
III—Licence Form—	
II, condition 3,	}
III, conditions 4, 7 and 10,	
III-A, condition 3,	
IV, conditions 5 and 6,	
V, conditions 6 and 7,	
VI, condition 4,	
VIII, condition 5,	
IX, conditions 2, 3, 8, 11, 12 (proviso) and 14 (in case of West Bengal & Assam only).	
X, conditions 4 & 5,	
XI, conditions 2, 3, 7, 10, 11 (proviso) and 13 (in the case of West Bengal and Assam only).	
XII, XIII, conditions 2, 3, 6, 9, 10 (proviso) and 12 (in the case of West Bengal and Assam only).	
XIV, conditions 3 and 8,	
XV, condition 3(a)(ii).	
	Nil
III. <i>Notifications</i> —	
(1) No. 15/13/59(V)-PIV., dated the 18th July, 1962 (G.S.R. 991, published in the Gazette of India, Part II, section 3(i), dated 28th July, 1962). Proviso (b)(i) and (b)(ii) Nil	

1	2
Schedule I—column 4 of entry 3(b)	Nil
column 4 of entry 4	—
column 1 of entry 6	—
Schedule II—	
entry 1—clauses (3) (proviso in column 2), (4), (5), (9)(a), (9)(b), 12(b), 13(a), and 13(b)	Nil,
entry 2—proviso in column 2	
entry 3—proviso in column 2	
(II) No. 15/13/59(VI)-PIV, dated the 13th July, 1962, (G.S.R. No. 993 published in the Gazette of India, Part II, section 3(i), dated 28th July, 1962). Table—entry 5.	

8. Ministry of Home Affairs notification No. F. 18/3/64-P. IV., dated the 28th September 1964.

In exercise of the powers conferred by sub-section (1) of section 43 of the Arms Act, 1959 (54 of 1959) and clause (1) of article 258 of the Constitution, the President entrusts to the Chief Secretary to the Government of Nagaland, with the consent of that Government, the functions of the Central Government under the provisions of the Arms Act, 1959, the Arms Rules, 1962, and the notifications mentioned in column 1 of the Schedule below subject to such conditions as are specified in column 2 thereof and also the general conditions hereinafter mentioned, namely:

- (a) that the Chief Secretary to the Government of Nagaland shall in the exercise of these functions be subject to the control of the Central Government;
- (b) that the Chief Secretary to the Government of Nagaland shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of

- the Central Government without the prior consent of that Government;
- (c) the entrustment is limited to the territories under the administration of the Government of Nagaland and is without prejudice to the overall jurisdiction of the Central Government.

SCHEDULE

<i>Provisions of the Act, Rules or notifications</i>	<i>Conditions, if any, subject to which functions have been entrusted</i>
1	2
I. Sections of the Act:	
2(4), 4, 10(2), 13(3)(a)(ii)	Nil
17(9)	This entrustment is limited to the territories under the administrative control of the State Government and is without prejudice to the power of the Central Government to revoke or suspend licences throughout the whole or any part of India.
19(1), 22(2), 23, 24	Nil
34	Sanction is to be accorded in consultation with the local Customs authorities.
42(1), 45(b)(i), 45(b)(iii)	Nil
II. The Arms Rules, 1962:	
(1) Rules—	
(2)(c)	Nil
II	The restriction is limited to the territories under the administrative control of the State Government.
26, 27, 42(1), 43(3), 48(1)	Nil
57(3)	The entrustment under this rule is of the following power only, namely, by general or special order to remit or reduce the fees payable in respect of the grant or renewal of any licence—

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- (a) for the transport or possession of sulphur in reasonable quantities proved to the satisfaction of the State Government to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition, or—
- (b) under rule 28 to any person for the import of any arms or ammunition in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons and property.

61

Nil

(ii) Schedules—

II-Item Nos. 2, 3(g) and 21

Nil

III-Licence Form—

II, condition 3,

III, conditions 4, 7, & 10,

III-A, condition 3,

IV, conditions 5 and 6,

V, conditions 6 and 7,

VI, condition 4,

VIII, condition 5,

IX, conditions 2, 3, 8, 11,

12 (proviso) and 14

(in the case of West Bengal and Assam only).

X, conditions 4 and 5,

} Nil

XI, conditions 2, 3, 7, 10,

11 (proviso) and 13

(in the case of West Bengal and Assam only).

XII, XIII, conditions 2, 3,

6, 9, 10 (proviso) and

12 (in the case of West Bengal and Assam only).

XIV, conditions 3 and 8

XV, conditions 3(a)(ii)

1	2
III. Notifications—	
(1) No. 15/13/59(V)-P-IV, dated the 13th July, 1962 (G.S.R. 991, published in the Gazette of India, Part IV, section 3(i), dated 28th July, 1962).	
Proviso (b)(i) and (b)(ii)	Nil
Schedule I—column 4 of the entry 3(b)	Nil
column 4 of entry 4	Nil
column 1 of entry 6	Nil
Schedule II—	
entry 1—clauses (3) [proviso in column 2], (4), (5), (9)(a), (9)(b), (12)(b), (13)(a), and 13(b)	Nil
entry 2—proviso in column 2	
entry 3—proviso in column 2	
(II) No. 15/13/59(VI)-PIV, dated the 13th July, 1962, (G.S.R. No. 993, published in the Gazette of India, Part II, section 3(i), dated 28th July, 1962).	
Table—entry 5.	

9. Ministry of Home Affairs notification No. 18/2/64-P. IV., dated the 6th October 1964 delegating to the Additional District Magistrates in the State of Kerala the functions of the Central Government under sections 13(3)(a)(ii), 19(1), 22(2) and 23 of the Arms Act, 1959 and rule 27 of the Arms Rules, 1962.

In exercise of the powers conferred under sub-section (1) of section 43 of the Arms Act, 1959 (54 of 1959) and clause (1) of article 258 of the Constitution, the President, with the consent of the State Government of Kerala, entrusts only to each of the Additional District Magistrates in the State of Kerala the functions of the Central Government under sections 13(3)(a)(ii), 19(1), 22(2) and 23 of the Arms Act, 1959 and rule 27 of the Arms Rules, 1962 subject to the following conditions, namely:—

- (i) the Additional District Magistrate shall, in the exercise of

these functions, be subject to the control of the Government of Kerala and also the Central Government;

- (ii) the Additional District Magistrate shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of that Government; and
- (iii) the entrustment is limited to the area under the administrative control of the Additional District Magistrate and is without prejudice to the jurisdiction of the Government of Kerala and the overall jurisdiction of the Central Government.

10. *Ministry of Home Affairs notification No. 18/2/62(II)-P. IV., dated the 1st October, 1962 delegating to the Administrators of Union Territories and the Governor of Assam certain powers and functions of the Central Government under the Arms Act, 1959, the Arms Rules, 1962 and the notifications issued thereunder.

G. S. R. 1310—In exercise of the powers conferred by clause (1) of article 239 and sub-paragraph (2) of paragraph 18 of the Sixth Schedule of the Constitution, the President hereby directs that the Administrators of the Union territories of Delhi, Himachal Pradesh, Manipur, Tripura, and the Andaman and Nicobar Islands in relation to their respective Union territory and the Governor of Assam in relation to the tribal Areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution shall exercise the powers and discharge the functions of the Central Government under the provisions of the Arms Act, 1959 (54 of 1959), the Arms Rules, 1962 and the notifications mentioned in column 1 of the Schedule below, subject to such conditions as are specified in column thereof and also to the general conditions hereinafter mentioned, namely:—

- (a) that the Administrator and the Governor of Assam shall in the exercise of these functions be subject to the like

* Published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated October 1, 1962.

- control of the Central Government as was exerciseable by it immediately before the 1st October, 1962;
- (b) the Administrators and the Governor of Assam shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of the latter; and
- (c) the entrustment is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas aforesaid in the case of the Governor of Assam and is without prejudice to the overall jurisdiction of the Central Government.

SCHEDULE

<i>Provision of the Act, Rules or Notifications</i>	<i>Conditions, if any, subject to which functions have been entrusted</i>
1. The Arms Act, 1959: Sections— 2(4), 4, 10(2), 14(3)(a)(ii) 17(9)	Nil This entrustment is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas in the case of the Governor of Assam and is without prejudice to the power of the Central Government to revoke or suspend licences throughout the whole or any part of India.
19(1), 22(2), 23, 24 34	Nil Sanction is to be accorded in consultation with the local customs authorities.
42(1), 45(b)(i) & 45(b)(iii)	Nil
II. The Arms Rules, 1962: (i) Rules— 2(c), 2(f)(iii) 11	Nil The restriction is limited to the territories under the administrative control of the Administrator or,

1	2
26, 27, 42(1), 43(3), 48(1) 57(3)	as the case may be, the tribal areas in the case of the Governor of Assam.
	Nil
	The entrustment under this rule is of the following power only; namely, by general or special order to remit or, reduce the fee payable in respect of the grant or renewal of any licence—
	(a) for the transport or possession of sulphur in reasonable quantities proved to the satisfaction of the Administrator/Governor to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition; or
	(b) under rule 28 to any person for the import of any arms or ammunition in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons and property.
61	Nil
(ii) Schedules—	
II Item Nos. 2, 3(g) and 21	Nil
III Licence Forms	
II, condition 3	}
III, conditions 4, 7 & 10	
III-A, condition 3	
IV, conditions 5 and 6	
V, conditions 6 and 7	
VI, conditions 4 and 7	
VIII, condition 5	}
IX, conditions 2, 3, 8, 11 and 12 (proviso)	
	Nil

1	2
X, conditions 4, and 5	Nil
XI, conditions 2, 3, 7, 10 and 11 (proviso)	
XII, conditions 2, 3, 6, 9 and 10 (proviso)	
XIII, conditions 2, 3, 6, 9 and 10 (proviso)	
XIV, conditions 3 and 8	
XV, condition 3(a)(ii)	
(iii) <i>Notifications</i>	
(1) No. 15/13/59(V)-P. IV, dated the 13th July 1962 (G.S.R. 991, published in the Gazette of India, Part II, Section 3(1), dated 28th July, 1962).	
Proviso (b)(i) and (b)(ii)	Nil
<i>Schedule I—</i>	
Column 4 of entry 3(b)	Nil
Column 4(1) of entry 4	Nil
Column 1 of entry 6	Nil
<i>Schedule II—</i>	
Entry 1—clauses (3) [Pro- viso in col 2], (4), (5), (9)(a), 9(b), (12)(b), 13(a), and (13)(b); entry 2 (proviso in col. 2), entry 3 (proviso in col. 2),	Nil
(2) No. 15/13/59(VI)-P. IV, dated the 13th July 1962 (G.S.R. 993 published in the Gazette of India, Part II, Section 3(i), dated 28th July 1962).	
Entry 5 of the Table.	

11. Ministry of Home Affairs Notification No. F. 15/3/63-P. IV, dated 9-8-1963.

In exercise of the powers conferred by clause (1) of article 239 and sub-paragraph (2) of paragraph 18 of the Sixth Schedule of the Constitution, the President hereby directs that the Administrators of the Union territories of Delhi, Himachal Pradesh, Manipur, Tripura and the Andaman and Nicobar Islands, in relation to their respective Union territory, and the

Governor of Assam in relation to the tribal Areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution, shall exercise the powers and discharge the functions of the State Government under the provisions of the Arms Rules, 1962, mentioned in column (1) of the Schedule below, subject to the conditions specified in column (2) thereof:

SCHEDULE

<i>Provisions of the Rules</i>	<i>Conditions, if any, subject to which functions have been entrusted</i>
1	2
<i>The Arms Rules, 1962:</i>	
(i) <i>Rules—</i> 14(2), 19, 24, 25(2), 25(3)(a), 31, 41(1)(b), 46(3)(a)(ii), 46(4) — (Second Proviso), 46(6), 47(4), 49, 51 [proviso (ii)] and 57(5).	The Administrator and the Governor of Assam shall in the exercise of these functions be subject to the control of the Central Government.
(ii) <i>Schedule II—</i> Item Nos. 3, 4, 5, 6, 7, 8, 9, 9A, 10, 11, 12, 13, and 22.	The Administrators and Governor of Assam shall observe the policies and instructions laid down by the Central Govt. and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of the latter; and
<i>Schedule III—</i>	
<i>Licence Forms—</i> III—condition 11; V—condition 11; VI—condition 7; XIV—condition 7;	The entrustment is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas aforesaid in the case of the Governor of Assam and is without prejudice to the overall jurisdiction of the Central Government.

12. Ministry of Home Affairs Notification No. 15/1/62-PIV,
dated the 18th October, 1962.

In exercise of the powers conferred by clause (b) of the proviso to sub-section (1) of section 10 of the Arms Act, 1959 (54 of 1959), the Central Government hereby specifies the following countries for the purposes of that clause, namely:—

- | | |
|--|---------------------------------------|
| 1. Aden | 33. El Salvador |
| 2. Afghanistan | 34. Ethiopia |
| 3. Albania | 35. Fiji |
| 4. Algeria | 36. Finland |
| 5. Argentina | 37. France |
| 6. Austria | 38. Gabon |
| 7. Australia | 39. Guatemala |
| 8. Bhutan | 40. Germany, Federal
Republic of — |
| 9. Bolivia | 41. Ghana |
| 10. Belgium | 42. Greece |
| 11. Brazil | 43. Guinea |
| 12. Bulgaria | 44. Heit |
| 13. Burma | 45. Honduras |
| 14. Cambodia | 46. Hongkong |
| 15. Cameroons, Republic
of — | 47. Hungary |
| 16. Canada | 48. Indonesia |
| 17. Central African
Republic | 49. Iran |
| 18. Ceylon | 50. Iraq |
| 19. Chad | 51. Ireland |
| 20. Chile | 52. Italy |
| 21. Colombia | 53. Ivory Coast |
| 22. Congo (Brazzaville),
Republic of — | 54. Japan |
| 23. Congo | 55. Jordan |
| 24. Costa Rica | 56. Kuwait |
| 25. Cuba | 57. Laos |
| 26. Cyprus | 58. Lebanon |
| 27. Czechoslovakia | 59. Liberia |
| 28. Dahomey | 60. Luxemburg |
| 29. Denmark | 61. Madagascar |
| 30. Dominican Republic | 62. Malaya |
| 31. East Africa (British)
(Kenya, Uganda and
Zanzibar) | 63. Mali |
| 32. Ecuador | 64. Mauritius |
| | 65. Mexico |
| | 66. Mongolia |
| | 67. Morocco |
| | 68. Muscat |

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| 69. Nepal | 93. Sweden |
| 70. Netherlands | 94. Switzerland |
| 71. New Zealand | 95. Syria |
| 72. Nicaragua | 96. Tanganyika |
| 73. Nigeria | 97. Thailand |
| 74. Norway | 98. Togo |
| 75. Panama | 99. Tunisia |
| 76. Paraguay | 100. Turkey |
| 77. Peru | 101. Uganda |
| 78. Phillipines | 102. Union of Soviet
Socialistic Republics |
| 79. Poland | 103. United Arab Republic |
| 80. Rhodesia & Nyassaland
Federation of — | 104. United States of
America |
| 81. Rumania | 105. United Kingdom |
| 82. Rwanian-Urundi | 106. Upper Volta |
| 83. Saudi Arabia | 107. Uruguay |
| 84. Senegal | 108. Vatican |
| 85. Sierra Leone | 109. Venezuela |
| 86. Sikkim | 110. Vietnam (North) |
| 87. Singapore | 111. Vietnam (South) |
| 88. Somalia | 112. West Indies &
British Guinea
(Trinidad, Tobago) |
| 89. South Africa | 113. Yugoslavia |
| 90. Spain | |
| 91. Sudan | |
| 92. Surinam | |

PART V

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APPENDIX I

The Indian Arms Act, 1878

Arrangement of Sections

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5. Unlicensed manufacture, conversion and sale prohibited.

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8. [*Repealed.*]
9. [*Repealed.*]
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Transshipment of arms.
11. Power to establish searching stations.
12. Arrest of persons conveying arms, etc., under suspicious circumstances.
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THE FIRST SCHEDULE.—[*Repealed.*]

THE SECOND SCHEDULE.—[*Repealed.*]

APPENDIX I

THE INDIAN ARMS ACT, 1878.

(Act No. XI of 1878.¹)

[15th March, 1878.]

An Act to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

(As modified up to the 1st June, 1953.)

WHEREAS it is expedient to consolidate and amend the law relating to arms, ammunition and military stores;

It is hereby enacted as follows:—

I.—Preliminary.

1. Short title, Local extent.—This Act may be called the Indian

¹ For the Statement of Objects and Reasons, see Gazette of India, 1877, Pt. V, p. 650; for discussions in Council, see *ibid*, 1877, Supplement, pp. 3016 and 3030; *ibid*, 1878, Supplement, pp. 435 and 453.

This Act was^{1a} extended to Berar by Berar Laws Act, 1941 (4 of 1941) and has been declared to be in force in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), s. 2; and except s. 15, in the Santhal Parganas by the Santhal Parganas Settlement Regulation, 1872 (3 of 1872); in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936); s. 3 and Schedule; and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Schedule.

It was declared by notification under s. 3 (a) of the Schedule Districts Act, 1874 (14 of 1874) to be in force in the District of Hazaribagh, Lohardaga, Manbhum, and in Pargana Dhalbhum and the Kolhan in the District of Singhbhum, see Gazette of India, 1891, Pt. I, p. 504. The District of Lohardaga included at that time the present District of Palamau, which was separated in 1894; Lohardaga is now called the Ranchi District, Calcutta Gazette, 1899, Pt. I, p. 44.

Its application to the Pargana of Spiti was barred by s. 14 of the Spiti Regulation, 1873 (1 of 1873).

^{1a} Extended to Chandranagore by Hin. of E. A. notn. No. 632-EVRI, dated 23.12.1952.

Army Act, 1878; and it extends to ²[the whole of India³. * * *
* * *].

Savings.—But nothing herein contained shall apply to—

- (a) arms, ammunition or military stores on board any sea-going vessel ⁴[or aircraft] and forming part of her ordinary armament or equipment, or
- (b) the manufacture, conversion, sale, import, export, transport, bearing or possession of arms, ammunition or military stores by order of ⁵[the Central Government or of any ⁶(State) Government], or by a public servant or ⁷[a member of either of the forces constituted by ⁸[the National Cadet Corps Act, 1948, or the Territorial Army Act, 1948,] in the course of his duty as such public servant or ⁹[member].

2. Commencement.—This Act shall come into force on such ¹⁰day as the ¹¹[Central Government] by notification in the ¹²[Official Gazette] appoints.

It was in force throughout the province of Assam, see Notification No. 2443-T., dated the 1st June, 1914, Assam Gazette, 1914, Pt. II, p. 843.

This Act has been amended in its application to West Bengal by the Bengal Criminal Law (Arms and Explosives) Act, 1932 (Ben. Act 21 of 1932) and the Bengal Criminal Law Amendment Act, 1934 (Ben. Act 7 of 1934); in Lushai Hills District by Assam Regulation 1 of 1938 and in Naga Hills District by Assam Regulation II of 1938.

² Subs. by the A.O. 1950, for "all the Provinces of India".

³ The words "except Part B States" were omitted by Act 3 of 1951.

⁴ Ins. by the Indian Arms (Amendment) Act, 1949 (47 of 1949).

⁵ Subs. by the A.O. 1948, for "any Government in British India".

⁶ Subs. by the A.O. 1950, for "Provincial".

⁷ Subs. by s. 35 of the Auxiliary Force Act, 1920 (49 of 1920) for "a volunteer enrolled under the Indian Volunteers Act, 1869".

⁸ Subs. by the A.O. 1950, for "the Indian-Territorial Force Act, 1920, or the Auxiliary Force Act, 1920".

⁹ Subs. by s. 35 of Act 49 of 1920, for "volunteer".

¹⁰ 1st October, 1878—see Notification No. 1169, dated 27th June, 1878, Gazette of India, 878, Pt. I, P. 389.

¹¹ Subs. by the A.O. 1937, for "Governor General in Council".

¹² Subs. *ibid*, for "Gazette of India".

3. [Repeal of enactments.] Repealed by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.

4. Interpretation—clause.—In this Act, unless there be something repugnant in the subject or context,—

"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, spears, spearheads and bows and arrows, 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, lithofracteur and other explosive or fulminating material, gun-flints, gun-wads, percussion-caps, fuses and friction-tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or salt-petre;

"Military stores", in any section of this Act as applied to any part of ¹³[India], means any military stores to which the ¹¹[Central Government] may from time to time, by notification in the ¹⁴[Official Gazette], specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the ¹¹[Central Government] may from time to time so extend such section;

"License" means a license granted under this Act, and "Licensed" means holding such license.

13 *

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II.—*Manufacture, Conversion and Sale.*

5. Unlicensed manufacture, conversion and sale prohibited.—No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military

¹¹ See footnote on p. 400.

¹³ Subs. by Act 3 of 1951, for "the States".

¹⁴ Subs. by A.O. 1937, for "Gazette of India".

¹⁵ The definition of "States" omitted by Act 3 of 1951.

stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest, police-station, notice of the sale and of the purchaser's name and address.

III.—Import, Export and Transport.

6. Unlicensed importation and exportation prohibited.—No person shall bring or take ¹⁶[by sea, land or air] into or out of ¹⁷[India] any arms, ammunition or military stores except under a license and in the manner and to the extent permitted by such license.

Importation and exportation of arms and ammunition for private use.—Nothing in the first clause of this section extends to arms (other than cannon) or ammunition imported or exported in reasonable quantities for his own private use by any person lawfully entitled to possess such arms or ammunition; but the Collector of Customs or any other officer empowered by the ¹⁸[Central Government] in this behalf by name or in virtue of his office may at any time detain such arms or ammunition until he receives the orders of the ¹⁸[Central Government] thereon.

Explanation.—Arms, ammunition and military stores taken from one part of ¹⁷[India] to another by sea ¹⁹[or air] or across intervening territory not being part of ¹⁷[India] are taken out

¹⁶ Subs. by the Indian Arms (Amendment) Act, 1949 (47 of 1949), for "by sea or by land".

¹⁷ Subs. by Act 3 of 1951, for "the States".

¹⁸ Subs. by the A.O. 1937, for "Local Government".

¹⁹ Ins. by Act 47 of 1949.

of and brought into ¹⁷[India] within the meaning of this section.

7. Sanction of Central Government required to warehousing of arms, etc.—Notwithstanding anything contained in the Sea Customs Act, 1878 (VIII of 1878), no arms, ammunition or military stores shall be deposited in any warehouse licensed under section 16 of that Act without the sanction of the ¹⁸[Central Government].

8. *[Levy of duties on arms etc., imported by sea.] Rep. by the Amending Act 1891 (XII of 1891).*

9. *[Power to impose duty on imports by land.] Rep. by the Amending Act 1891 (XII of 1891).*

10. Power to prohibit transport.—The ²⁰[Central Government] may, from time to time, by notification in the ²¹[Official Gazette],—

- (a) regulate or prohibit the transport of any description of arms, ammunition or military stores, over ¹⁷[India] or any part thereof, either altogether or except under a license and to the extent in the manner permitted by such license, and
- (b) cancel any such notification.

Transshipment of arms.—*Explanation.*—Arms, ammunition or military stores trans-shipped at a ²²[sea port or air port] in ²³[India] are transported within the meaning of this section.

11. Power to establish searching stations.—The ²⁴[Central Government] ²⁵* * * * * may, at any places

¹⁷ and ¹⁸ See footnotes on p. 402.

²⁰ Subs. by the A.O. 1837 for "G. G. in C."

²¹ Subs. by the A.O. 1937, for "Gazette of India".

²² Subs. by the Indian Arms (Amendment) Act, 1949 (47 of 1949) for "port".

²³ Subs. by Act 3 of 1951, for "the States".

²⁴ Subs. by the A.O. 1937, for "Local Government".

²⁵ The words "with the previous sanction of the Governor General in

along the boundaryline between ²³[India] and foreign territory, ²⁴ . . . and at such distance within such line as it deems expedient, establish searching posts at which all vessels, carts and baggage-animals, and all boxes, bales and packages in transit, may be stopped and searched for arms, ammunition and military stores by any officer empowered by ²⁷[the Central Government] in this behalf by name or in virtue of his office.

12. **Arrest of persons conveying arms, etc., under suspicious circumstances.**—When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a license or not, in such 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, any person may without warrant apprehend him and take such arms, ammunition or military stores from him.

Procedure where arrest made by person not Magistrate or Police-officer.—Any person so apprehended, and any arms, ammunition or military stores so taken by a person not being 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, and all arms and ammunition seized by or delivered to any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

IV.—Going armed and possessing Arms, etc.

13. **Prohibition of going armed without license.**—No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate,

Council" were repealed by the A. O. 1937.

²³ See footnote on p. 403.

²⁴ The words "or between the States and any other part of India" were omitted, by Act 3 of 1951.

²⁷ Subs. by the A.O. 1937, for "such Government".

Police-officer or other person empowered by the ²⁴[Central Government] in this behalf by name or by virtue of his office.

14. Unlicensed possession of fire-arms, etc.—No person shall have in his possession or under his control any cannon or fire-arms, or any ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

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15. Possession of arms of any description without license prohibited in certain places.—In any place to which section 32, clause 2, of Act No. XXXI of 1860²⁹ applies at the time this Act comes into force or to which ³⁰[the Central Government] may by notification in the ³¹[Official Gazette] specially extend this section, no person shall have in his possession any arms of any description, except under a license and in the manner and to the extent permitted thereby.

16.³² In certain cases arms to be deposited at police-stations or with licensed dealers.—(1) Any person possessing arms, ammunition or military stores the possession whereof has, in consequence of the cancellation or expiry of a license or of an exemption or by the issue of a notification under section 15 or otherwise become unlawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police-station or, at his option and subject to such conditions as the ³³[Central Government] may by rule prescribe, with a licensed dealer.

(2) When arms, ammunition or military stores have been deposited under sub-section (1) or, before the 1st day of January, 1920, under the provisions of any law for the time being in force, the depositor shall, at any time before the expiry of such

²⁴ See footnote on p. 403.

²⁸ The last three paras of s. 14 were repealed by the Amending Act, 1891 (12 of 1891)

²⁹ Act 31 of 1860 was repealed by s. 3 of this Act.

³⁰ Subs. by the A.O. 1937, for "the Local Government with the previous sanction of the Governor General in Council".

³¹ Subs. by the A.O. 1937, for "local official Gazette".

³² Subs. by s. 2 of the Indian Arms (Amendment) Act, 1919 (20 of 1919), for the original section.

³³ Subs. by the A.O. 1937, for "Local Government".

period as the ³³[Central Government] may by rule prescribe, be entitled—

- (a) to receive back any thing so deposited the possession of which by him has become lawful, and
- (b) to dispose, or authorize the disposal, of any thing so deposited by sale or otherwise to any person whose possession of the same would be lawful; and to receive the proceeds of any such sale:

Provided that nothing in this sub-section shall be deemed to authorize the return or disposal of anything the confiscation of which has been directed under section 24.

(3) All things deposited as aforesaid and not returned or disposed of under sub-section (2) within the prescribed period therein referred to shall be forfeited to ³⁴[Government].

(4) (a) The ³⁵[Central Government] may make rules consistent with this Act for carrying into effect the provisions of this section.

(b) In particular and without prejudice to the generality of the foregoing provision, the ³⁶[Central Government] may by rule prescribe—

- (i) the conditions subject to which arms, ammunition and military stores may be deposited with a license dealer, and
- (ii) the period after the expiry of which things deposited as aforesaid shall be forfeited under sub-section (3).

V.—Licenses.

17. Power to make rules as to licenses.—The ³⁷[Central Government] may from time to time, by notification in the ³⁸[Official Gazette], make rules ³⁹to determine the officers by whom the form in which, and the terms and conditions on and subject to

³³ See footnote on p. 405.

³⁴ Subs. by the A.O. 1950, for "His Majesty".

³⁵ Subs. by the A.O. 1937, for "G.G. in C."

³⁶ Subs. by the A.O. 1937, for "Gazette of India".

³⁷ See the Indian Arms Rules, 1924.

which, any license shall be granted; and may by such rules among other matters:—

- (a) fix the period for which such license shall continue in force;
- (b) fix a fee payable by stamp or otherwise in respect of any such license granted in a place to which section 32, clause 2, of Act No. XXXI of 1860²² applies at the time this Act comes into force, or in respect of any such license other than a license for possession granted in any other place;
- (c) direct that the holder of any such license other than a license for possession shall keep a record or account, in such form as the ²³[Central Government] may prescribe, of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so;
- (d) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 5 or section 6;
- (e) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control to any officer of Government so empowered; and
- (f) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same when called upon by an officer of Government so to do.

18. C cancelling and suspension of license.—Any license may be cancelled or suspended—

- (a) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any

²² Act 31 of 1860 was repealed by s. 3 of this Act.

²³ Subs. by the A.O. 1937, for "Local Government".

Magistrate of a district or Commissioner of Police in a presidency-town, within the local limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such officer, authority, Magistrate or Commissioner deems it necessary, for the security of the public peace to cancel or suspend such license; or

- (b) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Act, or against the rules made under this Act; and

⁴⁰[the Central Government may by a notification in the Official Gazette cancel or suspend all or any licenses throughout ⁴¹[⁴²India] or any part thereof].

VI.—Penalties.

19. For breach of sections 5, 6, 10, 13 to 17.—Whoever commits any of the following offences (namely):—

- (a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5;
- (b) fails to give notice as required by the same section;
- (c) imports or exports any arms, ammunition or military stores in contravention of the provisions of section 6;
- (d) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 10;
- (e) goes armed in contravention of the provisions of section 13;
- (f) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 14 or section 15;
- (g) intentionally makes any false entry in a record or account which, by a rule made under section 17 clause (c), he is

⁴⁰ Subs. by the A.O. 1937, for certain original words.

⁴¹ Subs. by the A.O. 1948, for "the whole or any portion of British India".

⁴² Subs. by Act 3 of 1951 for "the States".

required to keep;

- (h) intentionally fails to exhibit anything which, by a rule made under section 17, clause (e), he is required to exhibit; or
- (i) fails to deposit arms, ammunition or military stores as required by ⁴³ * * * section 16:

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. For secret breaches of sections 5, 6, 10, 14 and 15.—Whoever does any act mentioned in clause (a), (c), (d) or (f) of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code (XLV of 1860), or to any person employed upon a railway or to the servant of any public carrier.

For concealing arms, etc.—and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. For breach of license.—Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, 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.

22. For knowingly purchasing arms, etc. from unlicensed persons.—Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same; or

For delivering arms, etc., to person not authorised to possess them.—delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

⁴³ The words "section 14 or" were repealed by s. 3 and Sch. of the Repealing and Amending Act, 1950 (35 of 1950).

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.

23. Penalty for breach of rule.—Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. Power to confiscate.—When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage-animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

VII.—Miscellaneous.

25. Search and seizure by Magistrate.—Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose.

or that such person cannot be left in the possession of any such arms, ammunition or military stores 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 such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted, by, or in the presence of, a Magistrate or by, or in the presence of, some

officer specially empowered in this behalf by name or in virtue of his office by the ⁴⁴[Central Government].

26. Seizure and detention by Central Government.—The ⁴⁴[Central Government] may at any time order or cause to be seized any arms, ammunition or military stores in the possession of any person, notwithstanding that such person is licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

27. Power to exempt.—The ⁴⁵[Central Government] may from time to time, by notification published in the ⁴⁶[Official Gazette],—

- (a) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of ⁴⁷[India] from the operation of any prohibition or direction contained in this Act; and
- (b) cancel any such notification, and again subject the persons or things or the part of ⁴⁷[India] comprised therein to the operation of such prohibition or direction.

28. Information to be given regarding offences.—Every person aware of the commission of any offence punishable under this Act, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police-officer or Magistrate, and

every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police-officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Act has been or is being committed.

⁴⁴ Subs. by the A.O. 1937, for "Local Government".

⁴⁵ Subs. by the A.O. 1937, for "C.G. in C."

⁴⁶ Subs. by the A.O. 1937, for "Gazette of India".

⁴⁷ Subs. by Act 3 of 1951, for "the States".

29. Sanction required to certain proceedings under section 19, clause (f).—Where an offence punishable under section 19, clause (f), has been committed within three months from the date ⁴⁸on which this Act comes into force in any ⁴⁹[State], district or place to which section 32, clause 2 of Act XXXI of 1860⁵⁰ applies at such date, or where such an offence has been committed in any part of ⁴⁷[India] not being such a district, ⁴⁹[State] or place, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the district or, in a presidency town, of the Commissioner of Police.

30. Searches in the case of offences against section 19, clause (f), how conducted.—Where a search is to be made under the Code of Criminal Procedure or the Presidency Magistrates Act, 1877⁵¹ in the course of any proceedings instituted in respect of an offence punishable under section 19, clause (f), such search shall notwithstanding anything contained in the said Code or Act, be made in the presence of some officer specially appointed by name or in virtue of his office by the ⁵²[Central Government] in this behalf, and not otherwise.

31. Operation of other laws not barred.—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Act. Provided that no person shall be punished twice for the same offence.

⁴⁷ See footnote on p. 411.

⁴⁸ 1st October, 1878.

⁴⁹ Subs. by A.O. 1950, for "Province".

⁵⁰ Repealed by s. 3 of this Act.

⁵¹ For the reference to Act 10 of 1872 and the Presidency Magistrates Act, 1877 (4 of 1877) read now Act 5 of 1898.

⁵² Subs. by the A.O. 1937, for "Local Government".

32. Power to take census of fire-arms.—The ⁵³[Central Government] may from time to time, by notification in the ⁵⁴[Official Gazette], direct census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

33. Notice and limitation of proceedings.—No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Act, without having given him at least one 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 such cause.

THE FIRST SCHEDULE.—[*Enactments Repealed.*] Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Schedule.

THE SECOND SCHEDULE.—[*Arms etc., liable to duty.*] Rep. by the Amending Act, 1891 (XII of 1891).

⁵³ Subs. by the A.O. 1937, for "Local Government".

⁵⁴ Subs. by the A.O. 1937, for "Local Official Gazette".

THE INDIAN ARMS ACT, 1878.

List of Abbreviations Used.

A.O. 1937.....	for the Government of India (Adaptation of Indian Laws) Order, 1937.
A.O. 1948	„ the Indian Independence (Adaptation of Central Acts and Ordinances) Orders, 1948.
A.O. 1950	„ the Adaptation of Laws Order, 1950.
Subs.	„ Substituted.
Ins.	„ Inserted.
G. G. in C.	„ Governor General in Council.

*List of Acts and Adaptation Orders
Amending this Act.*

1. The Amending Act, 1891 (12 of 1891).
2. The Indian Arms (Amendment) Act, 1919 (20 of 1919).
3. The Auxiliary Force Act, 1920 (49 of 1920).
4. The Repealing Act, 1938 (1 of 1938).
5. The Indian Arms (Amendment) Act, 1949 (47 of 1949).
6. The Repealing and Amending Act, 1950 (35 of 1950).
7. The Government of India (Adaptation of Indian Laws) Order, 1937.
8. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
9. The Adaptation of Laws Order, 1950.
10. The Repealing and Amending Act, 1950 (35 of 1950).
11. The Part B States (Laws) Act, 1951 (3 of 1951).

APPENDIX II

As a result of the discussions on the Resolution moved in The Imperial Council on 11-9-1918, by Shri G. S. Khaparde, seeking to amend The Indian Arms Act, 1878; the following Resolution was published :

Resolution No. 2125 C., Dated the 21st March 1919.

1. Some critics of the existing system demand the repeal of the Act, or in the alternative its administration on a purely fiscal basis, whereby any one desiring a license could secure it without question, on payment of the prescribed fee. The Government of India doubt whether the serious objections to so simple a solution of the problem have been fully realised by those who advocate it. In their responsibility for the maintenance of order and tranquillity the Government of India are bound to take into account the effect which an unrestricted dissemination of fire-arms throughout the country-side might have upon serious crime. They cannot overlook the likelihood of such weapons being freely used in the dacoities, faction fights, and agrarian and religious riots which figure so frequently in the records of our criminal courts. In more than one province fire-arms illicitly obtained have during recent years played an appreciable part in serious crime, and the Government of India cannot contemplate with equanimity the similar use of such weapons in their provinces. They apprehend that if there were no restrictions on the possession of fire-arms by lawless characters, such an increase in crimes of violence might ensue as would endanger the security of the country, and that it would be necessary largely to increase the number of armed public and to improve their equipment.

2. The Government of India have decided, therefore, that the question cannot be dealt with on these lines. They have considered the possibility of abolishing all exemptions and requiring every one from the highest authorities downwards to take out a license for the possession of fire-arms. Enquiries showed the objections to this course. There is every reason to believe that a

general cancellation of exemptions would be regarded as withdrawing a valued privilege if not as a mark of mistrust.

3. After repeated examination of the question the Government of India decided that the best chance of solving the problem lay first in rigidly restricting the number of exempted persons and, secondly, in arranging that persons of recognised status and character should, without distinction of race, ordinarily be entitled to obtain licenses for the possession of fire-arms without enquiry or delay. While details were still under discussion the following resolution was moved in the Imperial Legislative Council and accepted by Government on the 19th September 1918:—

This Council recommends to the Governor-General that a Committee of official and non-official members of this Council be appointed to consider and report to the Governor-General in Council to what extent the Indian Arms Act and the rules thereunder can be amended.

4. The whole question was then laid before a Committee composed partly of official and partly of non-official members of the Council, and the Government of India are now in a position to formulate the conclusions reached after examination of the report of this Committee. These are as following:—

(1) All arms other than fire-arms and also fire-arms of an obsolete character possessing purely antiquarian value will be exempted from all the prohibitions and directions contained in the Arms Act, except in Burma, the Punjab and the North-West Frontier Province, provided that any local Government may retain the existing restrictions for particular weapons or in particular areas where such a course is necessary in the interest of law and order.

(2) All distinctions of a racial character will be abolished, but a restricted schedule of exempted persons as appended hereto (not printed) will still be retained, the privilege being subject to the same restrictions in respect of the number and description of weapons as at present.

(3) Exempted persons will not be required to register their weapons but power will be reserved to the Government of India and the local Governments and Administrations to require the registration of rifles, revolvers and pistols in the possession of such persons where necessary.

(4) The great land-holders included in entry (6) of the schedule appended, who at present enjoy exemption in respect of weapons in the possession of their retainers, will in future be allowed exemption in respect of a fixed number of retainers whose weapons will be registered

annually as retainers' weapons, their number and description only being specified.

(5) To persons of approved character and status licenses for the possession of rifles (other than those of prohibited bores) and smooth bores will ordinarily be issued on application and without previous enquiry. It will be for local Governments to prescribe for each province the qualifications entitling any person to this privilege, but subject to any such orders the Government of India consider that the following qualifications should be sufficient:—

(i) Membership of any order established by the Crown, or the possession of a title conferred or recognised by the Government of India or of the Kaiser-i-Hind Medal or a Certificate of Honour.

(ii) Membership, past or present, of the Indian or a Provincial Legislative Council or inclusion in the list of Provincial Darbaris.

(iii) Payment of not less than Rs. 1,000 per annum land revenue or Rs. 250 in road and public works cesses.

(iv) Payment of income-tax on an income of not less than Rs. 3,000 for a period of three years.

(v) Being a Government officer in receipt of not less than Rs. 250 per month.

(vi) Being a commissioned or gazetted officer of His Majesty's Military or Naval Forces or His Majesty's Indian Marine Service or a Commissioned Indian Officer of the Imperial Service Troops in active service.

(vii) Being a pensioned officer who before retirement was by virtue of his official position included in any of the classes described in (v) or (vi) above.

(6) Persons who have hitherto enjoyed exemption but are not included in the new Schedule of persons exempted will be required to take out licenses, but it will be open to the local Government to treat them as entitled to the privilege described in clause (5) above, provided that there is no race discrimination.

(7) The following changes will be made in the rules regulating the issue of licenses:—

(i) Licenses for revolvers and pistols will be issued only in cases of *real necessity* and to persons of approved character, the fee being fixed at an enhanced rate of Rs. 10 except in the North-West Frontier Province where no change will be made.

(ii) For a license in Form XVI the fee will be raised to Rs. 5 for each breech-loading weapon but will remain unchanged for muzzle-loaders.

(iii) Licenses will be granted, if so desired, for an extended period of three years on a compounded fee subject to the existing conditions regarding the report of loss and transfer of the weapon, and subject fur-

ther to the proviso that the local authorities shall have the right to enquire whether the weapon for which a license has been granted is still in the possession of the license-holder.

(io) Special instructions will be issued to afford facilities to agriculturists to obtain licenses for the protection of crops or cattle and to secure that they are not withheld without good cause.

(e) Licenses, other than those for the protection of crops or cattle when issued at the license holder's place of permanent residence will be valid throughout British India, except Burma, Assam and the North-West Frontier Province, subject to any restrictions that may be necessary in regard to any particular province.

(vi) Licences will not only be issued by District Magistrates but also by such Sub-Divisional officers as the local Governments may specially empower in this behalf. For the purposes of enquiry preliminary to the issue of a licence, other agencies will, where possible, be employed in addition to or in substitution for the police.

APPENDIX III

Amendment moved in the constituent assembly of India by Shri H. V. Kamath to article 13 (Now Art. 19) of the constitution seeking to include the right to bear arms among fundamental rights.

Shri H. V. Kamath¹: That after sub-clause (g) of clause (1) of article 13, the following new sub-clause be added:—

(h) *to keep and bear arms* : (p. 718)

It is common knowledge to all of us who have lived and worked in India during the last thirty years or more that this has been a universal demand emanating from all sections of the population, firstly as a protest against the degrading and humiliating Arms Act passed by the British Government in the last century, and secondly Sir, as a guarantee of the right of self-defence. This demand has been embodied in various Congress Resolutions during the last two decades. The most important Resolutions and most historic, the most momentous was the Resolution on Fundamental Rights passed at Karachi. I read, Sir, from that Resolution the relevant extracts:

¹ Constituent Assembly of India Debates, dated 1-12-1948; Volume VII, No. 17.

"This Congress is of opinion that to enable the masses to appreciate what Swaraj as conceived by the Congress will mean to them, it is desirable to State the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution [Mark these words—any constitution.]

* * * which may be agreed to on its behalf should provide or enable the Swaraj Government to provide for the following.....

and various fundamental rights are enumerated, among them being this one —

"Every citizen has the right to keep and bear arms in accordance with Regulations and reservations made in that behalf."

I find, Sir, from this list of Fundamental Rights, adopted at the Karachi session of the Congress, almost all of them have been incorporated in this Draft constitution, except this one, and this is a very serious omission. (p. 719)

I very well remember that in Nagpur in 1923 or 1924 there was a Satyagraha movement against the Arms Act and this Satyagraha movement attracted Satyagrahis from all over India. That went on for six months, and the Congress put its seal of approval on this Satyagraha movement against the Arms Act. Today we may say that conditions have changed and we do not want this sort of thing to be incorporated in our fundamental rights. But, Sir, I will come to that argument a little later.

I can appreciate the force of the argument that this absolute right should not be conceded today. Perhaps there is a lurking in the minds of those in power that the right may be abused. For that reason I have given this proviso in conformity with and in line with the other provisos which have been embodied in this article. I am personally not very much in favour of these elaborate provisos.

Reverting to the subject matter of the amendment, I have already said that I do not want to make this right absolute. That is why I have tabled this proviso, imposing restrictions in the interests of public order, peace and tranquility. It may be said that saboteurs and other elements are aboard in the country and these may abuse this privilege and take advantage of this privilege conferred upon the ordinary citizen. But may I tell the House that saboteurs and other evil elements, villains and criminals have managed and will always manage to get arms, Arms Act or no Arms Act; and it is the law-abiding citizen who has always suffered in the bargain, and it is he who has to be protected against these elements. The history of the last twelve months has proved this to us most unmistakably, that those who suffer in these criminal riots and disturbances are not the violent elements or the saboteurs, but the law-abiding citizens, and these have to be protected.

Again, the argument may be put forward that we should incorporate only such rights about which there is fear that they might be denied to the citizen. But if we examine this argument a little closely, and also this article, in the light of this argument, we will find that rights like free movement throughout India, freedom to reside and settle in any part of India, and such other rights about which there is no doubt or fear that they will be denied, have been incorporated in this article. But this one right, to keep and bear arms has not found a place in this article. If this very diluted proposal of mine, if even this very abridged freedom to bear arms is not acceptable to the House, I am afraid it will create a most unfortunate impression on our country-men that the Government does not trust the people, that the Government has no faith in the people, that the Govt. is afraid of the people. It is all right, Sir, for Ministers of Government to say, "We are here to protect you". But, with security guards outside their bungalows, it is very well for them to put forward this plea. But the ordinary citizen has no armed guard about him, no guards standing outside his house. If the Government wishes to convey the impression to the people that the Government has no faith in them, that it is afraid of them, if that is the attitude of the

Government, then it is welcome to say so. It will prove to the people that you are not a popular Government, that you are a government which has no faith in people. If you are a popular Government this is the least that you can do today to put an end to this ignominy of the past one hundred years. (P. 720)

It may be argued also that the Congress and Mahatma Gandhi and our leaders have taught us to defend ourselves by Ahimsa, and not by Himsa, by non-violence and not by violence. But, Sir, may I, in all humility remind the House that Mahatma Gandhi used to say, "Resist, defend, non-violently, if possible, but violently, if necessary. What I hate is cowardice." And this doctrine, Sir, has been propagated recently by the Honourable Sardar Patel himself who has been going about the country asking the people never to run away, never to be cowards, but to resist violently if necessary, not to run away from the assassin, from the hooligan, from the criminal. Defend yourself by all means and at all costs.

In the end I will only say that if we of the Congress party who are in a majority desire to prove true to our past, if we have the desire in us to implement all the resolutions that we have adopted in the past, if we do not want to live with the lie in our soul, I appeal to the House to accept this amendment and put an end to one of the most disgraceful phases of our ignominious past of over a hundred years. (p. 721).

Pandit Thakur Das Bhargava.—Similarly, at present you have the right to assemble peaceably and without arms and you have in 1947 passed a law under which even peaceable assemblage could be bombed without warning from the sky. We have today many provisions which are against peaceable assembling. Similarly in regard to ban on association or unions. (p. 738).

Shri Syamanandan Sahaya.—I will, Sir, refer to the wording of sub-clause (b) of clause (1) of article 13. This sub-clause lays down that all citizens shall have the right to assemble peaceably and without arms. This is the Fundamental Right which we are granting to the people under the Constitution. Let us see how this fits in with clause (3) of article 13 which is the restricting clause. Clause (3) lays down that nothing in sub-clause (b) of the said clause (1) shall affect the operation of any existing law,

or prevent the State from making any law, imposing in the interests of public order restrictions on the exercise of the right conferred by the said sub-clause. Sir, the only right which we are giving by sub-clause (b) is the right to assemble peaceably and without arms. This right to assemble is not a general right of assembly under all conditions. To assemble peaceably is the first condition precedent and there is also a second condition. That condition is that the assembly should be without arms. On the top of these conditions we are laying down in sub-clause (3) that there shall be a further restricting power in the hands of the State. I would much rather that clauses (3) and (4) did not form part of our Constitution. But, if the Drafting Committee and the other people who have considered the matter carefully think that it is necessary to lay down restrictions even in the matter of assembling peaceably and without arms, I might respectfully submit that it would be necessary to further restrict this restricting power by saying that any law restricting this power must be for a specified period only. I do not think the House will agree that any State should place on the statute book a permanent law restricting this Fundamental right of peaceful assembly. (pp. 743-44).

A State should not be empowered to pass a legislation restricting permanently peaceful assembly and assembly without arms. I think such a general power in the armoury of any State, however, popular or democratic, would not be desirable. In the larger interests of the country, and particularly at the formative stage of the country, to give such wide powers in the hands of the State and with regard to such Fundamental Rights, as freedom of speech, freedom of assembly and freedom of movement would, I believe, be harmful and result in the creation of a suffocating and stuffy atmosphere as opposed to the free air of a truly free country. Sir, I move the amendment and commend it to the acceptance of the House.

Shri Jai Lal Singh'.—Then I come to article 13(1)(b), namely "to assemble peaceably and without arms." I have to point out that this matter of the Arms Act has been very mischievously applied against the Adibasis. Certain political parties have gone

¹ Constituent Assembly of India Debates, dated 2-12-1948, Vol. VII, No. 18.

to extreme to point out that because Adibasis carry bows and arrows, lathis or axes, which they do daily as a normal part of their life, which they have done for generations and generations, and what they are doing today they have done before, that they are preparing for trouble. (p. 753).

Let me give you the instance of the Oraons. We have in this Assembly only one Oraon member. Now the Oraon group of Adibasis constitutes the fourth largest block of Adibasis in India. Just about now, they have what we call Jattras or Melas. These are annual occasions for their cultural activities. They have a certain ceremony in which the head of the Oraon village will carry the flag and the rest of them carry lathis with them and proceed into the various akhadas or villages. It is a festival of the people: they have done it in a harmless way for generations and generations and now we have been told last year and the year before last that we should not carry weapons. I do not mind pointing out there are several Members here from Bihar who will never be able to get back to their homes unless they are escorted with people and with arms. In my own part, we live in the jungles and every one, even women, may I point out, carry what might be designated arms, but they are not arms in that sense. Whenever we have to hold meetings, if people come with their own usual things, I want to know whether it is going to be interpreted that we are assembling unpeaceably and carrying arms for an unlawful purpose. These are the only points, Sir, that I want to have clarified.

I will give one more instance. Every seven years, it is the custom in Chota Nagpur to have what they call Era Sendra, Janishikar. Every seven years, the women dress as men and hunt in the jungles — dressed as men, mind you. That is the occasion when naturally women like to show masculine prowess. They arm themselves like men with bows and arrows, lathis, belas and so forth. Now, Sir, according to this particular article in the Constitution, the Government might interpret that women every seven years were getting together with a dangerous purpose. I urge the House to do nothing that is going to upset the simple folk. They have been among the most peaceful citizens in our country and we should be very cautious in doing anything which might be misunderstood by them and lead to trouble.

Maulana Hasrat Mohani.—First of all, I would like to give full support to Mr. Kamath's amendment. I would like to tell him that this is a test amendment and if you do not include it, it would mean that your tendency is the same as that of the British Government. You know what the Britishers had done. They had promulgated the Arms Act in India. The result was that all the inhabitants of Hindustan were kept as imbeciles. If you also have the same design, then it is a different matter. But if there is any national Government and an Indian Government, then there is no reason why you should deprive anybody of this right. If you too will forge an Arms Act and will deprive the people of this right, then I would say that your attitude and way of doing things is much worse than that of the Britishers. It will be much worse. The Arms Act enforced by the British Government was applicable to one and all with the exception of the ruling class. We were under the impression that under our own Government this restriction will be removed. Unfortunately at present here we have a party Government and they want to retain it, so that the Act may be applied against their political opponents and may not be enforced against their own party men. (pp. 758-59).

Prof. Shibban Lal Saksena.—One thing more I want to say. Mr. Kamath in his amendment wants the right to bear arms. In most Constitutions throughout the world this right has been recognised. We ourselves throughout recent history have asked that this should be our right. In fact, I remember, when Mahatma Gandhi wrote to Lord Irwin in 1930 about the Eight Points which he wanted to be accepted, one was about this right to bear arms. The question of this right to bear arms dates back to 1878 when, after the mutiny, the British Government disarmed the Nation. I think that after freedom we should at least allow this thing, as only an armed people can support the Government. I hope Dr. Ambedkar will do something about it. (p. 764).

Shri Lakshmi Narayan Sahu.—Though I have no objection to the words "assemble peaceably and without arms" being put in here, yet I feel that nowhere in the Draft Constitution can be found any provision regarding the repeal of the Arms Act and the grant of the right to the people to bear arms — a right which is essential to make our people fearless. Therefore, I

would like that a provision for the repeal of the Arms Act and making it permissible to the people to bear arms be included in the Draft. I would not like to say anything more about this matter.

Shri M. Ananthasayanam Ayyangar.—It is true that for a long time the Congress has been from year to year passing resolutions that we must have the right to bear arms. The situation has changed now. We were then slaves and wanted to equip ourselves sufficiently so that in case of need we can use the arms for getting out of the foreign yoke. But, today, in the civilised world I should like to ask my honourable friend if he feels that everybody should be allowed to fight even to defend himself. Except in extreme circumstances no force should be used. Even when force has to be used, it must be concentrated in the State. The State it is that must stand between man and man and citizens and citizens when they want to fight. No individual citizen ought to be allowed to attack another. Every often the right to bear arms is abused. (p.778).

Shri H. V. Kamath.—Not even in self-defence?

Shri M. Ananthasayanam Ayyangar.—Very often defence is offence in the hands of strong young men whose blood is very warm like that of my friend Mr. Kamath's defence very often means offence.

The Honourable Dr. B. R. Ambedkar.—Now, with regard to the question of bearing arms about which my friend Mr. Kamath was so terribly excited. I think the position that we have taken is very clear. It is quite true and everyone knows that the Congress Party had been agitating that there should be right to bear arms. Nobody can deny that. That is history. At the same time I think the House should not forget the fact that the circumstances when such resolutions were passed by the Congress no longer exist.

Shri H. V. Kamath.—A very handy argument!

The Honourable Dr. B. R. Ambedkar.—It is because the British Government had refused to allow Indians to bear arms, not on the ground of peace and order, but on the ground that a subject people should not have the right to bear arms against an alien government so that they could organise themselves to overthrow the Government, and consequently the basic considerations on which these resolutions were passed in my judge-

ment have vanished. Under the present circumstances, I personally myself cannot conceive how it would be possible for the State to carry on its administration if every individual had the right to go into the market and purchase all sorts of instruments of attack without any let or hindrance from the State.

Shri H. V. Kamath.—On a point of clarification, Sir, the proviso is there restricting that right.

The Honourable Dr. B. R. Ambedkar.—The proviso does what? What does the proviso say? What the proviso can do is to regulate and the term 'regulation' has been judicially interpreted as prescribing the conditions, but the conditions can never be such as to completely abrogate the right of the citizen to bear arms. Therefore regulation by itself will not prevent a citizen who wants to have the right to bear arms from having them. I question very much the policy of giving all citizens indiscriminately any such fundamental right. For instance, if Mr. Kamath's proposition was accepted, that every citizen should have the fundamental right to bear arms, it would be open for thousands and thousands of citizens who are today described as criminal tribes to bear arms. It would be open to all sorts of people who are habitual criminals to claim the right to possess arms. You cannot say that under the proviso a man shall not be entitled to bear arms because he belongs to a particular class.

Shri H. V. Kamath.—If Dr. Ambedkar understands the proviso fully and clearly, he will see that such will not be the effect of my amendment.

The Honourable Dr. B. R. Ambedkar.—I cannot yield now. I have not got much time left. I am explaining the position that has been taken by the Drafting Committee. The point is that it is not possible to allow this indiscriminate right. On the other hand my submission is that so far as bearing of arms is concerned, what we ought to insist upon is not the right of an individual to bear arms but his duty to bear arms. (An Honourable Member: Hear, hear.) In fact, what we ought to secure is that when an emergency arises, when there is a war, when there is insurrection, when the stability and security of the State is endangered, the State shall be entitled to call upon every citizen to bear arms in defence of the State. That is the proposition that we ought to initiate and that position we have

completely safeguarded by the proviso to Article 17. (pp. 780-81).

Mr. Vice-President :—Amendment No. 438 as modified by amendment No. 79 of List II.

The question is :

"That for amendment No. 438" of the List of amendment, the following be substituted :—

"That after sub-clause (g) of clause (1) of Article 13, the following new sub-clause be added :—

(h) to keep and bear arms;"

and the following new clause be added after clause (6) :—

"(7) Nothing in sub-clause (h) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing, in the interest of public order, peace and tranquillity, restrictions on the exercise of the right conferred by the said sub-clause."

The amendment was negatived. (p. 786).

APPENDIX IV

* *Extracts from Lok Sabha Debates on The Arms Bill, 1958, dated 16-11-1959.*

PART I—Speech of the Minister in the Ministry of Home Affairs, Shri B. N. Datar.

Starting the debate on the Bill, the Minister of State in the Ministry of Home Affairs, Shri B. N. Datar said:

This Bill was piloted by the Government at the instance of a number of Honourable Members with a view to liberalise the

* Lok Sabha Debates, dated 16-11-1958, Vol. XXXV, Nos. 1-10.

provisions consistent with the need to maintain law and order because there was, oftentimes, abuse of the provisions of the Arms Act. This is the reason why the Government had to take a middle course of having the largest measure of liberalisation in the provisions on the one hand and also to see to it that they were not abused. Though it is termed as Arms Bill all that has been done is to provide for licensing fire-arms only or some other arms for which a licence is necessary. In respect of arms other than fire-arms, normally, we will find that no licence is necessary at all. But when there are extraordinary circumstances and it becomes necessary for the Government to regulate the use and exercise of such arms, then only power is taken to meet the extraordinary situation created by such circumstances, which need not be detailed here. Though it is called Arms Bill, this Bill normally deals with the fire-arms, their use, transfer, purchase, etc.

A number of Honourable Members in both the Houses as also in the Joint Committee made a point that often, there were long delays in the grant of such licences and that they were not good. It has now been made clear that there ought to be expeditious disposal of all applications for the grant of arms licences.

Then, as you will find, an appeal also has been provided. Normally, the reasons for the rejection of an application for holding arms will be given but when there are higher interests, when the interests of the country require otherwise, when in public interests it would not be proper to disclose the reasons, it is only then that the reasons are not given. But, all the same, the appellate authority will go through the whole affair and will see whether refusal of the arms was due to certain over-riding circumstances. If there are no such circumstances, arms would be granted as a matter of course.

Explaining the provisions of clause 14, the Minister said:— Clause 14 is of a usual nature, because there would be circumstances under which a licence will have to be refused. I would not make further reference to this except to point out that in sub-clause (1)(b)(i)(3), it is said: "to be for any reason unfit for a licence under this Act." The criticism was that this would lead to very wide powers to the licensing authority and that they might be abused under certain circumstances. I have looked into the matter. I have found that there are stronger words

used in this connection in the Acts of some of the other States. All that has been done by the Committee is, in sub-clause (ii), the words "public safety" have been added after "public peace". After all, peace has also to be maintained but the House is aware that there are possibilities of certain acts being done which would endanger public safety also. Therefore, a number of honourable Members suggested in the Joint Committee that these words should be added and, therefore, their suggestions have been noted.

Passing on to chapter IV of the Bill, he observed:—We will find that oftentimes, the Government require powers to demand the production of the licence, etc. Oftentimes, this is by-passed in a number of ways and that is the reason why in clause 19(2), we have added:

"may require him to give his name and address and if such officer considers it necessary,"

and then the words "seize from that person the arms or ammunition which he is carrying" are put in. These are the two healthy precautions that have been laid down. If, for example, a man has certain arms without a licence, but if he gives the names and addresses, that might be one circumstance to be taken into consideration, because it is quite likely that he might not know that there might be certain extenuating circumstances. Therefore, in a small number of cases, the supplying of names and addresses may be sufficient.

Secondly, there should be no arbitrary seizure of arms. What has been laid down is, that the officer "may require him to give his name and address" etc. That means the officer who is going to seize the particular arms will have to be satisfied that there are certain reasons why a particular extreme action of seizing from him the arms or ammunitions is necessary. That is the reason why a preliminary stage has been laid down according to which the seizing authority should not seize as a matter of course, but will have to seize only when he finds that it is absolutely necessary to do so.

Referring to the provisions of clause 33, the Minister said:—The proviso is there for the purpose of giving relief to those persons or granting exemptions to those persons from criminal

liability where they themselves were not aware of the circumstances under which the companies had to carry out certain requirements of the Act. Explaining the implications of the proviso to this clause, he added: Without his actual knowledge, if some offence has been committed by a director or an officer, then this particular person against whom a charge has been laid, as a member of the company or as an employee of the company, can prove his complete absence of knowledge and that he exercised all diligence to prevent commission of such an offence after it came to his notice. Therefore, these two salutary safeguards have been provided in the interests of those who were ignorant but who took all necessary precautions to prevent the commission of such an offence.

Passing on to clause 35, the Minister said:—Normally, as you are aware, under the penal law, when a certain offensive article is found with a person, he is normally liable to punishment, but when there is joint occupation, in that case, according to the provision in the Arms Bill, what was done was this. When certain offensive articles are found from a vehicle or any other place or premises, all the members in general occupation were to be held liable, unless one of them proved that he was not aware of it and hence entitled to exemption on the ground of *bona fide* ignorance. It was considered that before any such presumption is drawn against him, the officer must further find out whether there is reason to believe that he was aware of the existence of the arms or ammunition. In fact, a particular restraining clause has been intercepted here between the finding of arms in the place of general occupation of many people and the drawing of an adverse inference against him, viz. exercise of discretion by the magistrate concerned in respect of whom there is reason to believe that he was aware of the existence of the arms and ammunition. So, this has been purposely introduced with the object of preventing any hardship to the persons who are not aware of it. The authorities concerned, who have to deal with this must have some reason before them to believe that he was aware of the existence of the arms and ammunition in the premises. Only then the court will proceed against him as a matter of presumption. Still, it is open to the defence to prove the contrary. Two safe-guards are introduced. No presumption can be drawn against him unless in the opinion

of the officer concerned, there was reason to believe that he was aware of the existence of the arms. If he comes to the conclusion that there was no such reason naturally he would be protected. These great safeguards have been introduced for the purpose of preventing persons from being made liable under clause 35 as a matter of course.

Making a passing reference to the minutes of dissent (appended to the Report of the Joint Committee), the Minister said:— I need not say much in regard to the dissenting notes except to point out that at least two or three honourable Members have gracefully accepted the position that there has been a considerable improvement in the provisions of the Bill. Naturally, there might be certain cases where honourable Members may not be satisfied, but the larger and the overriding interests of public security and public interest have also to be taken into account. Concluding, the Minister hoped that the improved Arms Bill be approved of by hon. Members.

PART II — Summary of speeches made by Members (other than the Minister in the Ministry of Home Affairs, Shri B. N. Datar) in the Lok Sabha on 16-11-1959 on the Arms Bill, 1958.

Pandit Thakur Das Bhargava.—I agree that the Bill is liberal but it is not so liberal as we were expecting. This country is very peaceful and therefore, there was no need to have such a hard Arms Act here.

To keep arms should have been a fundamental right. Every man has the right to keep arms and thereby not only protect him, his neighbour and relative, but every citizen of India.

Clause 4 should have been curved so that Government should have no absolute power thereunder. Government should have power for a temporary period and orders should be relaxed after that temporary period is over.

Government should either manufacture itself cheap arms and supply them at reasonable rates to public, failing which they should allow others to manufacture such arms.

The penalties are on the high side and should be reduced to a reasonable extent. The provisions regarding seizure of arms are very harsh. The burden of proof (under clause 35) should not be on the accused but should be on the prosecution.

There should be no difficulty in obtaining licences. It should be ensured that applicants are not compelled to pay in one fund or the other before granting them licence.

A period should be specified within which applicant should get the licence applied for.

If judicial authority cannot be made licensing authority, at least appeal should lie to such authority. (pp. 134-47).

Shri U. C. Patnaik: The Bill should be confined to fire-arms only.

The restrictions on air-weapons should be relaxed as they use only pellets and are very useful for children and young people to practise at home and use them.

The Ministry of Home Affairs should in co-ordination with the Defence Ministry and Industries Ministry see that arms and ammunition are produced in this country and supplied to licence-holders at reasonable rates.

People who violate the rules and laws relating to serious weapons (prohibited weapons, prohibited bore weapons) should be given greater punishment while those who commit smaller or minor mistakes should be given a lower punishment. There should not be same punishment for the dacoits or gangsters and for the ordinary men.

We can utilise the services of ex-servicemen by giving them free licences for certain weapons. (pp. 148-56).

Shri D. V. Rao: The Bill that has emerged from the Joint Committee as a result of their deliberations is neither satisfactory nor improved, the earlier approach that was there in the original Act of 1878 has not changed. It is the old Act which has again come into the picture with some slight modifications.

The Bill should be confined to fire-arms only. Even in regard to fire-arms, there are two types: one is the higher type of fire-arms which are definitely dangerous and which need to be regulated. But there are also some harmless fire-arms like air-guns or some muzzle-loading guns used for crop protection. To treat all these types of arms on par is not necessary and not justified.

There is no necessity of refusing licence on the pretext or for the reason of public safety or public peace. When there is danger, the authority can revoke or suspend the licence.

The Government can require licence for carrying or using fire-arms, but there should be no licence for possessing or keeping them.

The provision relating to arrest of suspected persons supposed to be carrying arms is very sweeping and harmful. We cannot expect that every government employee or public servant knows fully well the provisions of the law that we are going to enact. It is in very rare cases that he can take a correct decision or can judge things properly. Hence to empower him to arrest such a person means that there will be no justice for ordinary persons who possess such arms for themselves.

There is a provision that if a person possesses some arms and other person knows that he is going to use it for illegal purposes, the other person will also be guilty and prosecuted. Now it is not necessary that the police should prove the case, but the accused in the case should prove that he does not know. This is very bad thing and goes against justice and the interest of the people. In such cases, the appeal should lie to judiciary instead of executive who has a 'law and order' mentality.

Landlords and other influential elements are terrorising others and in a way they are bringing these arms into politics. So, it should be made strictly binding on the part of the licensees that they should not use the arms except for the specific purposes for which they are permitted to be used. (pp. 156-62).

Shri Mulchand Dube: There are manifold difficulties in obtaining licence. If an applicant files with his application an affidavit that he does not suffer from any disqualifications, he should get the licence forthwith and as a matter of course.

The provision making liable every person in occupation of a house or premises jointly in respect of a weapon found there, is unjust and would cause hardship in many cases. It should be seen that only the guilty are punished and not the entire family. The presumption should have some limit even in this matter. (pp. 163-64).

Shri P. K. Deo: The Bill is far from satisfactory and is a carbon copy of the antiquated Indian Arms Act, 1878.

People should be made defence minded. Government should consider the question of having compulsory military training.

Licences for self-defence should be freely given especially in those areas which are infested by dacoits as in the border

districts of the States of Uttar Pradesh, Rajasthan and Madhya Pradesh and frontier areas like Naga Hills.

Wild life should be protected and preserved and for that purpose, there must be some restriction; the bores which should be used for specified games should be properly defined and specified and licences for guns for the purpose of sport should be very carefully given.

Licences should be given only the time of cultivating and harvesting the crops. After harvest, the licences should be withdrawn and the arms covered by them deposited with the panchayat offices or with the police stations. That will go a long way in stopping poaching.

In the matter of enquiry for the grant of licence, local panchayats should have a say in the matter instead of police whose report in most cases is based on political considerations.

Centralising the power of granting licences on the district magistrate results in unusual play of red-tape. Apart from this, the district magistrate has got much more work to do than the issue of licences. The power should, therefore, be decentralised and S.D.Os. should be empowered to grant licences. (pp. 164-70).

Shri Raghubir Sahai: Along with the application, an affidavit may be filed and on the basis of this, licence should be granted forthwith. If on subsequent enquiry, the statement is found to be false, the licensing authority can haul up the licensee under section 182 or 193, I.P.C. Provision should be made in the rules to guarantee expeditious grant of licences.

It is not proper to make judiciary the appellate authority. Law and order is a matter to be dealt with by the executive. We have to improve the executive and see that it carries out the instructions of Government to the very letter.

A time limit should be fixed within which a decision should be reached on an application. It should not be left to the discretion of the licensing authority.

In the dacoit-infested areas and the border areas which are open to incursions from other side, licences should be granted liberally. (pp. 170-175).

Shri Naushir Bharucha: In isolated villages where defence is impossible and where police protection cannot be given, it is

very necessary to encourage formation of what is known as "village defence parties."

To-day the position is that those who are bent on having unauthorised arms manage to secure these arms, whereas the genuine people who require gun for their self-defence find it difficult to obtain them. Therefore the procedure for procuring fire-arms by genuinely interested parties should be simplified.

Air pistols and air guns which are comparatively harmless should have been excluded from the definition of 'fire-arms'.

The power under clause 4 is unnecessary and this may be used by authorities merely on panic and without sufficient consideration; there is no sufficient safeguard against the abuse of this power by the authorities.

Clause 14 gives a very vast power for rejecting an application. That virtually takes away everything that has been granted under the Act.

The sum total of the Bill comes to this that while on paper it may sound that the policy of issuing fire-arms has been very considerably liberalised, in practice it may work out to this that a few more licences than the existing ones may be issued subject to a very close scrutiny by the police and other authorities. (pp. 175-79).

Shri P. L. Barupal: There should be no hesitation in giving licence to every citizen of the country and Government should have no distrust in this respect.

People living in mofussil areas have to undergo great hardship and inconvenience in getting licences for muzzle-loading guns. There should be no difficulty in getting licence for this type of guns.

Keeping in view the present stature of panchayats, they should not be entrusted with the responsible work of granting arms licences. (pp. 181-84).

Shri D. C. Sharma: The provisions of the Bill have been liberalised in some ways and in some respects. It has no doubt a modern look; but this modern look is not even skin deep. The Bill is put in a new bottle the contents of which remain as before.

A provision should have been made in the Bill for giving collective licences, for instance, a collective licence to the people of village in the border areas.

We should try to delegate the authority of giving licences to lower authority than the district magistrate as it is not possible for everybody to go to him or to some high-up in the official cadre.

There should have been a distinction between the fire-arms required for sporting purpose and these kept for use when necessity arises.

The usefulness of the provisions of a Bill does not lie so much in their making as it lies in the way they are administered and there is no surety that the liberal provisions of this Bill are going to be implemented in a way easier than before, swifter than before. (pp. 184-88).

Shri P. R. Patel: There is practically no difference between the present Arms Act framed by the Britishers and this Bill.

Members of Parliament, State Legislatures, chairmen of local bodies, municipalities, etc. should be exempted from obtaining arms licences.

Everyone above the age of sixteen should be trained to defend himself and his country.

Unless a man is held to be an enemy of the country or has had some association with a foreign country or foreign rule or he is a man who, if given any firearm, would misuse it — in which case licence can be refused — in all other cases, it should be the privilege of one and all to get a licence to keep arms.

In villages, especially those infested with dacoits, everybody should be granted licences to keep arms. (pp. 188-93).

Shri Padm Dev: In hill areas infested with wild animals, farmers should be given licences for superior firearms to protect themselves, their cattle and crops.

Nobody should be exempted from obtaining licence for fire-arms and there should be proper accounting of all firearms in the country so that they could be traced in times of need.

People living in border areas should be given licences free of charge and arms on subsidised rates. (pp. 193-97).

Shri L. Achaw Singh: The rigours of the Arms Act should be taken away and all those who require arms for self-defence should be given the licence without any difficulty.

Gun licences should be given by way of collecting revenue as in the United Kingdom and arms licences should be given freely without any police enquiry or without any incumbrance.

The provisions of the Bill should be confined to fire-arms only.

Air-rifles should be excluded from the purview of the Bill and muzzle-loading guns from the definition of 'fire-arms'.

Appeal should lie to a judicial authority and the authority for grant of licence should be downgraded to S.D.O.

Youngmen should be trained in the use of fire-arms and people living in border areas should be provided with arms for self-defence as well as for national defence. (pp. 197-200).

Shri Singhasan Singh: Barring a few exceptions, the Bill is a duplicate copy of the old Act.

The definition of arms has been made so wide that even a stick can be included in that definition.

Provision should have been made for the grant of licence on the recommendation of some responsible person, like a M.P. or M.L.A. instead of or in substitution of police enquiry which course is not always respectable. (pp. 200-208).

Shri Mohan Swarup: Applicants for licence are coerced to contribute to various funds and a lot of money has to be spent before one could get or expect to get a licence.

The Bill should have covered only fire-arms. The penalties are very high and should have been reduced to a reasonable extent.

The joint responsibility for an unlicensed weapon found in a house occupied jointly by some persons is highly unjustified.

In emergency or for a temporary period, instead of licences, short-time certificate should be issued.

The provision providing imprisonment for an offence in respect of a muzzle-loading gun should be removed and licences should not be required for .22 bore rifles.

In villages, defence societies should be formed and they should be supplied arms by Government through the S. P. of the area concerned.

A time-limit, preferably of one month, should be fixed within which an application for arms licence must be disposed of. (pp. 208-215).

Shri Achar: The Bill, as it emerged from the Joint Committee is a welcome measure and apart from everything else, it is certainly an improvement on the old Arms Act.

The Bill is not as very progressive as compared to the laws

of other democratic countries, like U.K. and U.S.A., but the question of peace and of law and order is a little peculiar to India, it is not exactly as it is in America or in England.

So far as the grant of licence is concerned, at least a judicial frame of mind is necessary.

If the experiment of total exemption from licensing requirement has been a success in Coorg, there is no reason why it should not be successful all over India. If the same state of things as obtains in Coorg could not be made applicable all over India, so far as Coorg is concerned, the status quo should not be disturbed. (pp. 215-18).

** Extract from Debates on the Arms Bill, 1958 in the Lok Sabha, dated 17th November 1959.*

PART I — Speech of the Minister in the Ministry of Home Affairs, Shri B. N. Datar:

Shri Datar: Before I proceed, Sir, I should like to deal with the general observations made by a number of hon. Members. It was suggested that Gandhiji was highly critical of the provisions of the Arms Act, which he called the "Black Act" or the "Blackest Act." That was perfectly true, because the Act that was then in use and the rules that had been framed by the British Government were of such a nature that it could not but be called as the "Blackest Act". There were a number of provisions there which were galling to the self-respect of India and, secondly, in respect of the implementation of this Act certain highly rigorous and discriminatory steps were taken by the British Government therefore, that epithet as was used by Gandhiji was perfectly correct.

After the advent of independence we have to take into account the present position. Just as, on the one hand, we have the achievement of independence to our greatest credit, there is also, on the other hand, very unfortunately the emergence of certain anti-social elements on India's soil. That also has to be taken into account. That is the reason why I pointed out yesterday that the Government have to take into account,

** Lok Sabha Debates, Vol. XXV, Nos. 1-10,*

on the one hand, the legitimate desire of the citizens of India to have licences as freely as possible and, on the other hand, the overriding considerations of the security of India and of the peace and safety of the Indian nation.

I would invite the attention of this hon. House to what has been pointed out by a number of very important witnesses who were examined by the Joint Committee. We have certain special conditions in India which are far from satisfactory, and that is the reason why it has become necessary to take certain steps, not for the purpose of removing the liberalisation but for the purpose of protecting the nation against dangerous activities carried on by a number of anti-social elements. That fact has to be fully noted, and I was happy that at least two hon. Members made a reference to this particular difficulty of the Government of India and the State Governments. They stated that at all costs one has to be particular in taking into account the overriding considerations regarding the safety and peace of the country while dealing as liberally as possible with the provisions of the present Arms Bill. (pp. 349-51).

I may also mention here the fact that the present provisions of the Bill are based to a large extent on the U.K. Firearms Bill and here and there we have taken certain salutary provisions from the other Acts. (p. 351).

With regard to air-rifles and other things, reference was made to certain types of weapons which are used as toys. If, for example, this definition had been taken into account, then naturally there would not have been that criticism which we had yesterday about it. The first category is very clear. The arms or weapons which are used for agricultural or domestic purposes are not within the purview of the Arms Bill at all. The second category is that the arms ordinarily will not be within the purview of this Act except under clause 4.

I agree that fire-arms ought to be controlled and there ought to be a licence. Some hon. friends suggested that we have not been going so far as the U.K. Act. May I point out that in the U.K. Act there are stronger restrictions. There they have stated that it is a case of certification, it is a case of granting a certificate. If hon. Members go through the provisions of the Arms Act they will find that all that we have done is, we have not

maintained the word "certificate", but we have put in the expression "licence". In other respects, may I point out that we have followed the provisions of the U.K. Act. There are a number of circumstances and occasions where we have gone a bit further also.

May I point out another very important point of distinction between the Indian law and the U.K. law? In the U.K. law, it should be understood very clearly that certificates have to be granted by the chief police officers. Here in India under the Arms Bill, the licence has to be granted by the district magistrate and in selected cases by the officer below him. Thus, here, it is the magistracy that is the granting or the licensing authority and not the police officer at all. That is one of the most important points of distinction between the English law and the Indian law.

In this respect, it would be kindly noted that in the U.K. law, the purchase, possession, bearing, manufacture and the sale of fire-arms are regulated by the Fire-arms Act, and a certificate has to be granted by the chief police officer. Similar provisions of a precautionary nature have been included in their Act. The police officer shall grant a certificate if he is satisfied that the applicant has a good reason for acquiring or having in his possession the fire-arms. We have used almost identical expressions, and said that persons can be permitted to keep the arms without danger to public safety and peace. In U.K., the certificate shall not be granted to an applicant if the chief police officer believes that it is prohibited under the Act or he is of intemperate habits. The House will kindly note that we have not used these expressions at all, showing the various circumstances under which a disability or a disqualification is likely to follow. The U.K. Act has used the words "intemperate habits". Here we have not used that expression. But in a particular case, where the intemperance is of a very serious nature, then action can be taken under the general and residuary provisions that have been laid down and are allowed to us. A licence will not be granted to a person who is of unsound mind or is otherwise not fit to be entrusted with fire-arms. I would, therefore, tell hon. Members who criticise us, that we have borrowed very largely from the U.K. Act. It would not be proper to suggest that we have maintained the old Act by garbing the

provisions, as some hon. friend suggested, with a different saree. That suggestion is entirely incorrect. The Bill has been improved in material particulars and it is on a par with the U.K. Act except that in view of the realities of the situation in India we have, under exceptional circumstances, made it possible for Government to take action in respect of specified arms. (pp. 353-55).

Shri Datar: I pointed out to my hon. friend that the question of the so-called fundamental right to hold arms must have been discussed in the Constituent Assembly and therefore, they have put in an expression rightly. I agree with the hon. friend that the words are there and have to be there.

Then I shall pass on to the other points. My hon. friend Pandit Thakur Das Bhargava suggested that we should take some steps as early as possible for making it possible for the people to get arms at modest rates if not at cheap rates. That is a question which has to be examined and the Government of India are taking some steps in that direction. The defence authorities have been trying their best in regard to the production of fire-arms and ammunition for civilian needs. They are looking into this question and are trying to produce to the extent that is possible, and they are also considering the question as to whether some of the arms which are ordinarily necessary for civilian use can or cannot be made available at cheaper rates. They have already established the production of .12 bore guns, etc., and they are trying to see if the cost of manufacture can be reduced. So far as prices are concerned, we have to take into account the whole price structure. The question cannot be considered in the light of arms and ammunition only. It has to be taken into account against the background of the rise in the price structure as a whole. Let us hope that the arms and ammunition required for civilian use will be available as early as possible and at fairly reduced rates.

I would pass on to some other points made by some hon. Members. It was suggested that the right of appeal should be given to a judicial authority. I can understand that suggestion when the matter has to be decided in a judicial manner. But there are certain fundamental principles of natural justice which have to be followed. Here, for example, we have got the overriding requirements of law and order and so, the appellate

authority has to be one who knows the administrative machinery through which the licence is granted. Two hon. Members rightly pointed out that this is not a matter of adjudication of private right. Now, we have got a number of offences. Naturally, in those cases, under the Criminal Procedure Code he will be entitled to appeal before judicial authorities. But here the question is about grant or refusal of licence. (pp. 356-57).

A point was raised by some hon. Members that it ought to be possible at lower levels to grant licences for arms and ammunition, as otherwise, it is very difficult for the people to approach the District Magistrate or the higher appellate authority, viz., the Commissioner. May I point out that in respect of those arms which are required especially by the villagers, in certain cases provision has been made for the grant of such licences at lower levels, even at the level of tehsildars in some cases. It would not be proper to go on delegating the power in all cases to lower authorities, because it carries certain very important consequences. So, the District Magistrate is the person who ought ordinarily to be the licensing authority. (pp. 357-58).

When an aggrieved party takes the matter to appeal, it will be the duty of the appellate authority to go into all the circumstances and find out whether the discretion by way of refusal has been properly or improperly exercised.

Oftentimes hon. Members have complained that some time-limit should be laid down for the disposal of applications. I agree there ought to be a speedy disposal of all applications, but it would not be proper and it is likely to be futile to lay down a period of one month in all cases, because it is our desire that it is not necessary to take one month to dispose of every case: it ought to be disposed of earlier. That is the reason why it is not proper to mention a particular period. I am quite confident that in view of the principle underlying the new Act, the licensing authorities will be extremely careful. If there are delays, they have to explain the reasons.

Certain other complaints were made about illegal gratification. That tendency ought to be cured and I request those hon. Members who made general observations that in all these cases corruption is there as a matter of course to see to it that either no illegal gratification is offered at all by the applicant or whenever it is offered, to come forward and report such inci-

dents either to the State Government or to us if necessary. We have got special machinery for that. In all the States also, there is a similar machinery. (pp. 358-59).

We are aware that the Coorgis are a great martial race and it is also historically true that for a century they were exempted from the provisions of the Arms Act. Now all that we have done is to extend the exemption to all other classes in all other States. All the same, when the question of their exemption is taken into account as a category Government will surely consider the position with such sympathy as it deserves.

I believe I have replied to almost all the points and I would only submit lastly that we have tried our best to see that the provisions of this Act are as liberal as possible. I need not reply to my hon. friend, Shri Raghupir Sahai's contention that the members of the panchayat should be, as he calls, certifying authorities. Another hon. Member, Shri Padam Dev, rightly pointed out that this may lead to abuse of the exercise of power.

Shri Raghupir Sahai (Budaun): They may be consulted.

Shri Datar: But consultation also becomes a very serious matter. We all desire that we should develop the panchayats, should democratise the panchayats, as early as possible, but till such time as we do that, the panchayats should not be used even for the purpose of making recommendations.

Then some hon. Members suggested that mere affidavit should be enough. But an affidavit, as we know, is an admission in one's own favour and it will take a long time to find out whether the contentions or the allegations in the affidavit are really true. Under those circumstances, it should be left to the discretion of the licensing authorities to use their discretion properly and to call for such information and through such channels as they consider proper. (pp. 360-61).

Shri Mohan Swarup: What is your definition of "sufficient property"? Will you please elucidate that point?

Shri Datar: "Sufficient property", as you will find, is a legal expression. In the absence of that, a man may have some property, but it may not be sufficient property. Under the old rules, you will find that a man may have some property, but that property will not be considered sufficient as to entitle him to hold a licence under the old Act. We have removed that altogether. Non-sufficiency of property will not be a

ground for refusing a licence, — that is what I have pointed out is a great departure that we have originally made, and the Joint Committee, after considering all aspects of the case have agreed that the word should be retained as it is. (pp. 361-62).

Extracts from Debates on the Arms Bill, 1958 in the Lok Sabha, dated 17th November 1959.

PART II — Amendments moved to the Arms Bill, 1958.

Shri Datar: Sir, I beg to move:

Page 3,—

After line 27, add —

“(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.” (12)

This amendment has been moved by Government only for the purpose of making the application of the law effective because in some areas, in the NEFA area for example, there are different officers who are called by different designations but they have the power of a district magistrate. Then in certain States, like Jammu & Kashmir, they have got their own laws and the desire is to have this reference as effective as possible.

The motion was adopted.

Pandit Thakur Das Bhargava: My first amendment, No. 72, relates to the omission of lines 15 to 21 so that it may purely be fire-arms Act and the word ‘arms’ may be taken away from it. Even if that is not acceded to, because I agree that to a certain extent in certain circumstances it may be necessary for the Govt. to have recourse to these provisions, I want that the provisions may be made as innocuous as possible. Therefore I submit that the words ‘designed or adapted as weapons for offence or defence’ be taken away from it. So far as defence is

concerned, I do not think it is the view of the Government that even there are weapons which can be used for defence also. They should also be brought within this definition. Similarly, I can understand if the whole arm is objected to, but I cannot understand why parts of arms which are not in themselves arms need be objected to. They cannot be used as arms as such. They are only parts of the machinery or parts of the Arms and are therefore ineffectual by themselves. Therefore it is not necessary to bring them within the definition of arms.

So far as the question of domestic or agricultural arms is concerned, which are useful for these purposes, the hon. Minister has himself pointed out that they are excepted. But I object to the word 'solely' used in this clause. There are arms and arms which can both be used for agricultural purposes as well as for purposes of defence or offence. What is the difference between the two? *Kulhada*, for instance, is generally used as a spear etc. is used. They are used for agricultural purposes. They are used for cutting of wood for cutting even *datuns* etc. They are used for both the purposes.

Shri P. R. Patel: As regards muzzle-loading gun, also, my case is there. I am sure my hon. friend the Minister will not agree with me. I am rather pained to say it. In these days of democracy, he is not prepared to trust the people to the extent that the former States trusted their people.

In these days of sputniks and atomic weapons, what is the good of restricting muzzle-loading guns? I would submit that a muzzle-loading gun, if allowed, would be a source of defence to the agriculturists on the fields and for the crop. I hope he will agree. But, I think, if he does not agree with me, misfortune is there: nothing else, I can say.

Shri Datar: Mr. Deputy-Speaker, I have heard with great attention the earnest appeal made by a number of hon. friends. . . . (An hon. Member: The Whole House).

I may point out to them that the purpose of the definition of 'arms' is of a limited nature. I have already made it clear that the Arms Act does not deal generally with the arms, except the fire-arms. Only in grave emergencies that comes in. Only then the operation of this Bill would take that into question. So, let this be understood clearly. Clause 4 points out that when

there is any emergency or grave circumstances, naturally other arms also have to be duly regulated. It does not mean that a licence has to be taken by persons who desire to possess arms; it is not applicable for all arms and for all times. Normally all the other arms are exempted. In a particular emergency or when there are exceptional circumstances — only then — arms other than fire arms will be regulated. If this is fully noted by my hon. friends, all their objections will surely disappear. All arms are not necessarily to be the objects of licence except under grave circumstances.

Shri Datar: Clause 27 is independent of clause 4. I shall explain it, Sir. Clause 4 is the most important clause in this respect. So far as the other clauses, including clause 27, are concerned, I should read them to make the whole position clear:

"Whoever has in his possession any arms or ammunition with intention to use the same for any unlawful purpose"

A man is entitled to have arms normally. But if he is going to use it or his intention is to use it for unlawful purposes, it will constitute an offence. There is no dispute about it.

Shri Datar: So, in all such cases, without further repeating the same point, I may make it clear that the object or the design for which a particular instrument has been prepared has to be taken into account. The word has been used twice, once in connection with the complete exemption, because they are for domestic or agricultural purposes, and again in connection with the ordinary preparation of ordinary weapons.

Pandit Thakur Das Bhargava: "Designed" by whom? Is it by the seller or the user? This must be made clear.

Shri Tyagi: Before we proceed with the voting, may I suggest that the hon. Minister might at least clarify the meaning with regard to the lathi and other things separately?

Pandit Thakur Das Bhargava: Otherwise, we are in a dilemma. We want deadly weapons to be included but not the lathi. I would request the hon. Minister to exclude the lathi at least.

Shri Datar: Out of consideration for the opinion of a number of hon. Members

Shri Braj Raj Singh: Why number? "All".

Shri Datar: I am moving an amendment like this:

After the words 'solely for domestic and agricultural uses' the following shall be inserted, namely: 'Such as an ordinary walking stick or a lathi'.

Shri U. C. Patnaik: Even a knife.

Some Hon. Members: No.

Shri Thirumala Rao (Kakinada): The difficulty will be in defining "an ordinary walking stick". It is hardly 3' in length, but in villages they are accustomed to using a longer stick.

Shri Tyagi: In that case, the walking stick which the Home Minister uses is not ordinary.

Shri Datar: It is ordinary to him.

Mr. Deputy Speaker: There is a difficulty. If 'lathi' comes after 'an ordinary walking stick', the size of the lathi is also reduced.

Shri Datar: When the word 'lathi' has been specifically mentioned, it means it is different from a mere walking stick.

The Minister of Law (Shri A. K. Sen): The words 'an ordinary walking stick' are followed by the word 'or'.

Shri Datar: I am making a slight change. I will say, "such as a lathi or an ordinary walking stick".

Mr. Deputy Speaker: The question is:

Page 2, line 19,—

After "domestic or agricultural uses" insert "such as a lathi or an ordinary walking stick" (134).

The motion was adopted.

Shri P. R. Patel: I beg to move:

Page 3,—

after line 38, add —

"Provided further that nothing contained in this section shall apply to an M. P. or ex-M. P. or M. L. A. or M. L. C. or president of a local authority except that he shall inform the licensing authority of his possession of any fire-arm or ammunition"(65).

Shri P. R. Patel: May I ask the hon. Minister whether in this country at least the presidents of the local bodies, members of the local legislatures and hon. Members of this august House are persons who should be trusted or not to keep arms with them? If these people cannot be trusted then I think the Government has a disease of distrust. I think no harm will be done by accepting this amendment.

Shri D. C. Sharma: Sir, I rise to oppose this amendment. I oppose this amendment because I think that our purpose is to abolish as many privileges as we can. Here, on the floor of this House, since we are in a position to pass this Bill, we want to have these for ourselves. I do not think it is very equitable. At the same time, we the elected representatives of the people should see to it that there is equality between our voters and ourselves. We should not have anything which our voters do not enjoy. I do not see any reason why we could not ask for wholesale exemption. But we ask for exemption for ourselves.

Shri U. C. Patnaik: Mr. Deputy Speaker: This is another very retrograde step in the present Arms Bill.

To say that thousands and thousands of people, on the declaration of an emergency, should rush to the licensing authorities for licences for knives and other things that they have in their possession is really highly undesirable and a retrograde step.

I appeal to the Minister to reconsider this clause and to delete acquisition and possession; he may, if he likes, retain going out with any of these instruments.

Shri Datar: Two points have been raised by hon. Members.

My hon. friend Pandit Thakur Das Bhargava has suggested not a time limit but an expression which is perfectly vague. What he wants is that the expression "for a temporary period" should be used. Now, the word "temporary" itself is extremely vague. It may mean anything. Therefore, I would like to assure my hon. friend that there is no desire on the part of Government to keep the powers of regulation under clause 4 for all time to come, but only so long as the emergency is there, and the question of emergency has been re-referred to very clearly, though in what may be called very tactful language — "having regard to the circumstances prevailing in any area". The circumstances would not be normal circumstances, the circumstances are bound to be abnormal or bound to be grave,

because recourse is going to be had to the regulation of arms. Therefore, I submit to my hon. friend that the Government have power under the General Clauses Act to withdraw any action that they take under clause 4. There is no difficulty to taking it back, but there might be certain areas, the hon. Member will kindly understand, where it may be necessary to keep the use of clause 4 for a longer period. It may not necessarily be a temporary period. There might be certain plague spots where some more time would be necessary than implied by the expression "temporary period". Therefore, I assure the hon. Member that there is no desire to keep the use of clause 4 for all time to come, and the moment it is found that things are returning to normal, naturally the powers would be withdrawn under the General Clauses Act.

Then, my hon. friend Shri Patnaik stated that possession should not be controlled, but may I point out that possession or storing might be more dangerous than even actual use. In such cases what happens is that arms or ammunition are stored in a particular house and then they are freely, though illegitimately, used in the locality. Therefore, the act of possession, the act of storing, is equally dangerous, perhaps more dangerous.

Pandit Thakur Das Bhargava: I quite agree stockpiling is very objectionable, but at the same time even keeping a single weapon by a single individual would come under this.

Shri Datar: 16 is the age of puberty, if I can put it to my hon. friend, though it may not technically be the age of majority. That is the reason why we have accepted the age of 16 for this purpose.

Shri Tyagi: Puberty is for girls.

Shri Datar: Even for man puberty is there.

Shri Tyagi: Is it in your State?

Shri Datar: If my hon. friend wants something more, in Manusmriti they have said: बालास्ताषोडश वर्षः

Shri P. R. Patel: My another amendment is that the licence should not be refused unless the officer comes to the conclusion that the applicant is a robber, thug, thief or anti-social or anti-national. If he is such a person, the licence may be refused. For any other reason, the licence should not be refused. Suppose a man goes for a licence. Then the consideration is politi-

cal: his political affiliation is the consideration. I know in my constituency very good persons ask for licences but they were refused. But third rate persons working under the Congress flag have been given licences for revolvers.

Shri Warior: In respect of point 22 bore rifle, I want that licence shall be granted to the rifle clubs or rifle associations licensed or recognised by the Central Government. But in places where there are no rifle clubs, individuals also may be given. Rifle clubs are few and far between in our country. If licences are given like this, it will encourage the formation of rifle clubs where there are none now. That is my suggestion.

Shri U. L. Patil: Our experience is that these applications are pending with the District Magistrates for months. Even for some years, they are kept pending. I will give you an instance where even for the cancellation of a licence, it was left over for one year. One licensee was called upon to show cause why his licence should not be cancelled as there was a dispute between him and his eldest son and there was a possibility of breach of public peace. After having submitted his reasons for not cancelling the licence, after the lapse of one year practically, his licence was cancelled. The District Magistrates do not apply their minds and that is why there should be a limitation on the time.

Shri Datar: I beg to move:

"That the Bill, as amended, be passed".

Mr. Deputy Speaker: The question is: "That the Bill, as amended, be passed."

The motion was adopted.

APPENDIX V

Press Comments on the Arms Bill, 1958.

1. "ARMS AND THE MAN"—Hindustan Times (editorial dated 28-4-'59).

For many years the Congress led the agitation against the Arms Act mainly on the ground that one of the marks of a free citizen was the right to bear arms for his country and that any restriction of the right was a symbol of the rulers' distrust of the

ruled. If amendment of the Act has come twelve years after independence, it only shows that we have learnt to value several other things as being more important and urgent for the citizen than merely the right to bear arms. Significantly, discussion on the amending Bill in the Lok Sabha was concerned less with the bearing of arms than with the uses to which they could be put. There were references to the need for giving fire-arms to people, particularly in border areas, for self-defence and to farmers for protection of their crops against wild animals. Echoes of the old controversies, however, could still be heard in some of the speeches, especially in the demand that the right to bear arms should be declared a fundamental right. The discretion vested in the licensing authority was questioned and some members also urged that the Government should not content themselves with liberalizing their licensing policy but should actively train people in the use of fire-arms.

There can be no doubt that the Bill is a great improvement on the 80-year-old law which it seeks to amend. Licensing for fire-arms of the types ordinarily in use for sport, protection of crops or other similar purposes are to be granted as a matter of course; and where a licence is refused, the reasons have to be stated in writing and the decision would be subject to appeal. It is true that the issue of arms of a certain calibre is restricted to organizations like rifle clubs and there is also provision for the registration of particulars about every licensed weapon, but these precautions are admittedly necessary in present-day conditions and should not result in any undue hardship to those who wish to possess arms for any legitimate purpose. The charge that the proposed legislation is more stringent in some respects than the existing law is hardly borne out by the facts. It may be that the definition of arms other than fire-arms can, by stretching a point, be said to include even domestic and agricultural implements; but as Mr. Datar explained, the licensing of such arms is envisaged only for times of emergency when even these implements can play a lethal role. Still, a recasting of some of these provisions may be necessary and can be undertaken by the Select Committee to which the Bill has been referred. The licensing procedure can also be reviewed and the time-limit for licences extended.

II. "ARMS ACT"—The Times of India (editorial, dt. 27-4-'59).

To the extent that the Bill to amend the Indian Arms Act achieves its avowed object of liberalising the licensing provisions it will be widely welcomed as an overdue measure. But there is scope for further demands of public security and the maintenance of public order. The bill very sensibly provides that no licence will be required for the possession of any arms other than firearms except when the Govt. notifies that it considers it necessary to regulate their possession having regard to the situation in particular area. A particularly welcome feature of the bill is the provision that no person will be denied a licence for fire-arms merely on the ground that he does not own or possess sufficient property. The Bill is an improvement on the existing Act in several other respects. It lays down for example that when the licensing authority refuses to grant a licence it shall record in writing the reasons for the refusal and also furnish the applicant with a statement summarising the reasons; there is also provision for appeal against the licensing authority's decision. However, both these provisions, as they stand, are not as liberal as they may appear superficially.

The licensing authority need not reveal to the applicant the reasons for denying him a licence if it thinks that "it will not be in the public interest" to do so. It is difficult to imagine any circumstances in which revealing the reasons for rejection will hurt the public interest. Moreover, this discretionary power bestowed on the licensing authority can scarcely be reconciled with Section 18(5) of the Bill which provides that "no appeal shall be disposed of unless the appellant has been given a reasonable (emphasis ours) opportunity of being heard." If the appellate authority agrees with the licensing body that the reasons for refusing a licence cannot be disclosed without damaging the public interest, the appellant will surely be denied a "reasonable" opportunity of getting the licensing body's decision revoked. The Select Committee considering the bill would do well to make revelation of the reasons for refusing a licence mandatory.

Another curious feature of the bill is the one relating to air rifles. No child below 14 years of age will be allowed to possess or use an air rifle while children in the 14-18 age-group

will require a licence. If the possession of an air rifle is sought to be regulated while lethal weapons such as hunting knives and swords can be possessed without a licence, the reason for this strange discrimination against teen-age children perhaps lies in religious sentiment. The select committee must consider whether this is a valid ground for regulating the possession and use of a "weapon" which under the Act in force carries no such restrictions.

III. "LICENCES FOR ARMS"—Indian Express (editorial, dated 27-4-'54).

The Arms Act of 1878 is a legal enactment of 33 sections only, but it is comprehensive in regulating the trade in and possession of fire-arms. While the law was brought in to curtail imports and prevent gun-running on the North-West Frontier, subsequent changes were concerned with the suppression of terrorism. The law exempted Princes, and certain officials too, from its provisions, but it laid down stringent penalties for not taking out a licence or failure to deposit any unlicensed weapons. Whether such a law is suited to the present position in India has been asked often, and the Government has rightly agreed to amend the law. The Home Ministry recognises that free citizens have certain rights denied to British Indian subjects and that officials have to issue licences freely for either self-defence or sport. There are areas in which arms make the man.

The Select Committee will have to take into account a number of considerations without being swept away by the sentiment that a liberal grant of firearms is the mark of a free nation. It is true that the motives which led the British Govt. to deny firearms for even the most legitimate purposes of protection of life or property in unsecure areas can no longer weigh with the present administration. But it is easy to swing to the other extreme and make much of the claims of sportsman or people who exaggerate the possible dangers in order that they may have the new sensation of fingering firearms. In a country so susceptible to inter-communal or inter-group clashes a liberally revised Arms Act may well add fuel to fire. The Bill appears to suffer from the misconception that the right to own firearms

is almost a fundamental right which did not find mention in the Constitution because of an oversight. A more circumspect approach is clearly called for.

IV. "ARMS FOR THE PEOPLE"—The Mail, Madras (editorial, dt. 1-5-'59).

How necessary is it that the average individual in present times should carry arms or even have them in his or her possession? Generally it would appear that there is none at all, for the nation supports the armed forces as a defence against aggression by any other nation having designs on India, and the police are charged with the responsibility for maintaining internal law and order. Where then is the need for any liberalisation of the restrictions imposed by law on the carrying and possession of arms, and especially firearms? It is a point of view which should be seriously considered by the Select Committee of the two Houses of Parliament which has been appointed to consider the bill, which has just been discussed, for the amendment of the Indian Arms Act, and for the consolidation of laws relating to the use of arms and the possession of ammunition.

According to the provisions of the amending bill no licences at all will be required for the possession of any arms other than firearms, except when the Government, by notification, considers it necessary to regulate their possession. That simply means that all kinds of lethal weapons can be owned by anyone, swords, spears, daggers and the like. But what is even more serious is the provision in the bill that in respect of what are called common firearms the approach of the licensing authority will be normally to sanction every application, and in the event of the authority choosing to reject any application for a licence he will have to explain his reasons for doing so in writing. It will mean that no application will be refused because of the fear of repercussion from any expression of opinion in writing which might be regarded as defamatory. Another provision of the bill is that it removes the disqualifications on non-property holders, and lays down that possession of property will no longer influence the licensing authorities in the matter of the grant of applications. That, in effect, is throwing wide open to every

one the privilege of possessing a common firearm, and the dangers inherent in such a condition are enormous.

During the discussion on the bill the old arguments were brought out regarding the dangers to people on the border areas because of raids, a condition which requires that people should be adequately trained in the use of firearms so that they can defend themselves in times of emergency. There were also stressed the losses which cultivators in rural areas suffer from the depredations of wild animals, and that firearms are needed in greater quantity to safeguard property. As to the first the consequences can be serious. The Government maintains an efficient army for the defence of the borders of India and any trained soldier will at once warn against interference by undisciplined armed mobs with the functions which it has to perform. As for the other, it has been pressed so often in the past that the uncontrolled possession of firearms has led to serious depletion of the fauna of the country, and that greater control should be exercised than before. Again, if anyone is to be able to possess a shot-gun, and that is likely to be the meaning of the more common arms, indiscriminate hunting in the form of poaching, is likely to increase.

Other laws may stipulate conditions regarding the use of fire-arms, or even of all kinds of other weapons, and the penalties for infringement might be severe, but by liberalising conditions for possession of arms it will tend to let loose a "trigger happy" mentality. There is no need for the possession of lethal weapons of any kind in a law-abiding country, and instead of making such possession easier, the Government should prohibit the possession and use of all such weapons, and exercise the strictest control over the issue of licences of any kind. Fire-arms or even other kinds of arms, do not ensure security, and as the Prime Minister said with reference to border areas, indiscriminate distribution might possibly endanger security. The same might be said of every place in the country. The Select Committee might well recommend more stringent control rather than liberalisation.

APPENDIX VI

Rules for Recognition of Shikar Outfitters.

*(Issued by the Ministry of Transport and Communications,
Department of Tourism).*

1. The Ministry of Transport and Communications is the authority empowered to grant recognition to Shikar Outfitters. Subject to the provision of Rule 10 below, the recognition granted will be valid for a period of three years from the date of recognition.
2. All applications for recognition shall be addressed to the Ministry of Transport and Communications (Department of Tourism) through the Divisional Forest Officer or the Game Warden, the District Magistrate and the State Government concerned.
3. The object of recognition shall be to develop the tourist industry in India.
4. Shikar Outfitters or Companies granted recognition shall be entitled to such facilities as may be granted by Government from time to time and shall abide by terms and condition including the furnishing of a Banker's indemnity to the satisfaction of the Ministry of Transport and Communications (Department of Tourism).
5. All applications for recognition shall be on Form No. I or II (copies enclosed) according as the applicants are individual shikar outfitters or companies.
6. No Company or Shikar Outfitter shall be granted recognition unless it or he has been engaged actively in handling shikar parties for at least a period of one year before the date of the application.
7. The Company or Shikar Outfitter may be required to furnish banker's guarantee. The amount of guarantee shall be decided by the Ministry of Transport and Communications (Department of Tourism) on the recommendation of the State Government concerned.
8. Companies or Shikar Outfitters granted recognition shall be subject to the rules and regulations prescribed by the

State Government concerned for shooting blocks, possession of licences, etc.

9. All recognised Shikar Outfitters or Companies shall furnish to the Ministry of Transport and Communications (Department of Tourism) and/or to the State Government concerned such statements as may be asked for from time to time in regard to Shikar parties actually handled and other relevant matters.
10. Any sort of misconduct on the part of and/or misuse of the facilities provided to recognised Shikar Outfitters will entail the withdrawal of recognition from them. The decision of the Government of India in the Ministry of Transport and Communications (Department of Tourism) will be final in this respect.

Explanatory Note Regarding the Procedure to be Observed in Recognising Shikar Outfitters.

Only the bona fide residents of India are eligible for the grant of recognition as Shikar Outfitters. The applicants should submit their applications to the Ministry of Transport and Communications (Department of Tourism), Government of India, New Delhi, through the Divisional Forest Officer or Game Warden, District Magistrate and the State Government concerned so as to reach the Divisional Forest Officer or Game Warden during March each year. The Divisional Forest Officer or Game Warden will give his remarks about the suitability or otherwise of the applications and pass the application to the District Magistrate concerned before 15th April. The District Magistrate will verify the antecedents and character of the applicants and satisfy himself that there is nothing on the police record against them and that they are suitable for recognition in this respect. He will pass all the applications with his remarks to the Department of State Government concerned with the subject so as to reach the latter by the 15th May each year.

2. On receipt of the applications, the State Government concerned will, in consultation with the Chief Conservator of Forests or Wild Life Preservation Officer (as the case be), scrutinise them and see whether they comply with the Rules for

the Recognition of Shikar Outfitters (copy enclosed) and satisfy themselves about the bona fide and suitability of the applicants in all respects particularly their capability to conduct foreign shikar parties and to make necessary arrangements for them.

The State Government concerned will withhold such applications as apparently do not fulfil the conditions laid down in the Rules and inform the applicants concerned to this effect giving very briefly the reason therefor.

The other applications (including those containing adverse remarks of the District Magistrate) will be forwarded by them to the Director General, Ministry of Transport & Communications, Department of Tourism, Government of India, New Delhi with their recommendations so as to reach the Director General before the 1st July each year.

3. The Ministry of Transport and Communications, Department of Tourism will finally examine the applications and see that they fulfil the conditions prescribed in the Rules and grant recognition only to those applicants who are found suitable in all respects and who have been recommended by the State Governments concerned. On or soon after the 1st September each year, the Government of India will notify the names of those applicants who have been approved by them as Shikar Outfitters to all concerned.

An intimation to the applicants whose applications are rejected by the Government of India will be sent to the State Government concerned who will inform the candidates concerned of the result of their applications.

4. The applicants who have been given recognition will be given all reasonable facilities and co-operation in the matter of purchase of ammunition, fire-arms and grant of arms and shooting licences. They shall be able to lend their weapons covered by their licences for use by any foreign tourists accompanying them and having possession licences in Form XVI (now Form III) in respect of the arms and ammunition belonging to, lent to them by, the recognised outfitters.

5. In their own interest tourists should apply to the State Governments/Chief Conservator of Forest/Wild Life Preservation Officer or District Magistrate concerned through their travel agents or through the Regional Tourist Officer concerned for grant of permits for blocks, etc. well in advance of their trip.

the applications being signed by tourists themselves. Further in the case of Bombay State, an applicant for a game licence should first of all get himself registered with a District Magistrate or the Commissioner of Police, Bombay, on payment of a registration fee of Rs. 2 per arm and then submit his application for game licence. As regards payment of fee for licences and permits and the collection of licences and permits tourists are advised to give clear instructions in their applications for shooting licences as well as to their travel agents separately regarding payment of fee and collection of licences.

6. As foreign tourists may not have full knowledge of the procedure in this respect, sometimes it may happen that permits are applied for at a short notice. In such cases also the Government officials concerned should give as much cooperation as possible to the recognised shikar outfitters. In the case of Himachal Pradesh, applications for combined licences for game, both in areas under the Indian Forest Act and outside it, should, to avoid delay, be made to the Chief Conservator of Forests, Himachal Pradesh, Simla.

7. The Forest Officer or any other officers in charge of the blocks for which shooting licences have been issued to foreign tourists shall be responsible for ensuring that the licences or permits issued are not used by persons other than those for whom they are intended. In case any misuse is detected the permit or licence should be cancelled forthwith and a report made immediately to the proper authorities for necessary action against the agents or persons concerned.

APPLICATION FORM NO. I

(For use by individual Shikar Outfitters only vide rule 5 of the Rules for recognition of Shikar Outfitters.)

To

The Director General,
Ministry of Transport & Communications,
Department of Tourism, New Delhi.

Through Proper Channel.

Sir,

I request that I may kindly be granted recognition as Shikar Outfitter. Necessary particulars are given below:—

1. Name and address of Shikar Outfitter.
2. Year when the Shikar Outfitter concerned started business in the line.
3. Capital invested.
4. Names of Bankers.
5. Names of Auditors.
6. Particulars of other activities, if any, undertaken by the applicant.
7. Particulars of Shikar parties handled during the year immediately before the date of submission of application (showing foreign and internal parties handled separately together with the amount of money charged from each overseas party).
8. Headquarters of the Shikar Outfitters with branches, if any.
9. Particulars of staff employed at headquarters and branches.
10. Particulars of travel agents, if any, with whom tourist traffic business connections have been established.
11. Rates of charges fixed for a party of —
 - I. (a) 1 tourist who actually hunts
 - (b) 2 tourists who actually hunt
 - (c) 3 tourists who actually hunt
 - (d) 4 tourists who actually hunt
 - (e) 5 tourists who actually hunt
 - (f) more than 5 tourists who actually hunt
 - II. (a) 1 tourist who is merely a spectator with another hunter
 - (b) 2 tourists who are merely spectators with other hunter or hunters

- (c) 3 tourists who are merely spectators with other hunter or hunters
- (d) more than 3 tourists who are merely spectators with other hunter or hunters.

The charges should be shown with their breakups for various items, e.g., transport, board, lodging, beaters, etc.

- 12. The number and kinds of weapons, with their brief description available for lending to tourists.

Yours faithfully,

Dated.....19 ..

Signature of
applicant.

APPLICATION FORM NO. II

(For use by Shikar Companies or firms vide rule 5 of the Rules for recognition of Shikar Outfitters.)

To

The Director General,
Ministry of Transport & Communications,
Department of Tourism,
New Delhi.

Through Proper Channel.

Sir,

We request that we may kindly be granted recognition as Shikar Outfitters. Necessary particulars are given below:—

1. Name and address of the Company or firm.
2. Year when the Company or firm concerned started business in the line.
3. Capital invested.
4. Names of Directors.
5. Names of Bankers.
6. Names of Auditors.
7. Particulars of other activities, if any undertaken by the Company or firm.
8. Particulars of Shikar parties handled during

the year immediately before the date of submission of application (showing foreign and internal parties handled separately together with the amount of money charged from each overseas party).

9. Headquarters of the Company or firm, with Branches, if any.
10. Particulars of staff employed at Headquarters and branches.
11. Particulars of travel agents, if any, with whom tourist traffic business has been established.
12. Rates of charges fixed for a party of —
 - (I) (a) 1 tourist who actually hunts
 - (b) 2 tourists who actually hunt
 - (c) 3 tourists who actually hunt
 - (d) 4 tourists who actually hunt
 - (e) 5 tourists who actually hunt
 - (f) more than 5 tourists who actually hunt.
- (II) (a) 1 tourist who is merely a spectator with another hunter.
- (b) 2 tourists who are merely spectators with other hunter or hunters.
- (c) 3 tourists who are merely spectators with other hunter or hunters.
- (d) more than 3 tourists who are merely spectators with other hunter or hunters.

The charges should be shown with their breakups for various items, e.g., transport, board, lodging, beaters, etc.

13. The number and kinds of weapons, with their brief description, available for lending to tourists.

Yours faithfully,

Dated.....19 ..

(Signature of Applicant
with designation).

List of Recognised Shikar Outfitters

1. M/s Indian Shikar and Tours (P) Ltd.,
Jumna Bhawan, 3/41A, Asaf Ali Road,
New Delhi.
2. M/s Allwyn Cooper (P) Ltd.,
Wardha Road, Nagpur.
3. Shri Asaf Ali of Porla,
Porla, District Chanda, Bombay State.
4. M/s Jungleways,
Prop. Ltd. Col. S. A. H. Granville,
Pachmarhi, M.P.
5. Tiger Camps (P) Ltd.,
Dumri, P.O. Safdrangar,
Distt. Gorakhpur, U.P.
6. M/s Tigerland Shikare,
Dr. Franklyn Woods,
49, Danning Road, Jabalpur, M.P.
7. M/s Big & Small Game Hunting,
Prop. Thakur Dharamchandra,
Kesaragarh Castle, Jaipur, Rajasthan.
8. M/s Safaris India,
Prop. Mr. P. M. Dinshaw,
102, Simrole Road, Mhow.
9. M/s Shikarees,
Prop. Nawabzada M. F. Khan,
Bashirbagh Palace, Hyderabad.
10. Shri P. C. Dhir Birbar,
Prop. Shikar India,
Talcher, Dhankanal, Orissa.
11. M/s Hunters & Hunters,
202, Olympus Apartments, Altamount Road,
Bombay-26.
12. Rajput Hunters,
Kishangarh, Rajasthan.
13. Shri Umesh P. Verma,
P.O. Dewan-ji-Ka-Shikarpur, Champaran, Bihar.
14. Shri A. Imam,
"The Grove", P.O. Hazaribagh, Bihar.

15. Shri O. R. Lincoln,
255, Denning Road, Jabbalpur, M.P.
16. M/s Game Trails India,
P.B. No. 15, Bhopal (M.P.).
17. Kr. Keshavsen of Kharwa,
Kharwa House, P.O. Kharwa, Ajmer,
District Ajmer.

APPENDIX VII

(Extract from the Instructions issued by His Excellency the Commander-in-Chief under the Army Regulations.)

Rules relating to the possession of private arms by British Officers, Indian Commissioned Officers, Viceroy's Commissioned Officers, British and Indian Other Ranks.

650. Possession of private arms.—Personnel of the Army in India are allowed to possess private arms, in accordance with the following instructions, which are based on the authority of the Indian Arms Act.

The attention of all ranks in Indian Army units will be drawn to the instructions applicable to them in a similar manner to the instructions contained in Instruction 385.

651. General provisions.—The Indian Arms Act provides that any person disposing of arms, which he possesses for his own private use, to any other person not entitled by law to possess the same is liable to be punished with imprisonment, which may extend to seven years or with a fine or with both.

If any person wishes to dispose of arms and ammunition either by private sale, public auction or otherwise, he will ascertain that the prospective purchaser is a person entitled by law to possess them and is not a person who is, by any enactment for the time being in force, prohibited from possessing them. Except when the purchaser is a person entitled to possess arms or ammunition under the Indian Arms Act, section 27, the vendor will without unnecessary delay give to the Magistrate of the district or to the Officer-in-Charge of the nearest police station notice of the sale and of the purchaser's name and address.

In the case of an individual under the rank of an officer, the procedure will be conducted through the Officer Commanding the unit concerned.

Failure to comply with these instructions renders the vendor liable to be punished with imprisonment, which may extend to three years or with a fine or with both.

The arms which an officer or soldier is allowed to possess will not be of a class superior to that of the arm in use in the regular Army nor will it include weapons, the import of which is prohibited under the Indian Arms Rules, 1924, rule 7, clause (a), nor ammunition which can be fired from the same. No licence will be granted for the possession of rifles, pistols and revolvers specified in that clause unless such weapons have been lawfully imported into * * India. The private arms registers of all units will be checked annually by the station commander. Copies, together with a certificate that licenses exist for all arms shown thereon, will be sent annually to the district magistrate.

652. **Officers.**—Officers, other than Viceroy's Commissioned officers of the regular and auxiliary forces are allowed to possess fire-arms for the purpose of sport provided that before their purchase they take out a licence, on payment of fees for the possession of such weapons unless otherwise exempt.

653. **Viceroy's Commissioned Officers and Warrant Officers.**—Viceroy's Commissioned Officers and Indian Warrant Officers whether on the active list or retired and in receipt as such of a pension, if granted a licence to carry or possess arms and ammunition for their personal use, are exempt from the payment of any fee for such a licence, in Form XVI of Schedule VIII to the Indian Arms Rules, 1924.

If such an officer or Warrant Officer wishes to carry these arms and ammunition on a journey outside the area covered by the licence, he must obtain a licence in Form XX of that Schedule on payment of the prescribed fee.

654. **British Soldiers.**—A British Soldier of good character is allowed to possess firearms, not including pistols and revolvers, for purposes of sport, but a licence which will be granted free of all fees must be obtained prior to the purchase or possession of these arms. Applications for the grant of licence will be

made to the local licensing authority through the Officer Commanding the unit.

Fire-arms purchased by British soldiers will be inspected by the armourer sergeant or armament artificer, and passed by the Officer Commanding the unit. A register will be kept of all arms, in which will be recorded description, sale, and other disposals.

Private arms maintained for sporting purposes will be inspected monthly by the armourer sergeant or armament artificer. In cases where British Warrant Officers, Non-Commissioned Officers and men do not live in unit lines, the possession of private revolvers or pistols may be sanctioned by competent authority for self-protection. Licences for these arms must be obtained from the civil authorities. The private arms of soldiers who are not on the strength of a unit will be entered on the register of a unit appointed by the station commander.

655. **Swords of Viceroy's Commissioned Officers and Warrant Officers.**—Pass or licence is not required for the regimental swords of Viceroy's Commissioned Officers and Warrant Officers proceeding on leave or furlough if permission to carry them is entered on the furlough certificate.

656. **Purchase of arms by Viceroy's Commissioned Officers and I.O. Rs.**—A Viceroy's Commissioned Officer, or I.O.R. will not purchase arms or ammunition unless he has been furnished by his Commanding Officer or head of department with a written permit specifying, in the case of arms, the period for which it is valid, and, in the case of ammunition, the amount purchaseable on the occasion of each individual purchase, unless the arms and ammunition are purchased from a person entitled under the Indian Arms Act, 1878 (XI of 1878), and Indian Arms Rules, 1924, to possess or sell arms or ammunition, and unless the arms and ammunition so purchased by him and the arms and ammunition already possessed by him do not exceed the members authorized by these instructions.

657. **Indian Soldiers.**—An Indian soldier may, on the recommendation of his Commanding Officer, be given, at the discretion of the licensing authority, a licence, free of charge, to carry or possess for his personal use, one gun, one sword, dagger or knife, twenty cartridges or an equivalent quantity of powder, bullets or shot and caps. The conditions are that—

- (i) The soldier is of good character.
- (ii) The possession of arms and ammunition to which these instructions apply is immediately reported and their description entered in the private arms register maintained in the unit, extracts of which will be sent with the man's documents when he is transferred.
- (iii) All arms are kept in the armoury or bell-of-arms while the soldier is with his unit.
- (iv) The loss of arms or ammunition is immediately reported.
- (v) If he wishes to take his arms on furlough or leave, he obtains a pass from his Commanding Officer. The pass will be produced on return, together with the arms, to which it relates. The Commanding Officer will satisfy himself that the arms have not been changed. Failure to produce the arms or pass will be punished by deprivation of a pass for one year which should be communicated to the magistrate or political officer concerned. If an absentee is found in possession of arms and ammunition not covered by a pass, he will be made over to the military authorities for trial.
- (vi) The licence will only be valid for the period of colour service.

When recommending Viceroy's Commissioned Officers and I.O.Rs. to be granted licences, Commanding Officers will judge each case on its merits and not issue recommendations indiscriminately. The Commanding Officer will certify that the arms are required for sporting purposes or for the protection of crops. The date the applicant is due for discharge or transfer to the reserve will also be stated and, where discharge is imminent, whether the applicant will be eligible for a pension or not.

658. *Passes.*—Every pass will be granted by the Commanding Officer who will not delegate his authority. The pass will contain a full description of arms, with a record of their distinctive marks, and ammunition authorized by the pass and the parentage, religion, class, tribe and home of the holder of the pass.

The magistrate or political officer of the district in which the pass-holder intends to reside will be furnished with a dupli-

cate copy of the pass by the Commanding Officer in the case of men proceeding on leave on furlough. When passes are cancelled or withdrawn, the civil officer will be informed.

A pass will not be granted to a Viceroy's Commissioned Officer or I.O.R. whose home is situated beyond the North-West Frontier unless he has obtained from his clansmen in the unit, a deposited security to the full transfrontier value for the return of any arms which it is proposed to take away. The Brigade Commander will decide what is the trans-frontier value of any arm.

659. Disposal of Arms near the Frontier.—A Viceroy's Commissioned Officer or I.O.R. will not, unless authorized by his Commanding Officer, give, sell or otherwise transfer any arms to which these instructions apply, to an Indian whose home is situated in or beyond the North-West Frontier Province.

660. Forfeiture of Security.—When an arm, for which security has been deposited, and a pass granted, is not returned the security will be forfeited and the clansmen of the defaulter will, for a period not exceeding two years, be precluded from taking arms on furlough. These cases will be reported to the District Commander.

661. Special Exporting Licences.—An I.O.R. possessing at the time of his discharge a weapon requiring a licence, will be warned, if his home is situated beyond the limits of British India, that he must obtain through his C.O., an export licence. Applications for export licences will be forwarded by C.Os. to the Government of India (External Affairs Dept.) through the C.G.S. An export licence is not required for a kukri owned by a Gurkha proceeding to Nepal.

No export licence will be granted to a trans-frontier tribesman except for arms certified by his C.O. to have been brought from his home on enlistment.

662. Reservists and Pensioners.—An I.O.R. before transfer to the reserve or pension establishment, wishing to retain his private arms, subject to the extent specified in Instruction 651 will fill in a form in triplicate and give a full description of the arms in respect of which he desires exemption from payment of licence fees. His Commanding Officer will endorse his recommendation on all three forms and will give one copy to

the soldier before he leaves the unit, and despatch one copy to the civil officer concerned. The third copy will be kept in the unit for record. The licensing authority has full discretion to grant or refuse a licence.

663. Renewals of licences, reservists and pensioners.—In application by a reservist or pensioner for the renewal of a licence, free of licence fee, will be submitted direct to the civil authority.

664. First Licences, Reservists and Pensioners.—An ex-soldier does not receive preferential treatment as regards the grant of an arms licence, when his first application is made after leaving the colours. He does, however, enjoy the privilege of recommendation from his Commanding Officer for continuance or renewal of a licence, exempt from fee, for arms, for which he has already obtained a licence, while with the colours.

665. Reservists' and Pensioners' Offences.—Offences under the Arms Act and Rules, committed by reservists and pensioners, will be dealt with in the ordinary manner, by the civil authorities.

666. Loss of Arms, Reservists and Pensioners.—Every soldier before transfer to the reserve or pension establishment and every reservist before returning home after training, will be warned by his Commanding Officer that he must report the loss or theft of any arms covered by his licence, to the nearest police station as required by the conditions on the licence form.

667. Passes for Reservists and Discharged Soldiers.—Soldiers and reservists on leaving the Army cannot be granted arms passes and any such passes will be withdrawn from them.

668. Sikh Kirpans.—All kirpans possessed or carried by Sikhs, while serving in the Army are exempt from the operation of the Indian Arms Act, 1878, and the Indian Arms Rules, 1924; provided that they conform to the measurements laid down which is a maximum length of blade of nine inches and a maximum width of one and a half inches.

669. Authorized Arms.—The Indian Arms Act does not apply to the bearing or possession of arms in the course of duty. The following are the arms authorized to be borne or possessed by officers :

- (i) **Officers other than the Viceroy's Commissioned Officers.**—Two swords, one field service pattern and one full dress (when so required by Dress Regulations); two revolvers or two pistols or one revolver and one pistol of any pattern but one must take Government ammunition of .455 and one dirk and skeen dhu for Highland Regiments only.
- (ii) **Viceroy's Commissioned Officers.**—Two swords, one field service pattern and one full dress (when so required by Dress Regulations); one revolver Webley .455 bore and one kukri for Gurkha Viceroy's Commissioned Officers and those of the 18th Royal Garhwal Rifles only.

APPENDIX VIII

* THE TOURIST BAGGAGE RULES, 1958

Ministry of Finance
(Central Board of Revenue)
(Customs)

Notification

No. 225—In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (8 of 1878) as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following rules for passing free of import duty, baggage landed at Customs Sea Ports by tourists from foreign ports, namely:—

1. **Short title, commencement and application.**—(1) These rules may be called the Tourist Baggage Rules, 1958.
- (2) They shall come into force on the 3rd August, 1958.
- (3) These rules shall not apply to persons coming from Pakistan and the Portuguese possessions in India.

* Published in Part II, section 3(ii) of the Gazette of India (Extraordinary) dated the 3rd August, 1958.

Note:—According to rule 5 of the Passengers (Non-Tourist) Baggage Rules, 1957, arms and ammunition belonging to a non-tourist shall not be passed free as baggage, but shall be charged to duty.

2. **Interpretation.**—For the purpose of these rules, the term 'tourist' means any person not normally resident in India, who enters India for a stay of not less than twenty-four hours and not more than six months in the course of any twelve months period, for legitimate non-immigrant purposes, such as touring, recreation, sports, health, family reasons, study, religious pilgrimages or business.

3. **Exemption from customs duty for personal effects imported temporarily.**—(1) Subject to the other conditions laid down in these rules, the personal effects imported by a tourist shall be allowed to be imported temporarily free of import duty, provided that they are for the personal use of the tourist, are carried on the person of or in the luggage accompanying the tourist, that there is no reason to fear abuse, and that these personal effects are re-imported by the tourist on his leaving India or the State of Pondicherry for a foreign destination.

Explanation : The term "personal effects" means all clothing and other articles new or used which a tourist may personally and reasonably require, taking into account all the circumstances of his visit, but excluding all merchandise imported for commercial purposes, and includes—

- (i) personal jewellery;
- (ii) one camera with twelve plates or five rolls of film;
- (iii) one miniature cinematograph camera with two reels of film;
- (iv) one pair of binoculars;
- (v) one portable musical instrument;
- (vi) one portable gramophone with ten records;
- (vii) one portable sound-recording apparatus;
- (viii) one portable wireless receiving set;
- (ix) one portable typewriter;
- (x) one perambulator;
- (xi) one tent and other camping equipment;
- (xii) sports equipment such as one fishing outfit, *one sporting firearm with fifty cartridges, one non-powered

* This limit was subsequently raised to 3 sporting fire-arms without any guarantee but subject to the entry in the re-export form vide C.B.R. letter No. F. 9/36/61-Cus. VI, dated 16th November 1961.

bicycle, one canoe or kayak less than 5½ metres long, one pair of skis, two tennis rackets.

(2) Subject to the other conditions laid down in these rules, a tourist shall be allowed to import free of customs duty the following articles for his personal use, provided that these articles are carried on the person of or in the hand luggage accompanying the tourist, and there is no reason to fear abuse :—

- (i) cigarettes 200, cigars 50, tobacco 250 grammes;
- (ii) one regular size bottle of wine and quarter litre of spirit;
- (iii) one-quarter litre of toilet water, a small quantity of perfume, and medicines in reasonable quantities.

4. **Exemption from customs duty for travel souvenirs imported temporarily.**—In addition to the articles specified in rule 3, a tourist may also be allowed to import temporarily free of customs duty travel souvenirs for a total value not exceeding Rs. 250/- provided that such souvenirs are carried on the person of or in the luggage accompanying the tourists, they are not intended for commercial purposes, and they are re-exported by the tourist on his leaving India or the State of Pondicherry for a foreign destination.

5. **Undertaking to be given to customs authorities in certain cases.**—(1) Notwithstanding the provisions of rules 3 and 4, no article of a high value such as sound-recording apparatus, wireless receiving sets, and the like shall be passed free of customs duty unless the tourist gives an undertaking in writing to the Customs Collector to re-export it out of India or the State of Pondicherry on his leaving India or the said State for a foreign destination or, on his failure to so re-export to pay up the Customs duty leviable thereon.

(2) Every tourist shall be given on arrival and after the examination of his baggage, list of articles of high value brought by him signed by the Customs Officer who examines his baggage. If no such article of high value is imported, a nil list, similarly signed shall be given. Unless the list is produced by the tourist to the Customs Officer at the time of examination of his baggage on his departure from India or the State of

Pondicherry for a foreign destination along with the articles, if any listed therein, his baggage may not be allowed clearance through the Customs for export.

6. **Provision regarding unaccompanied baggage.**—Notwithstanding anything to the contrary in the foregoing rules, bonafide baggage and goods eligible for the concessions under the foregoing provisions and landed at any Customs port within two months before or after the arrival of the tourist in India, may be passed subject to the condition applicable to baggage accompanying a tourist, provided the Customs Collector is satisfied that they could not be brought along with the tourist due to reasons entirely beyond his control.

7. **Refusal of exemption in certain cases.**—Notwithstanding anything contained in these rules, the Customs Collector may refuse to a tourist exemptions granted by these rules in any of the following cases namely :—

- (a) when the total quantity of a commodity imported by a tourist exceeds substantially the limit laid down in these rules;
- (b) when the tourist enters India or the State of Pondicherry more than once a month;
- (c) when the tourist is under 17 years of age.

8. The Tourist Baggage Rules, 1957, and the rules published with the Central Board of Revenue Notification No. 31—Customs, dated the 30th August, 1930, as amended from time to time (for passing free of import duty baggage landed at Customs ports by passengers from foreign ports in Ceylon) in so far as these latter rules relate to matters covered by these rules, are hereby repealed except as respects things done or omitted to be done. (No. 225/F. No. 9/8/57-Cus. VI.)

APPENDIX IX

Extracts of certain important provisions in the Local Rules and Orders of some State Governments.

I — BOMBAY.

6. **Importation of arms as personal baggage.**—(1) Rules regulating the procedure to be followed in Bombay when arms are brought by travellers into India for their own private use :—

- (1) The Collector of Customs will, under section 6 of the Indian Arms Act, 1878, detain all fire-arms not covered by licence produced by the owner.
- (2) He may likewise, if there are reasonable grounds for suspicion, under the same section, detain fire-arms ostensibly possessed under proper authority.
- (3) When arms are detained under rule 1, he will give a receipt to the owner describing the particulars of the weapon; when under rule 2, he will report the facts to Government for orders under section 6 of the Act.
- (4) The owner in the former case will apply for a possession licence, filing his receipt with the application, to the Commissioner of Police, Bombay, if he is going to reside in the city of Bombay. If he is going to reside elsewhere he will apply to the Commissioner of Police, Bombay, for a journey licence to his place of residence.
- (5) The licensing authority will then dispose of the application, inspecting the weapon, if it wishes to at the Customs Office.
- (6) On receipt of his licence, if it is granted, the owner will present it at the Customs Office, and the receipt of his weapon.
- (7) When the owner cannot spare the time to get a journey licence from the Commissioner of Police, Bombay, he will after reaching his destination, apply to the local district magistrate for a possession licence for the weapon, filing his Customs receipt. On receipt of the licence he will forward it to a licensed dealer or forwarding agent recognised by the Collector of Customs, Bombay, with an order authorising the dealer or agent to take delivery of the weapon from the Custom Office and to forward it to him at his expense. The Customs authorities shall deliver up the weapon to the dealer or agent on production of the owner's licence and the letter of authority.

(2) Importation of arms by sea as unaccompanied luggage by travellers arriving by air.—The above rule regulating the procedure to be followed when arms are brought by travellers into India for their own private use by sea apply also in the

case of travellers arriving by air. When a traveller who does not hold a licence to possess firearms in India arrives in this country by air, he should obtain a licence from the district magistrate of the district to which he goes, for any weapons which he is importing separately by sea into Bombay, as unaccompanied luggage. He should then send that licence to his agent in Bombay. The Agent can then produce the licence and take delivery of the weapons. The weapons cannot be delivered to the owner's agent, except on the production of a licence; and only the owner of the weapon can obtain a licence for it.

(3) **Temporary retention of Visitors' Arms by the Customs Authorities in Bombay.**—Visitors to India, who finding on arrival at the port of Bombay that the expense and formalities required in order to carry arms with them in this country are out of all proportion to the need of the arms themselves, frequently surrender them temporarily to the Customs Department. The Collector of Customs thereupon confiscates the arms under section 167 (8) of the Sea Customs Act but allows them to be redeemed within a reasonable time on payment of a nominal penalty when the owner leaves India. The Government of India have ruled that the Customs authorities in Bombay should not "confiscate" the arms but merely retain them and hand them back to the visitors when they leave India.

(4) **Temporary licence.**—The Arms Rules contain a licence in Form XVII (now Form VIII) permitting a bona fide traveller proceeding from a port of arrival in India to his place of destination to possess arms and ammunition in reasonable quantities during the period of the journey. If the port of arrival is Bombay, the licence can be granted by the Commissioner of Police. No such licence shall, however, be granted in the case of rifles of .303 bore or muskets of .410 bore, or pistols and revolvers of .441, .455 or any intermediate bore or of .38 bore or of 9 m.m. calibre and ammunition for them.

7. **Importation of arms by Foreign Military Officers.**—According to arrangements made, officers and non-commissioned officers of foreign armies will attend courses of instructions at Army Schools of Instruction in India. In order to assist such officers, the Government of India have decided that on arrival

at Bombay they should be allowed to import the arms which they may bring with them without a licence.

17. ***Transit of Arms from one part of India to another through Pakistan.**—An English-man who wanted to visit India on business desired to bring with him a .12 bore gun and to carry it, on landing in Bombay, to Calcutta and thence to take it through Eastern Pakistan to another part of India into the South Lushai Hills. He was advised by the Government of India to obtain, in accordance with the provisions of rules 8(a) and 31(a) of the Indian Arms Rules, licences from the Commissioner of Police, Bombay, for the importation and possession of the gun and then to approach the Government of India, giving particulars of the weapon, the rounds of ammunition desired to be taken and the route through which it was intended to pass, for an export licence in Form VI to the Arms Rules for the transit of the gun and the rounds of ammunition through the Eastern Pakistan.

18. **Articles in transit to foreign territories through the Indian Post Office.**—The transmission of arms or ammunition in foreign postal articles forwarded by other postal administrations in open transit (a *decouvert*) through the Indian Post Office is prohibited. Articles of this class should be returned to the country of origin. Transit articles of the foreign mail, the contents of which although falling under the head of "arms or ammunition" as defined in the Indian Arms Act are in themselves quite harmless, may, however, at the discretion of the Postmaster General be transmitted to their destinations.

19. **Transmission of arms through the Post.**—Any person in India entitled by virtue of a licence or exemption to transport or export arms, whether to a place in any of the States in India or elsewhere, is free to use the medium of the post office to effect the transmission or export. Under clause 96(5) of the Post and Telegraph Guide, however, no sharp instrument e.g., a sword, can be transmitted through the Post unless it is properly protected.

20. **Trans-shipment of arms and ammunition to foreign ports.**—A case occurred in which a passenger who arrived in

* The Government of India have since prescribed a comprehensive licence (now in Form XXII) for the purpose.

Bombay by S. S. 'Khandalla' declared that he was a passenger to Goa and that his baggage should be allowed to be trans-shipped to Goa. His baggage was examined with a view to detain the dutiable articles for direct trans-shipment to Goa. Before the examination of his baggage, the passenger denied the possession of any arms or ammunition but confessed later, when one of his trunks was about to be opened by the Customs Officer, that he had a revolver and cartridges. The question was then raised whether arms brought into India and declared to be for the trans-shipment to a foreign territory were exempted under Schedule III appended to the Indian Arms Rules, 1951. The Customs authorities reported that in practice no manifest was filed in respect of firearms, etc., brought by passengers as accompanied baggage and that they had only the passenger's statement to rely on. On this case being reported to the Government of India, that Government ruled that the exemption under Schedule III appended to the Indian Arms Rules could not apply as the arms were neither landed in bond nor declared under manifest, and technically therefore both a licence for import and subsequent re-export was necessary. In view, however, of the practice obtaining in cases of this kind in Bombay, Calcutta and Madras which appear to offer adequate safeguards against such weapons being retained in India, the Government of India do not consider it necessary that travellers trans-shipping from foreign ports should ordinarily be required to take out licences.

25. Certificate of exemption.—Facilities should be afforded to exempted persons, when proceeding with arms beyond the limits of their own State for obtaining certificates of exemption from the authorities of the district to which they belong. It should be clearly understood that exempted persons cannot be obliged to provide themselves with such certificates, and the object of issuing them is to afford to their holders a ready means of proving their identity if their right to carry arms should be challenged by the authorities of another State in which they may be unknown. It would still be open to persons claiming to have been exempted to prove the fact of exemption, or to establish their identity, by any other means which they might choose to adopt; but certificates of exemption, if

applied for by exempted persons, should invariably, be given by the District Magistrate or the Commissioner of Police.

25A. Exempted persons and prohibited bore weapons.—A point was raised whether persons exempted under Schedule I appended to the Arms Rules and allowed to possess prohibited bore weapons lawfully imported into India should be at liberty to acquire and possess prohibited bore weapons without any restriction or whether they should be allowed to hold only a limited number of such weapons. The Government of India ruled that the exempted persons hold all their personal arms by virtue of the exemption enjoyed by them under Schedule I to the Arms Rules and not under licences, that the exemption entitles them to hold all their personal arms including lawfully imported prohibited bore weapons and that there can, therefore, be no objection of any limit being imposed on the prohibited bore weapons possessed by the exempted persons.

27. Registration of arms forming part of equipment of and privately owned by Government servants.—With a view to exercising control on the firearms which are possessed by Government officers in the State of Bombay without a licence as part of their equipment the Government of Bombay have issued the following instructions :—

- (1) The Commissioner of Police, Bombay, and the District Magistrate shall maintain in the sub-joined form a register of all private fire-arms held by Government officers, within their respective jurisdictions, as part of their equipment, without a licence.
- (2) In the case of an officer of the Indian Police Service who is authorised to keep two revolvers or pistols or in the case of a Deputy Superintendent of Police who is authorised to keep one regulation pattern revolver, particulars of the weapons shall be registered by the Officer with the Commissioner of Police, Bombay, or the District Magistrate of the district, as the case may be, in whose jurisdiction he is posted on appointment or transfer, within 15 days from the date of his assuming charge of his office or in the district concerned.

- (3) The officers mentioned below who are permitted to keep privately owned firearms of the type, specified against them, as part of their equipment without a licence, shall register their firearms with the Commissioner of Police, Bombay, or the District Magistrate of the district, as the case may be, in whose jurisdiction they are posted (on appointment or transfer) within the aforesaid time limit of 15 days.
- | | |
|--|-----------------------|
| (a) Police Officers other than mentioned in (2) | Revolvers or pistols. |
| (b) Shikar Officers in the Department of Agriculture | Rifles. |
- (4) Every such officer shall produce the weapon or weapons to be so registered before the registering authority for inspection and verification, if required by the said authority either at the time of registration or whenever called upon to do so during the period the weapon is registered with him.
- (5) Every such officer shall, on the loss or theft of any such weapon or weapons, forthwith report the occurrence at the nearest police station as well as to the last registering authority.
- (6) Every such officer immediately on retirement from service or while in service wishing to dispose of his weapon shall—
- if the arms are of prohibited bores, return them to Government arsenal or deposit them with the nearest police station for being returned to the arsenal;
 - if the arms are not of prohibited bores and were imported without payment of Customs duty present them first to the Customs authorities at the nearest Customs House for reclassification and payment of the Customs duty. He may thereafter apply to the proper licensing authority for licence or

permission to retain the weapon or weapons as a private individual or to dispose of the same to an authorised person after reporting to the registering authority the full name and address of the purchaser and the authority under which he is entitled to possess the same. In case it can be proved to the satisfaction of the licensing authority that the Customs duty has already been paid on the weapon, there is no necessity for such officer, to re-declare the weapon to the Customs authorities but he should deposit the weapon at the nearest police station immediately on retirement and then apply to the proper licensing authority for a licence for its retention or for permission to dispose of the same to an authorised person.

Any such officer failing to comply with any of the requirements of these instructions shall be liable to be dealt with departmentally.

Form of Registration

S. No.	Date	Name & designation.	Type of fire-arm.
1	2	3	4
Description of the fire-arm No, bore, make etc.)	The date of transfer from the district.	The date on which the arm is lost or stolen.	Disposal of the firearms on retirement etc.
5	6	7	8

33. **Arms possessed by Municipal servants.**—Municipality is not exempt from the provisions of the Arms Act. Certain officers of the Municipality are public servants, but a Municipality, as a corporate body, is not a public servant (I.L.R. 3 Cal. 758) and therefore section 1(b) of the Arms Act does not apply to a Municipality. Moreover it would not be in the course of the duty of those Municipal Officers who are public servants to possess or bear arms, and those officers would not come within the exemption in section 1(b).

BOMBAY

39. **Officers granted licences free of fee under entry (4) of Schedule VII.**—(1) All Deputy Superintendents, Superintendents of Police in Greater Bombay, Inspectors of Police, Deputy Inspectors of Police in Greater Bombay and Sub-Inspector of Police are permitted in the public interest to possess a revolver or pistol in addition to the regulation revolver or pistol forming part of their equipment. [Government Notn., Home Department (Political), No. 1146—Poll, dated 26-4-1932.]

(2) The mail overseer of the Mamdapur-Yadvad line in the Belgaum Postal Division while on duty in respect of a gun. (Government Notn., Home Department, No. 141—Poll, dated 19-1-1932.)

(3) The Executive Officer of the Ahmedabad Cantonment in respect of a gun and ammunition for it. (Govt. Notn., No. 2236—Poll, dated 6-11-1929.)

(4) The Superintendents of Fisheries, Ratnagiri and Karwar, in respect of a harpoon gun for porpoise shooting. (Govt. letter, Development Department, No. 273/16868-B, dated 27-6-1950.)

42. **Entry of retainers' names in free of fee arms Licences in Form XVI (now Form III).**—A retired Subedar from the Army who held a gun licence free of fee valid for his life time in accordance with the Arms Rules * * * applied to a licensing authority for entering the names of both his sons in the licence as retainers. On a reference from the licensing authority on the point whether this could be done, Government ruled that a free licence in Form XVI is a special concession allowed for the life time of persons who previously enjoyed the privilege of exemption and that the concession cannot be extended to

the two sons of the retired Subedar by the inclusion of their names in the licence. (Bombay Arms Act Manual, 1954 edition.)

PART III

Restrictions on Arms and Ammunition

45. Certain types of arms, ammunition and military stores which are excluded from the operation of the prohibitions or directions contained in the Arms Act, 1878, and the extent to which they are excluded.—The question whether or not a particular implement or article is an arm or ammunition for the purpose of section 4 of the Arms Act, 1878 depends upon the facts of each case. Sights for rifles and guns should be regarded as parts of arms within the meaning of the Act. Similarly, gun barrels and nipples in serviceable condition have been held to be arms under section 4 of the Act.

Certain appliances or articles in respect of which it has been held that they are not subject to any prohibition or direction contained in the Arms Act, 1878 are described below:—

- (1) **Amorces.**—Amorces or caps used for toy guns or pistols are excluded from the operation of any prohibition or direction contained in the Indian Arms Act, 1878 as they are excluded from the definition of "ammunition". (Govt. Resolution, Judicial Deptt. No. 2641, dated the 13th April 1896).

- (2) **Fog Signals.**—Fog signals are not ammunition within the meaning of section 4 of the Arms Act.

Verrey Pistols.—Verrey pistols which are used for firing signals and illuminating cartridges are covered by item (vii) in col. 2 of entry 2 of Schedule II to the Arms Rules, 1951. Consequently no licence for the possession or use of such pistols required for the purpose of navigation or operation of aircraft is necessary. (M.H.A. letter No. 686-D/51-Police (1), dated 14-2-1951).

Schermuly Pistol.—Signal pistols known as Schermuly Pistol Rocket Apparatus which are used for the purpose of firing distress signals and life lines by sea-going vessels and air operators do not fall within the definition

of 'arms' given in section 4 of the Arms Act. (M.H.A. letter No. 9/10/50-Police (I), dated 7-3-1950).

- (3) **Lead Cutting Swords.**—Lead cutting swords imported by Indian Cavalry Regiments for instructional purposes are under section 1(b) of the Indian Arms Act, 1878, exempt from the operation of the Arms Act and Rules. (Govt. Resolution, Judicial Deptt. No. 3295, dated the 26th April 1897.)
- (4) **Humane Cattle Killers and their Ammunition.**—'Humane Cattle Killers' are not arms for the purposes of the Arms Act, 1878. Cartridges used with 'humane cattle killers' are not ammunition for the purposes of the said Act unless they are capable of being used in fire-arms as well as in humane cattle killers. (Govt. Resolutions, Home Department, No. 1664-Poll, dated the 28th September 1928 and No. 146-Poll, dated the 20th January 1939.)
- (5) **Leaden Bullets and Bird Shot.**—Leaden Bullets and Bird Shot are exempted from the operation of all the prohibitions and directions contained in the Arms Act, 1878 in quantities not exceeding 1 cwt. in the State of Bombay. (Govt. Resolution, Home Department, No. 1235, dated the 20th July, 30th August 1925).

Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) is exempted up to any quantity from the operation of all the prohibitions and directions contained in the Arms Act, 1878 in the State of Bombay.

- (6) **Sulphur.**—Sulphur which is an item of 'military stores'¹ is exempt to an unlimited extent in the State of Bombay.
- (7) **Saltpetre.**—Saltpetre which is an item of 'military stores' is exempt to an unlimited extent in the State of Bombay.
- (8) (a) **Fuses for blasting, detonators and other explosives.**—Fuses for blasting (safety or otherwise), tubes for firing explosives, detonators and other explosives not being of the 6th (ammunition) class as defined in Schedule I to the Explosives Rules, 1940, are exempt in the State of Bombay

¹ Now 'ingredients of ammunition' under the Arms Rules, 1962, vide M.H.A. notification No. 15/13/59 II-P-IV, dt. 13-7-1962.

from all the prohibitions and directions contained in the Arms Act, 1878 except those relating to export.

- (b) **Gunpowder Cartridges and Percussion Caps for blasting purposes.**—(1) Cartridges made with gunpowder and not containing their own means of ignition and containing in all not more than 30 pounds of gun powder and (2) percussion caps intended *bonafide* for private blasting purposes are exempt in the State of Bombay from the prohibition contained in section 14 of the Arms Act, 1878. Accordingly they can be possessed without a licence.
- (9) **Life Preservers.**—The weapon known as "Life Preserver" is obviously an exceedingly effective weapon both of offence and defence and is neither intended or adapted for use otherwise than as a weapon. The Government of India have not considered it advisable to define the circumstances in which an article described as a life preserver will be an arm for the purposes of the Arms Act, as the term may include anything from a short bludgeon, or a piece of lead piping, to a murderous weapon. The Government of India in forwarding the following description of the life Preserver as published by the Government of Madras in their Police Gazette dated the 12th July 1930, have left it to the State Government to judge each type on its own merits.

Description.—The "Life Preserver" consists of a nickel-plated iron socket $6\frac{1}{2}$ inches long and $7/8$ inch in diameter inside which are two coils of springs, also nickel-plated, which open out in the manner of a telescope. The outer coil is $4\frac{1}{2}$ inches long and $6/8$ inch in diameter and the inner coil including the conical metallic knob at the end is $5\frac{1}{4}$ inches long and $3/8$ inch in diameter. The knob is $7/8$ inch long and $6/8$ inch in diameter at its wider end. When not in use the two coils are kept in position by an adjustable metallic cover attached to the open end of the socket. When this cover is pushed aside and the socket swung forcibly, the spring coils are projected forward and when so extended the weapon is $16\frac{1}{4}$ inches long and provides an effective club.

The Bombay Government have issued instructions that "Life Preservers" which approximate to the description given above should be considered to be "arms" for the purposes of the Arms

Act and that all other weapons termed "Life Preserver" should be considered as "arms" if they are deadly weapons of offence and defence. They have not, however, retained at present any prohibition or direction contained in the Arms Act on life preservers such as "Zipe", Steel Baton, Steel Hunter and similar type. (Government Resolution, Home Department, No. 4682-Poll, dated the 7th November 1930 and Government Notification, Home Department, No. 4701/5, dated the 14th April 1948.)

(10) **Splitters.**—A splitter is a German bayonet attached by a screw to an iron scabbard. This is made a dangerous weapon by the removal of the screw. As, however, the Bombay Government have not at present retained any restrictions on bayonets, splitters can be possessed, carried or sold without a licence in the State of Bombay.

(11) **Obsolete² and Unserviceable Arms, Ornamental Arms, Curios, Trophies, etc.**—Cannon and fire-arms which are obsolete, unserviceable and of purely antiquarian value or which are in the possession of a regiment or military mess as trophies or curiosities or which are otherwise solely for purposes of ornament or display are exempted from all the prohibitions and directions contained in the Arms Act, 1878 in the State of Bombay.

46. Certain types of arms, ammunition or military stores which come under the definition of 'arms', 'ammunition,' or 'military stores' and hence subject to the restrictions under the Arms Act :—

(1) **'Stop' and 'E.M.G.E.' pistols.**—The burglar alarm contrivance known as 'stop' and 'E.M.G.E.' pistols of .22, .320 bores and the cartridges and caps used for them are included within the meaning of section 4 of the Indian Arms Act, 1878 and are subject to all the prohibitions and directions contained in the Act and the rules framed thereunder. (Government Resolutions, Home Department, No. 645-Poll, dated the 26th February 1931 and No. 857-Poll, dated the 22nd June 1934.)

² See also s. 45(c) of the Arms Act, 1959.

- (2) **Stylograph (pistol) Pencils, Walking Stick Guns, Hand Gas Grenades and Riot Pistols.**—Applications for the importation or possession of weapons such as stylograph (pistol) Pencil and its ammunition, Walking Stick Guns, Gas Hand Grenades, Riot Pistols and all other appliances designed for the discharge of gas, including pistols, pistol pens, pistol pencils, grenades, cartridges, etc., should be refused. The stylograph pistol can be used for firing a shot cartridge and can also take the standard .320 revolver ball cartridge. The cartridges supplied with the pistol are loaded with 47 grains of smokeless powder and a glutinous bag containing a virulent liquid tear gas. (Government Resolution, Home Department, No. 2510-Poll, dated the 1st October 1931, No. 2245-Poll, dated the 26th August 1932, No. 415-Poll, dated the 12th March 1929, and No. 482-Poll, dated the 25th April 1936.)
- (3) **Ithaca Auto and Burglar Gun.**—This gun is a .20 bore DBBL hammerless fire-arm, firing either shot or ball cartridges, has a pistol grip and a 10 inches barrel, the total length being about 18 inches. In some States this weapon has been classed as a pistol and in others, a gun. In order to secure uniformity of practice, the Government of India have decided that the weapon should be classed as a pistol in all States and that all the restrictions in regard to the ordinary pistols and revolvers should apply to it. (Government Resolution, Home Department, No. 2499-Poll, dated the 8th November 1927.)
- (4) **H. and R. Handy Gun.**—This firearm is similar to the Ithaca Auto Burglar Gun. Its trade name is 'H. and R. Handy Gun', and it is manufactured by the Harrington and Richardson Arms Co., Worcester Mass. U.S.A. It is single barrel .410 (12 mm.) bore breach loading central fire pistol 12½ inches long including the barrel which is 8 inches long. The cartridges used are 2 inches long of the shot gun type filled with No. 8 shot but the latter could easily be replaced by a solid lead bullet. The Government of India have decided that this fire-arm and similar weapons should be classed as pistols and that all the restrictions in force in regard to the ordinary pistols and

- revolvers should apply. (Government Resolution, Home Department, No. 1342-Poll, dated the 30th July 1929.)
- (5) **New Remington Industrial Gun.**—This gun is a part of cement making machinery and the Government of India have ruled that it falls within the purview of the Arms Act and Rules so far as its import and possession are concerned. A licence in Form II for its import and a licence in Form XIV for its possession should be granted. (M.H.A. letter No. 9/58/49-Police (I), dated the 25th July 1949.)
- (6) **Powder Start Cartridges.**—These cartridges are used for starting the engines of tractors during winter or when tractors are lying idle for a considerable time. They have been made up of gun powder and percussion caps and are found to be of .12 bore. And they can also be made use of in a firearm, they are subject to the prohibitions and directions contained in the Arms Act and Rules. A licence for the storage and sale of such cartridges should be granted in Form X in Schedule VIII to the Arms Rules, 1951 and a licence for the possession of such cartridges should be granted in Form XIV of the said Schedule. (Government Endorsement, Home Department, No. 3091/6-F, dated the 28th July 1950.)
- (7) **Tamanchas.**—Tamanchas are muzzle-loading pistols or revolvers. Licence to possess and carry them are necessary in the State of Bombay. (Government letter, Home Department, No. 961/6-F, dated the 19th December 1949.)
- (8) **Asphyxiating,* poisonous, irritant or other gases and analogous liquids.**—The Government of India have extended the provisions of the Arms Act, 1878 to the following military stores, viz., asphyxiating, poisonous, irritant or other gases and analogous liquids, materials or devices which are not used in any bona fide industrial process in India. No licence for their possession, importation, manufacture, etc. should be granted without the prior sanction of the Government of India obtained through the Government. (State Government Reso-

* See also M.H.A. Notn. No. 15/13/59 (II)-P. IV, dt. 13-7-1962.

lution, Home Department, No. 1866-Poll, dated the 15th December 1936.)

- (9) **Chlorates and Perchlorates.**—Chlorates and perchlorates are 'military stores' and the Government of India have extended all sections of the Arms Act, 1878 to all chlorates and perchlorates. Perchlorates are subject to all the prohibitions and directions contained in the Arms Act. Chlorates are subject to all the prohibitions and directions contained in the Arms Act, 1878 throughout India with the following exceptions :—

- (1) Chlorates⁴ transported bona fide for industrial, agricultural and medicinal purposes may be transported without a licence, and
- (2) Chlorates possessed or sold by bona fide medical practitioners and dispensing chemists (in accordance with such conditions as may be prescribed by Government) may be possessed and sold by them without a licence. (Government Resolutions, Home Department, No. 676-Poll, dated the 10th May 1938, No. 763-Poll, dated the 14th April 1939.)

Conditions⁵ for the possession or sale of chlorates by medical practitioners and dispensing chemists in the State of Bombay.

In exercise of the functions of the Government of India under entry 2(viii) in the table sub-joined in Schedule II to the Indian Arms Rules, 1951, entrusted to the Government of Bombay by the Government of India, the Government of Bombay have prescribed the following conditions in accordance with which the possession or sale of chlorates by bona fide medical practitioners and dispensing chemists in the State of Bombay is excluded from the operation of the prohibitions and directions contained in sections 5 and 14 of the Indian Arms Act, 1878 :—

⁴ See rule 37(2)(f) of the Arms Rules, 1962.

⁵ See item I(13) of Schedule II appended to M.H.A. notn. No. 15/13/59, (V), PIV., dated the 13th July 1962, copy at Sl. No. 2 in Part IV, Ch. 10 of this Manual.

Conditions.

(1) The maximum quantity of chlorates that may be possessed at any one time by a bona fide medical practitioner or dispensing chemist shall be as follows :—

(i) Bona fide medical practitioner	8 oz.
(ii) when in charge of a hospital—containing upto 50 beds	2 Lbs.
containing more than 50 beds	3 Lbs.
(iii) (a) When in charge of a dispensary	2 Lbs.
(iv) Big Dispensing Chemist	5 Lbs.
(v) Small Dispensing Chemist	2 Lbs.

Explanation: In this condition 'Big Dispensing Chemist' means a dispensing chemist who has in his shop a head chemist and two or more assistant chemists who know dispensing of medical prescriptions and 'Small Dispensing Chemist' means a chemist other than a big dispensing chemist.

(2) Every medical practitioner and every dispensing chemist shall maintain a prescription register in which the following particulars shall be entered, namely :—

- (a) Quantity of chlorates purchased and date of purchase.
- (b) Date of dispensing or sale.
- (c) Name and address of patient.
- (d) Age of patient.
- (e) Prescription (to be copied in detail from the original prescription).
- (f) By whom prescribed.
- (g) Initials of the Medical Practitioner or dispensing chemist.
- (gg) Name, address and signature of person to whom chlorate in a raw state, that is to say, without being made into a prescription, is sold and delivered.
- (h) Balance.

(3) The register maintained under condition 2 shall be open to inspection at any time in Greater Bombay by the Commissioner of Police or any other officer authorised by him, or elsewhere by the District Magistrate or any other officer authorised by him. (Government notifications, Home Department, No.

1641-Poll, dated the 11th July 1940, No. 2475-Poll, 17th October 1941, No. 536-Poll, dated the 26th March 1943).

47. **Use of chlorates in the preparation of fireworks.**—Very few fireworks really require the use of chlorates in their manufacture. Still they are employed because it is very much easier to make up mixtures with these materials than with the safer and more stable nitrates. The compositions made with chlorates are dangerous and not only very sensitive to slight blows and friction but apt very readily to ignite spontaneously. The Government of India have, therefore, ruled that except for legitimate purposes, such as the manufacture of matches, Bengal lights and paper caps for toy pistols, licences for chlorates should not be granted without the fullest investigation into the purposes for which it is proposed to use them. A licence for the possession of chlorates to be used in the manufacture of any fireworks or explosive should not be granted until the composition of the mixture to be used has been approved by the Chief Inspector of Explosives in India.

'Putputias' also called 'Tartary', 'Martinicas', 'Chitpals' etc., are illegal fireworks manufactured from chlorates and no licence for supplies to be used in their production should ever be granted. The commonest form of illegal fireworks is the 'Pataka' or 'Throw-Down'. These fire-works probably cause as many accidents and deaths in the course of a year as all the rest of the fireworks put together. The usual composition employed in preparing these fireworks is a mixture of chlorates and sulphur, or chlorate and arsenic sulphide both of which are prohibited under the Government of India, late Department of Labour, notifications No. M. 1217, dated the 9th February, 1939. (Government Endorsement, Home Department, No. 1355-Poll, dated the 27th June 1939.)

48. **Coloured Matches.**—Though 'Coloured Matches' are technically classed as fireworks, the Government of India have ruled that licences for the possession of chlorates for the manufacture of coloured matches may be granted subject to certain conditions. It should, however, be noted that licences for the possession and conversion of potassium chlorate for the manufacture of coloured matches will not be granted to persons who also manufacture fire-works. (Government letter, Home Department, No. 2990/5-VIII-F, dated the 12th October 1950.)

49. **Ukhalichi Daru.**—Potassium Chlorate when mixed with sulphur forms a very sensitive mixture. The preparation and possession of any explosive consisting of or containing a mixture of potassium chlorate and sulphur (i.e. Ukhalichi Daru) is prohibited under section 6 of the Indian Explosives Act. No licence under the Explosives Rules can, therefore, be issued in respect of 'Ukhalichi Daru'. As the preparation and use of 'Ukhalichi Daru' is likely to lead to serious accidents, this Government has been advised that the agriculturists should not be allowed to possess potassium chlorate even in small quantities for the preparation of Ukhalichi Daru for scaring away birds and wild animals which do damage to the crop. The use of large size crackers or gun powder tightly loaded into thick cardboard tubes or tightly bound up in paper and rags would equally serve the purpose for which agriculturists who cannot afford to buy M. L. guns demand Ukhalichi Daru. (Government letter, Home Department, No. 5934/6-F, dated the 20th March 1951 and G.E.H.D., No. 5934/6-F, dated the 29th July 1951.)

50. **Possession of Potassium Chlorate by Educational Institutions.**—Possession of Potassium Chlorate by educational institutions for laboratory purposes is required to be covered by a licence in Form XIV of Schedule VIII to the Indian Arms Rules, 1951. Where a licence in this form is granted for the possession of potassium chlorate by an educational institution, the following special conditions in addition to the other conditions of Form XIV, shall apply:—

- (a) the quantity of chlorate stored shall be the minimum required for laboratory purposes as certified by the Head of the Institution to the licensing authority,
- (b) the stock of chlorate possessed shall be kept in a well-made cupboard or almirah under lock and key under the control and supervision of a responsible member of the staff and the place where the chemicals are kept shall be adequately secured,
- (c) accounts of issues and balances of chlorate possessed shall be kept and checked with the actual stock, at frequent intervals by a responsible member of the staff. The account book shall be available for inspection on demand

by any magistrate or any Police Officer of a rank not below that of Inspector.⁶

51. Medicinal preparations (including tablets) containing chlorates.—The Government of India have⁷ ruled that medicinal preparations including tablets containing chlorates should not be termed as 'chlorates' and that the possession, etc., of these tablets and medicinal preparations should not be subject to licensing under the Arms Act. Accordingly, they can be sold to chemists, medical practitioners and even to private individuals on production of a certificate from a qualified physician. (Government Resolution, Home Department, No. 2575/6-F, dated the 22nd January 1951.)

53. Chinese Crackers.—Chinese Crackers are not 'ammunition' within the meaning of section 4 of the Indian Arms Act, 1878. The transport of these crackers cannot, therefore, be restricted under rules framed under the Arms Act. They, however, come under 'explosives' and their import, transport, possession and sale is regulated by means of licences under the Explosives Rules, 1940. (Government Demi official letter, Home Department, No. 3228-Poll, dated the 18th December 1931.)

54. Maximum⁸ quantity of ammunition which can be possessed by licensees and which can be sold to them by dealers.—The holders of licences in Forms XVI, XVIII or XIX appended to the Indian Arms Rules, 1951 shall not possess at any one time ammunition in excess of the maximum shown below :—

	Cartridges
(i) For .22 bore rifles—ordinary (not .22 bore Horret or .22 bore high power) ..	100
(ii) For rifles other than .22 bore rifles ..	50
(iii) For revolvers or pistols ..	50
(iv) For B.L. guns ..	100

⁶ See also condition 6 of licence Form II to the Arms Rules, 1962.

⁷ See also item 1(13) of Schedule II appended to M.H.A. notn. No. 15/13/59(V)-PIV., dated the 13th July 1962 (copy at Sl. No. 5, Part IV, Ch. 10 to this Manual).

⁸ See conditions 7, 6, 7 and 4 of licence Forms III, IV, V and VI respectively appended to the Arms Rules, 1962.

(v) For M.L. guns	..	250
		(percussion caps)
(vi) For all fire-arms	..	150

The above limits of ammunition to be possessed by a licensee are for normal time. Maximum limits of ammunition to be possessed by a licensee at any one time in an emergency in the State of Bombay will be fixed by Government if and when an occasion arises.

Arms dealers are prohibited from selling ammunition in excess of the quantity entered in a licence— see *section 22 of the Arms Act, 1878. (Government Resolutions, Home Department, No. 718/5, dated the 16th April 1952 and 3rd December 1952.)

55. Possession of Ammunition by ex-exemptees and others in excess of the prescribed limits.—One of the licensing authorities in this State brought to the notice of Government that some of the persons who previously enjoyed exemption and who are issued free of fee, licences from the 1st August, 1950, are in possession of quite a number of fire-arms by virtue of the exemptions enjoyed by them prior to 1st August 1950 and that as the different types of arms with varying calibres are apparently intended for various types of sports by such ex-exemptees, the limit prescribed by the Government of Bombay on the quantity of ammunition to be possessed by licence holders at any one time, viz. '150 cartridges in all for all fire-arms' is inadequate in their cases. The licensing authority, therefore, suggested that the limit of ammunition to be possessed by such ex-exemptees may be made more liberal and fixed on the basis of each fire-arm. The Government of India whose advice was sought on the point whether they had any objection to certain classes of persons (former exemptees) being allowed to possess ammunition in excess of the limit prescribed for all licence holders expressed the view that exemptions from the obligation to take out licences for the possession, etc., of personal arms and ammunition are granted because of the status of the persons concerned and not on the ground of actual necessity and that such licensed persons who were previously entitled to exemptions cannot be presumed to have greater need for am-

* Section 30 of the Arms Act, 1959.

munition than other licence holders. Accordingly, the absolute maxima laid down by the Government should ordinarily be enforced while allowing ammunition in the case of ex-exemptees. There is, however, no objection to the cases of licence holders, whether ex-exemptees or others, who are in genuine need of ammunition in excess of the prescribed limits being referred to Government by the licensing authorities together with their recommendation in regard to the quantity to be allowed in each case. (Government letter, Home Department, No. 4086/5-F, dated the 16th October 1950.)

Formation of gun clubs is also encouraged by Government by offering financial assistance. Half the cost of arms subject to a maximum of Rs. 500 per club is borne by Government and an initial grant of Rs. 50 is given to each new club to meet expenses incurred in organising the club. Preference is also given to gun clubs, when guns from the confiscated stock are sold by the Police.

PART VI

Instructions to Licensing Officers as regards the Grant, Renewal, Cancellation, etc., of Licences.

74.

75. Government arms and ammunition in the possession of members of the Territorial Army.—In exercise of the powers conferred by condition¹ of the conditions attached to licences in Form XVI in Schedule VIII of the Indian Arms Rules, 1951, Government have empowered the Commissioner of Police, Bombay, and all District Magistrates to cancel condition 8 of the said conditions in all licences granted in that Form to any member of the Territorial Army. (G.N., H.D., No. 1236-Poll, dated 20th July and 13th August 1925.)

76. Period of validity of licences.—A licence in Form XVI can be granted or renewed for any period not exceeding three years, and the fee is, in all cases, to be charged at the annual rates prescribed, fractions of a year being taken as one whole

¹ Condition 10 of the conditions attached to Licence Form III of the Arms Rules, 1962.

year. However, in order to enable the licensing authorities to exercise a more effective check on licensed revolvers and pistols while at the same time obviating the necessity of taking action under rule 43 of the Indian Arms Rules, 1951 regarding verification of other weapons, Government has directed that licences for all kinds of fire-arms should not be granted² or renewed for more than one year save in very exceptional circumstances, and that licences for such fire-arms should not be renewed except on the production, before the licensing authority, of the weapon or certificate of possession in respect of that weapon. In the exceptional case where such licence is granted or renewed for more than one year, the possession of the weapon should be verified once a year under rule 43 of the Indian Arms Rules, 1951.

For administrative convenience, Government has further directed that licences in Forms XVII, XVIII and XIX for all kinds of fire-arms which are to be granted or renewed during the first half of a calendar year should be made valid³ up to 31st December of the same year and those licences which are to be granted or renewed during the second half of a year should be made valid upto 31st December of the next year.

In respect of licences in Form XVI, the full year's fee is to be charged for a fraction of a year. Such cases would, however, arise only in respect of the initial grant or renewal of licences. (G.C.L., H.D., No. 2583/7-F, dated 26th March 1953, G.L., H.D., No. 1896/7-F, dated 25th July 1953.)

77. **Restrictions⁴ on licences issued in other States.**—The Bombay Government have not issued any restrictions on licences issued in other States which are valid in the Bombay State. (G.R., J.D., No. 8763, dated 15-10-1919; G.N., H.D., No. 2675/5-F, dated 15-3-1951.)

78. **Procedure for enquiry into applications for the grant of arms licences.**—In order to ensure expeditious disposal of applications for arms licences Government have directed the licens-

² According to s. 15(1) of the Arms Act, 1962, possession licences are now to be granted generally for a period of 3 years.

³ *Ibid.*

⁴ See rule 11 of the Arms Rules, 1962.

ing authorities in the districts to adopt the following procedure for enquiry into applications for the grant of arms licences.

On receipt of an application by the District Magistrate, or by the Sub-Divisional Magistrate in the case of applications for arms licences in Form XIX, it should be immediately sent to the Mamlatdar or Mahalkari concerned for necessary enquiry. The Mamlatdar or Mahalkari should on receipt of the application forthwith institute enquiries through the Revenue Officials in regard to the social status of the applicant, the need for the weapon requested, etc., and at the same time he should call for a report, by a separate memorandum, from the Police Sub-Inspector on the applicant's antecedents, character, his ability to handle and to keep the weapon safe from misuse and theft and his political leanings, etc. The Police Sub-Inspector should be asked to submit his report **within ten days**. The Mamlatdar should record his opinion and return the application, with the Police Sub-Inspector's report, to the Sub-Divisional Magistrate direct if the application is for an arms licence in Form XIX for crop and cattle protection. If the purpose of the arms licence applied for is sport, self-protection or display, the application with the Police Sub-Inspector's report, should be submitted to the District Magistrate through the District Superintendent of Police. The Sub-Divisional Magistrates who have been empowered under rule 34 of the Indian Arms Rules, 1951 to grant licences in Form XIX should themselves dispose of the application for crop and cattle protection licences in that form on the reports of the Mamlatdar and the Police Sub-Inspector.

Particular care should be taken to see that the disposal of an application for an arms licence for crop protection does not take more than a month from the date of receipt of the application.

In regard to applications made to the Commissioner of Police, Bombay, for arms licences by persons residing in Greater Bombay, Government have decided that through enquiries by the C. I. D., in addition to the enquiries by the Sectional Police as regards the antecedents, character, etc. of an applicant, are absolutely necessary. (G.C., H.D., No. 5450/5, dated 17th June 1950. G.L., H.D., No. 5450/5, dated 17th June 1950. G.C., H.D., No. 5450/5, dated 24th January 1951. G.N., H.D., No. 4039/5, dated 24th January 1951.)

78-A. Procedure for enquiry into applications for the renewal of arms licences.—In view of the instructions issued to the licensing authorities that licences in Forms XVI, XVIII and XIX for all kinds of firearms should be made valid upto 31st December of a year and with a view to ensuring prompt renewal of arms licences, Government has directed that without waiting for the receipt of applications for renewal of arms licences the Police Sub-Inspectors concerned should be instructed to submit on the 1st December, and in any case not later than the 15th December of every year, their reports regarding the continued suitability of the licence-holders, their necessity to continue to possess firearms, etc., to the Sub-Divisional Magistrate direct in respect of the licences for crop-protection and through the District Superintendent of Police in respect of the licences for sport, display or self-protection. The Sub-Divisional Magistrate should then dispose of the applications for the renewal of arms licences within a fortnight from the date of their receipt without forwarding them to the Police Sub-Inspectors for report. The Sub-Divisional Magistrate should obtain the approval of the District Magistrate before renewing arms licences in the following cases and in such other cases as are considered important:—

- (i) Cases in which the Police Sub-Inspectors do not recommend the renewal of arms licences on political or such other grounds;
- (ii) Cases of licensees who hold more than one weapon;
- (iii) Cases of licensees where there has been delay in applying for the renewal of arms licences.

If in any particular case, a Police report regarding the suitability etc., of the person concerned either for the grant or renewal of a licence is not considered necessary by a licensing authority, he may, after specifically so recording his view, dispense with such a report on his own responsibility. (G.C.L., H.D., No. 981/7-F, dated the 22nd Jan. 1953; G.E., H.D., No. 981/7-F, dated 7th August 1953; G.L., H.D., No. 981/7-F, dated 13th August 1953).

79. Application forms not to contain items relating to caste or sub-caste.—In view of the policy of the Government to omit

as far as possible mention of caste and communities from all forms issued in Government Offices, the licensing authorities have been directed that items, if any, relating to castes, communities, etc., in the application forms for arms licences which are in use should be deleted so as not to require applicants for arms licences to state their caste, sub-caste, etc. (G.C., H.D., No. 3373/6, dated 19th June 1950.)

80. Qualifications for the grant of licences.—A list of persons or classes of persons who should be regarded as *prima facie* of approved character and status and to whom licences for the possession and bearing of rifles (other than those of prohibited bores) and smooth bores should be ordinarily issued on application and without previous enquiry was prepared in the year 1934. The question whether this list should be revised and brought up to date was considered recently and Government decided that, in view of the changed circumstances, there is no reason to lay down in the rules any class of persons who should get an arms licence on application and without an enquiry. Accordingly, the list prepared in the year 1934 has been cancelled. Licensing authorities are now to use their discretion while considering applications from individuals for arms licences and to decide them according to any general or special instructions issued by Government from time to time. (G.E., H.D., No. 9749/6, dated 1st April 1952.)

81. Licences in Form XVI for the possession of firearms, excepting revolvers and pistols.—The licensing authorities should grant liberally licences in Form XVI in Schedule VIII of the Indian Arms Rules, 1951, for the possession of firearms (excepting revolvers and pistols) for the purposes of protection, sport or display in accordance with the special or general instructions issued by Government in this behalf from time to time. For current and detailed instructions, the licensing authorities should see Government Confidential Circular, H.D., No. 3807/5, dated the 1st September, 1948. The following broad principles should, however, be always borne in mind while granting such licences:—

- (a) Licences should be granted after verifying that the applicants are reliable and possess good character.
- (b) Licences should not be granted to staunch supporters of

political groups or parties which do not refrain from advocating the use of violence in furtherance of their policy.

- (c) Licences should be granted to reliable persons of good character only if they are able to satisfy the licensing authority of their real need for the weapons.
- (d) Licences in Form XVI should have the particulars 'sport' or 'protection' specified therein.
- (e) Licences for sport should be granted to bona fide sportsmen whose status is such as to warrant such a licence and who would pay due regard to the observance of laws in force for the preservation of wild birds and wild animals.
- (f) Licences should be granted for private weapons to Services personnel on recommendation of the Commanding Officers in accordance with rule 38(1) of the Arms Rules, 1951. Such licences should be valid for the period of the Colour Service and should be surrendered by the Servicemen concerned to the licensing authorities on the termination of such service. There is, however, no objection to their applying again in their civilian capacity for licences to retain the firearms. While granting licences for private arms to Services personnel, the position as stated above should be explained to them.
- (g) Licences for walking sticks, guns, rifles of prohibited bores (.303 bore), all other rifles of military pattern and muskets of .410 bore should not be issued unless it is established that the weapons have been lawfully imported into the country. Prior approval of Government to the grant of a licence for the possession of any arm of the prohibited class referred to above should be obtained.

(Government Confidential Circular, Home Department, No. 3807/5, dated the 1st September 1948.)

II UTTAR PRADESH (i) Local Rules

29. **Retainers' right to use arms.**—The retainer of an exempted person is entitled to use the weapon or weapons specified for his use in rule 28 or in any order issued under proviso (a) in the third column of entry No. (6) of Schedule I, whether he is

in attendance on his master or not. He may, however, not use such weapon for any purpose other than the purpose, if any, which may be specified in the order sanctioning his exemption.

31. Obligation of exempted persons.—(1) The attention of all exempted persons is drawn to rule 3(2) of the Indian Arms Rules in accordance with which failure to observe the provisions of rule 33 below or to report the loss or theft of any arm covered by an order of exemption constitutes a breach of the Indian Arms Rules punishable under section 23 of the Act.

(2) Exemptees are further warned that nothing in rule 34(3) relieves an exempted person of the obligation imposed upon him by rule 33(4) to respect any change in the number or description of firearms in his possession.

(3) The attention of exempted persons is also drawn to rule 39.

37. Certificates of exemption, etc.—(1) In order to obviate the difficulty which may be experienced by exemptees or by persons who are covered by section 1(b) of the Act when they wish to obtain arms or ammunition from dealers who do not know them, a certificate in Form P appended to these rules should be issued by the District Magistrate to any such person who applies for such a certificate.

(2) In order to avoid the possibility of annoyance or delay if the possession of arms is challenged, a similar certificate may be given to an exempted person or to a person to whom, under section 1(b) the Act does not apply, who may wish to proceed with arms outside the area in which he is known.

(3) There is no obligation upon any person to obtain any such certificate as is mentioned in this rule.

Note 1: A retainer exempted under entry No. (6)(g) of Schedule I is an exempted person for the purpose of this rule.

Note 2: See rule 2(ii).

39. Breach of rules and improper use of weapons by exempted persons.—(1) In the event of failure on the part of an exempted person to observe the provisions of rule 33 the District Magistrate may call upon him to show cause either why action should not be taken against him for a breach of the Indian Arms Rules, or, in the event of his persisting in such failure, why the

Provincial Government should not be moved to cancel his exemption.

(2) District Magistrates should report, through the Commissioner, for the orders of the Provincial Government, any case in which an exempted person either makes or permits improper use of his weapons, or persists in ignoring ordinary precautions for their safe custody, or, by his general behaviour, proves himself unworthy of the privilege of exemption.

40. Reports of deaths of exempted persons.—The District Magistrate will, as soon as possible after the death of any person exempted under entry No. (3) or entry No. (6) of Schedule I, submit to the Provincial Government through the Commissioner a report of the death of such person and of the name and circumstances of his successor. With such report the District Magistrate will make his recommendation—

- (a) in all cases, as to the number and description of arms and the amount of ammunition which should be allowed to the successor, and
- (b) in the case of a person exempted under entry No. (6)(g), as to the number of retainers which should be allowed to the successor, and the purpose for which the arms recommended under (a) above should be allowed to be carried.

When making such recommendations the District Magistrate should have regard to the number and description of arms and the number of retainers actually possessed and maintained by the deceased if he were an unrestricted exemptee, and to the number of arms and retainers held by and allowed to the deceased under any order of exemption in other cases.

63. Condition precedent to the grant or renewal of licences to dealers.—Officers empowered to issue licences to dealers in fire-arms should satisfy themselves before granting or renewing such licences that the arrangements for the safe custody of the arms, ammunition and stores sought to be kept for sale are satisfactory. For this purpose a District Magistrate who for-

wards an application for the issue by the Provincial Government of a licence in either Form XI or Form XII, should report, when making his recommendation on the application, whether or not the arrangements for safe custody are satisfactory.

64. Number, description and quantity of arms and ammunition to be licensed.—(1) The number of arms and the quantity of ammunition which may be licensed in any of Forms IX to XII should, subject to the provisions of rule 65, be determined by the licensing authority in each case on its merits. Where a licence is required to be granted by the Provincial Government in either of Forms XI or XII, the District Magistrate, when forwarding the application for the licence, will report the number of arms and the quantity of ammunition which he recommends.

(2) In addition to the prohibition against keeping Government arms, ammunition or stores, contained in condition 11 attaching to every licence in either of Forms IX or X and in condition 10 attaching to every licence in either of Forms XI and XII, no dealer licensed in either of Forms IX or X may be permitted to keep or sell revolvers manufactured out of India or magazine pistols (including magazine air-pistols) without the sanction of Government.

66. Validity of licences under the Explosives Act for the purposes of the Arms Act.—Inasmuch as the Arms Act is restrictive in its purpose while the Explosives Act is designed for the protection of the public, a licence under the Arms Act cannot be ordered to have the effect of a like licence under the Explosives Act, although, under section 15 of the Explosives Act, a licence granted under that Act may be ordered to have the effect of a like licence under the Arms Act.

67. Licences under the Explosives Act for licensed vendors.—For the reason given in rule 66 every vendor of ammunition is required to obtain a licence under the Explosives Act in addition to any licence which, as a vendor of arms, ammunition or stores, he is required to obtain under the Arms Act.

PART VII-A

Rules of General Application and Private Sale of Arms

93. Number of arms which may be covered by a licence.—While the Indian Arms Rules, 1951 impose no definite limit upon the number of arms which may be possessed under a single licence or by a single person, the licensing authority is nevertheless authorised to determine and, at his own discretion, to restrict in each case the number of arms which may be possessed by a licence-holder, whether under one or under more than one licence. This general direction is of universal application and the mere fact that certain persons may be given licences free of fee does not in itself entitle them to possess more firearms than would be permitted them if they were not entitled to the privilege of remission of fees.

94. Scale of ammunition to be allowed to licensees.—(1) The Provincial Government has prescribed the following limits to—

- (a) the quantity of ammunition purchasable by a licensee in a calendar year, and
- (b) the quantity of ammunition that may be possessed by a licensee at any one time.

Form XV¹—(a) Maximum amount of ammunition purchasable in a calendar year—

- (i) 500 cartridges for revolvers or pistols;
- (ii) 1,000 cartridges for rifles except .22 bore other than high velocity rifles;
- (iii) 10,000 cartridges for .22 bore other than high velocity rifles;
- (iv) 10,000 cartridges for breech-loading shot-guns.

(b) Maximum amount of ammunition which may be possessed at any one time:—

- (i) 100 cartridges for revolvers or pistols;

¹ New Form VI.

- (ii) 250 cartridges for rifles except .22 bore other than high velocity rifles;
- (iii) 2,000 cartridges for .22 bore other than high velocity rifles;
- (iv) 2,000 cartridges for breech-loading shot-guns.

Form XVI²—(a) Maximum amount of ammunition purchasable in a calendar year :—

- (i) 100 cartridges for each revolver or pistol;
- (ii) 500 cartridges for each sporting rifle except .22 bore other than high velocity;
- (iii) 1,000 cartridges for each rifle of .22 bore other than high velocity;
- (iv) 2,000 cartridges for each breech-loading shot-gun;
- (v) 500 percussion caps with four seers of black-powder for each muzzle-loading gun.

(b) Maximum amount of ammunition which may be possessed at any one time:—

- (i) 50 cartridges for each revolver or pistol;
- (ii) 200 cartridges for each sporting rifle except .22 bore other than high velocity;
- (iii) 250 cartridges for each rifle of .22 bore other than high velocity;
- (iv) 1,000 cartridges for each breech-loading shot-gun;
- (v) 250 percussion caps and two seers of black-powder for each muzzle-loading gun.

Form XVIII³—(a) Maximum amount of ammunition purchasable in a calendar year :—

- (i) 100 cartridges for each rifle;

² New Form III.

³ New Form IV.

- (ii) 250 cartridges for each breech-loading shot-gun;
- (iii) 250 percussion caps and two seers of black-powder for each muzzle-loading gun.

(b) Maximum amount of ammunition which may be possessed at any one time:—

- (i) 50 cartridges for each rifle;
- (ii) 100 cartridges for each breech-loading gun;
- (iii) 100 percussion caps and one seer of black-powder for each muzzle-loading gun.

Form XIX—(a) Maximum amount of ammunition purchasable in a calendar year :—

- (i) 100 cartridges for each rifle;
- (ii) 250 cartridges for each breech-loading shot-gun;
- (iii) 250 percussion caps and two seers of black-powder for each muzzle-loading gun.

(b) Maximum amount of ammunition which may be possessed at any one time:—

- (i) 50 cartridges for each rifle;
- (ii) 100 cartridges for each breech-loading shot-gun;
- (iii) 100 percussion caps and one seer of black-powder for each muzzle-loading gun.

Subject to the limits prescribed above, the licensing authority is vested with full discretion to fix, in the case of each licensee, the quantity of ammunition which he may purchase within a year and the amount that he may hold at any one time. The amounts fixed by the licensing authorities should ordinarily be below the maximum prescribed by the Provincial Government and should be based on the reasonable requirements of the individual licensee. Within the limits fixed by the Provincial Government the licensing authority has full discretion to increase the amount fixed by him. In the case of a licence in Form XVI he may exceed the maximum prescribed by the Pro-

* New Form V.

vincial Government as purchasable with a calendar year in special case and provided good and sufficient reason exists.

(2) The licensing authority may at his discretion reduce the quantity of ammunition allowed in the case of any particular licensee, and in doing so should have regard, among other things, to the purpose for which a licence is required. It is clear that in the case of a licence issued for protection, whether of the person or of crops, the amount of ammunition required will bear no relation to the quantity required for sport, and that in the case of a licence for the protection of the person very little ammunition could, in point of fact, be required.

95. Possession of Government arms and of fire-arms of prohibited bores.—(1) It is a condition of every licence to possess arms that the licensee shall not possess or go armed with Government arms or ammunition. Revised statements showing the marks used on Government ammunition and the method of marking Government arms were circulated with G.O. No. 1011/VI-856-1908, dated 30th March 1909.

(2) Although the importation of fire-arms of the prohibited bores became unlawful on 11th Sept. 1906, in the case of rifles of .303 bore, and, subject to certain special exceptions, on 1st May 1907, in the case of rifles of .450 bore, it may generally be presumed that the import of any rifle of one of these bores was lawful in any case in which the present owner can show that it has been, since 1st January, 1920, in his possession or in the possession of some person from or through whom he has acquired his title. A declaration to this effect from an applicant for a licence for such a weapon should generally be accepted for the purpose of this rule. The importation of muskets of .410 bore became unlawful on 23rd April 1936.

(3) The prohibition against the import of revolvers and pistols of any bore from .441 to .455, both bores inclusive, became absolute in the case of the .450 bore on 1st January 1924, and in the case of the other bores on 1st August 1924. Lawful possession for a period beginning before the year 1924 may therefore be presumed to prove lawful import of any pistol or revolver of one of the prohibited bores.

(4) In cases other than such as are described in sub-rules (2) and (3) above, no licensing authority is competent to grant a licence for the possession of a fire-arm of a prohibited bore be-

fore its import, or, unless he is satisfied that its import has been sanctioned by the Government of India, for its possession after import.

98. **Unauthorized use of licensed arms by unlicensed persons.**—Every licence-holder is warned that he is not authorised to allow any person, whether he be a relative or not, to use any weapon covered by his licence unless the name of such person or relative has previously been entered in the licence. In the case of a licence in Form XVI such person or relative must be entered either as a joint licensee in column 2 or, under the provision of rule 121, as a retainer in column 5 of the licence.

111. **Grant of licences to soldiers.**—(1) The attention of all licensing authorities is drawn to instructions Nos. 650-669 of the instructions issued by the Commander-in-Chief under the Regulations for the Army in India, which govern the possession and carrying of private arms by persons of military employ.

(2) While, under rule 46(8) of the Indian Arms Rules, 1924, and Schedule VII thereof, Viceroy's commissioned officers and the Indian soldiers may be granted licences for their private arms without payment of fees, this privilege is subject to the conditions mentioned in instructions Nos. 653, 657 and 662 of the instructions issued by the Commander-in-Chief under the Regulations for the Army in India which reserve to the District Magistrate full discretion to grant or refuse licences. It is nevertheless desirable that licences should not be refused to Viceroy's commissioned officers on the active list or to serving Indian soldiers recommended by their Commanding officers except for strong reasons. Commanding Officers have been instructed in India Army Order No. 303 of 22nd May, 1928, to exercise the greatest care when making recommendations in favour of serving soldiers and to certify that they are satisfied that the arms for which licences are recommended are genuinely required for sport or for crop protection.

108. **Remission of fees in respect of certain licences granted to public servants.**—

(1)

(2) A list of government servants in respect of whom, and of the arms in respect of which, declarations have been made un-

der entry No. (4) of Schedule VII will be found in the table appended to this rule.

(3) The attention of government servants who are granted licences free of fee is drawn to the fact that, under the provisions of rule 46(8) of the Indian Arms Rules, they are liable to pay fees for the renewal of such licences if renewal is delayed.

Table

<i>Entry No.</i>	<i>Designation of Officers</i>	<i>Arms in respect of which free licences may be issued.</i>
1.	* Justices of the Peace.	All arms.
2.	Stipendiary Magistrates.	—Do—
3.	All gazetted police officers.	—Do—
4.	Every Inspector, Sub-Inspector and Assistant Sub-Inspector of Police and every Public Prosecutor and Assistant Public Prosecutor.	One shot gun with 200 rounds of ammunition.
5.	Every Sub-Inspector of Police who is certified by the Deputy Inspector General of Police under whom he is serving, to require an automatic pistol owing to the nature of his duties.	A revolver or automatic pistol.
6.	All Gazetted Forest Officers.	All arms.
7.	Every Forest Ranger.	One .12 bore gun.
7-A.	Deputy Forest Rangers who have been in charge of a forest range continually for four months.	—Do—
7-B.	Jailors and Superintendents and Deputy Superintendents of Central Prisons.	One revolver or one pistol
7-C.	Members of the United Provinces Upper Subordinate Forest Service.	One .12 bore gun.
8.	All gazetted officers of the Indian Service of Engineers and the United Provinces Engineering Service in the Irrigation Branch and all Deputy Revenue Officers of the Irrigation Branch.	All fire-arms
9.	The Hydro-Electric Engineer.	All Firearms
10.	The Assistant Mechanical Engineer, Head Works Division, Sarda Canal.	—Do—

Entry No.	Designation of Officers	Arms in respect of which free licences may be issued.
11.	The Assistant Hydro-Electric Engineer in charge of the North Hydro-Electric Division.	All Firearms
12.	The Assistant Hydro-Electric Engineer, in charge of the South Hydro-Electric Division.	—Do—
13.	The Assistant Engineer in charge of the first Sub-Division, North Hydro-Electric Division, in charge of the Bahadurabad power station.	—Do—
14.	The Assistant Engineer in charge of the second Sub-Division, North Hydro-Electric Division, in charge of the Moradabad power station.	—Do—
15.	The Assistant Engineer in charge of the first Sub-division, South Hydro-Electric Division, in charge of the Bhola power station.	—Do—
16.	The temporary Electric and Mechanical Engineer, in charge of the second Sub-division, South Hydro-Electric Division, in charge of the Palra and Sumera power station.	—Do—
17.	Every Excise Inspector.†	One revolver or pistol other than an automatic pistol
18.	Every Patwari employed in the hill portion of the Kumaun Division.	One shot gun.
18-A.	Every qanungo employed in the hill portion of the Kumaun Division.	—Do—
19.	The Manager, Criminal Tribes Settlements, Kailanpur, district Kanpur.	One revolver.

* For Justice of the Peace see sections 22 and 25 of the Code of Criminal Procedure. All Sessions Judges and District Magistrates are among other *ex-officio* Justice of the Peace.

† Every Excise Inspector who was in possession of an automatic pistol on February 14, 1934, may continue to possess that pistol under a licence in Form XVI free of fee. Automatic pistols in the possession of other Excise Inspectors are not covered by entry No. 17 in the foregoing table.

(3) The authority empowered to issue a licence to a serving Indian soldier is the licensing authority of the district or subdivision as the case may be, of the place where he is for the time being posted.

(4) A licence granted to a serving Indian soldier is valid only during the time he is serving with the colours. On retirement he is required under instructions No. 662 of the instruction issued by the Commander-in-Chief under regulations for the Army in India to obtain a fresh licence.

114. Sale of arms by Government servants and ex-officers.—

(1) The attention of all persons employed by Government is drawn to sections 5 and 22 of the Act. Every officer employed by Government is required to exercise the utmost caution to ensure that arms being disposed of by him do not fall into the hands of persons not authorised to possess them. Officers wishing to dispose of arms by private sale or public auction must ascertain that the would be purchaser is lawfully entitled to possess them.

(2) The sale of all arms which bear the Government mark is prohibited. Ex-officers who desire to sell revolvers or other arms bearing such mark should apply for sanction to the Central Government in the Army Department stating in their applications —

- (i) the source from which the weapon was obtained and the date of its purchase, and
- (ii) the name, profession and address of the intending purchaser with full particulars of his rank, service, etc., if such intending purchaser is a pensioner.

125. Issue of permits in lieu of licences prohibited.—The grant of permits purporting to authorise the purchase of arms or ammunition before the issue of the prescribed licence is irregular and is forbidden except where a provisional licence or permit is necessary on account of the depletion of the stock of the prescribed licence forms. Column 10 of Form XVI, column 8 of Form XVIII and column 7 of Forms XV and XIX make provision for a direction to the licensee to produce the arms purchased on the authority of a regular licence in order

that the details of the weapons purchased may be entered in the licence and in the appropriate register.

132. Persons entitled *prima facie* to licences for rifles and guns.—(1) Persons of approved character and status are *prima facie* entitled to licences for the possession of guns and rifles other than rifles of prohibited bores. This applies particularly to guns.

(2) Such licences may be granted to applicants who in the opinion of the licensing authority :—

- (a) are in genuine need of a weapon,
- (b) are reliable,
- (c) are not likely to misuse it, and
- (d) will be able to keep it safe from theft.

(3) Although enquiry should not ordinarily be necessary before granting a licence to any person who fulfils the conditions prescribed above, it is within the discretion of the licensing authority to direct such enquiry, when he is of the opinion that he cannot properly exercise his responsibility under the Act without further information as to the character or status of an applicant for a licence.

(4) In determining reliability apart from other considerations, licensing authorities should satisfy themselves that an applicant :—

- (a) is not under 21 years of age,
- (b) has not been convicted of any criminal offence other than one pertaining to the struggle for the freedom of India,
- (c) is not suspected of associating with criminals,
- (d) is not likely to take to violence.

135. Inquiry before grant of licence.—(1) In any case such as is mentioned in rule 132(3) and in all cases of applications for licences from persons who do not possess the qualifications specified in rule 132, the licensing authority will cause such enquiries as he may consider necessary to be made as to the

character and status of the applicant and as to his fitness to receive a licence and should satisfy himself that the arms for which a licence is asked are reasonably required for the purpose or purposes stated in the application.

(2) Where any such inquiry as is mentioned above is found to be necessary, it may be made through other agencies in addition to or in substitution for the police and should not involve annoyance to the applicant. The application * * should in each case be sent with suitable endorsements to the officers who are required to inquire into the circumstances of the applicant.

145. Delivery of licences.—(1) A person to whom a licence to possess or carry arms has been issued, may, at his option, either appear in person to take delivery of the licence or may require it to be sent for delivery to him through the village chaukidar or by registered post.

(2) Licences to be delivered through village chaukidars should be sent accompanied by a list of them and a separate invoice of each licence, through the office of the Superintendent of Police, to the officers-in-charge of the police stations within the jurisdiction of which the licensees reside. When the chaukidar of any village, in which a holder of any of the licences so received for delivery resides, next visits the police station after the receipt of such licence, the officer-in-charge of the police station should cause the licence together with its invoice to be made over to him for delivery to the licensee. The date on which the licence is so made over to the chaukidar should be endorsed on the invoice. On the occasion of his next visit to the police station the chaukidar should return the invoice signed and dated by the recipient, and should report the date of actual delivery.

(3) The list and invoices should be returned to the licensing authority through the Superintendent of Police, who should scrutinize them, and bring any case to the notice of licensing authority in which more than one month's delay may have taken place in the delivery of a licence.

U. P.

140. Issue of licences to agriculturists.—(1) While all rea-

sonable facilities should be afforded to agriculturists to obtain licences in Form XIX (now Form V) for the protection of crops and cattle, and licences in that Form should not be withheld without good cause, rule 36 of the Indian Arms Rules, 1951 requires licensing officers —

- (i) to ensure that applicants for licences in Form XIX of those rules are *bona fide* cultivators, and
- (ii) to determine in each case the area within which such licences shall be valid.

(2) The attention of all licensing authorities and licensees is drawn to the fact that condition 2 of licence Form XIX expressly prohibits the use of arms held under a licence in the Form for sport or for the systematic and wanton destruction of wild animals in areas other than those in which cattle or crops are situated.

(3) Licences in Form XIX in respect of rifles should be granted very sparingly and with great caution, and, in general, single barrellled guns, muzzle loading where available, should suffice for the purpose of crop protection.

(4) Licences in Form XIX will be issued and renewed valid for the period¹ expiring on the thirty-first day of December next following the date of issue or renewal, as the case may be.

144. Licences for sport.—(1) Licences in Forms XVI and XVI-A (now Forms III and III-A) alone authorize the shooting of game for sport and conditions 4 and 10 attaching to licences in Form XVI and conditions 6 and 10 attaching to licences in Form XVI-A restrict the shooting of game (i) to shooting for *bona fide* sport, and (ii) to such periods as are not prescribed by Government as close seasons.

(2) The attention of all licensing authorities and holders of licences in Forms XVI and XVI-A is drawn to the provisions (particularly section 3) of the Wild Birds and Animals Protection Act (Act VIII of 1912) and to the notification issued under that Act. The Act (as amended in its application to the United

¹ This period requires to be modified in view of s. 15(1) of the Arms Act, 1959.

Provinces by the United Provinces Amendment Act, of 1934), and the notifications made thereunder which are in force are reproduced as Appendix VIII to these Rules.

(3) District Magistrates are expected to make widely known the provisions of section 3 of Act VIII of 1912, and in order that condition 10 of every licence in Form XVI or Form XVI-A may be completed and its implications made fully known, every licensing authority is required to take the following action on the issue of any licence for sport in either of these Forms :

- (a) In addition to the entries prescribed by the headings of the columns prescribed in Form XVI and XVI-A there will be endorsed on every licence for sport the words "Liable to be cancelled in case of a deliberate breach of the Game Rules".
- (b) To every licence for sport either in Form XVI or Form XVI-A there will be attached a list of the birds and animals which are protected in the district under Act VIII of 1912, showing the periods during which such animals and birds may not be killed or captured, and setting out the penalty for a breach of the notification in accordance with which they are so protected.

Note.—The shooting of game for sport with a weapon licensed in Form XIX is strictly prohibited, *vide* rule 140(2).

149. Application for the renewal of licences.—(1) An application for the renewal of a licence in Form XVI (now Form III) may either be presented to the licensing authority by the applicant in person or sent to him by registered post, but the licensing authority may, if necessary, and subject to the provisions of rule 150, require the personal attendance of the applicant.

(2) Every application for the renewal of a licence in either of Form XVIII or XIX (now Form IV or V) must be presented by the applicant in person, unless the licence has been attested by the tahsilder after examination of the arm or arms covered by it.

(3) While no special form of application for the renewal of a licence is prescribed, holders of licences in Forms XVI, XVIII

and XIX (now Forms III, IV and V) are advised to enter in every application for renewal the particulars of the number and date of issue of the licence and of the description of the arms and ammunition covered by it. If this be done and the licensee applies in person and produces his arms for inspection at the time of applying for renewal, then the licensing authority should, subject to sub-rule (1), renew the licence forthwith and endorse on the application the fact and the period of such renewal. The application so endorsed will give all the particulars required for the completion of the register prescribed by rule 169.

(4) Applications for the renewal of licences whether presented personally or sent by post, should reach the licensing authority by 15th December next preceding the date of expiry of the licences.

150. Production of pistols and revolvers on application for renewal of licences.—(1) Applicants for the renewal of licences for revolvers and pistols should, except as provided by sub-rules (2) and (3), be required to produce those weapons for inspection when they apply for renewal.

(2) Sub-rule (1) does not apply to firearms in the possession of military personnel, as a complete check over these arms is exercised by the military authorities in accordance with India Army Orders No. 520 of 1931 and No. 47 of 1934. Gazetted civil officers likewise should not be required to produce their pistols and revolvers for inspection at the time of the renewal of their licences, unless the District Magistrate for any special reason considers this necessary.

(3) A licensee, who produces a certificate signed by a stipendiary magistrate to the effect that he has personally inspected the revolver or pistol and that it agrees with the description thereof entered in the licence, will, provided that it was issued not more than 14 days previous to the presentation of the application for renewal of the licence, be deemed to have produced the said revolver or pistol for the purpose of sub-rule (1) of this rule.

151. Renewal and delivery after renewal of licences in Form

XVI (now Form III).—(1) On receipt of an application for the renewal of a licence in Form XVI, no inquiry should ordinarily be necessary beyond a reference to the register in Form G prescribed by rule 169.

(2) It is not necessary to issue fresh licence forms on every renewal of a licence. A space is provided in the licence form for renewal and should be utilized for the purpose. It is essential that every order of renewal be legibly signed and sealed.

(3) Licences* should ordinarily be ready for delivery by the 15th January at the latest and a licensee may, at his option, either appear in person to take delivery of his licence on that day or on a date to be fixed by the licensing authority, or may require it to be sent to him through the village chaukidar or by registered post.

(4) The provisions of rule 145 apply in full to the delivery of licences after renewal.

152. Non-renewal of licences.—Where, after the annual verification prescribed by rule 170, a licence has not been renewed, the licensing authority will, if the licensee's whereabouts are known require him to renew his licence and to explain his failure to renew it within the prescribed time. Where the whereabouts of the licensee are not known, the licensing authority will cause such inquiries to be made, either by the police or other agencies, as may be necessary to trace the licensee.

154. Fees payable by joint licensees.—(1) When a licence is issued or renewed jointly in the names of two or more persons the full initial or renewal fees, as the case may be, payable in respect of every weapon entered in the licence, are payable by each joint licensee.

(2) Nothing in this rule applies to a retainer in respect of whom, under rule 121(8), no fee is chargeable or to a case where a weapon is licensed for the sole use of an agent of its owner when the fee has been paid by the owner.

158. Time of payment of fees on the issue and renewal of licences and for duplicate licences.—(1) Every applicant for a licence in any of the Forms XV, XVI or XX (now Form III, VI

* The provision requires to be modified in view of section 15 of the new Act.

or VII) shall tender the prescribed fee in cash either at the time of making his application for a licence or on receipt of orders to the effect his application has been granted.

(2) Every application for the renewal of a licence in Form XVI (now Form III) should be accompanied by a cash payment of the said fee.

(3) The provisions of sub-rule (1) apply also to the issue of a duplicate licence granted in accordance with rule 47 of the Indian Arms Rules.

159. Refund of fees on refusal of licences or duplicate licences.—In every case in which an application for the grant or the renewal of a licence or for the grant of a duplicate licence has been rejected and the prescribed fee has been pre-paid, the applicant shall be entitled to refund of the full amount so tendered.

166. Failure to produce arms described in the licences.—

(1) Should a licensee be unable to produce any arm held under a licence when required to do so, he should be called upon to give an account of the circumstances in which he has disposed of it. If the failure is due to an exchange of the arms originally licensed for another arm he should further be required to give a full account of the exchange.

(2) Every case of failure to produce an arm in the circumstances described above will be inquired into by the District Magistrate in person. Should the account given by the licensee be not satisfactory, the District Magistrate should, whether or not the circumstances are such that he considers it desirable to prosecute the licensee, refuse to renew the licence either in respect of some or of all the arms covered by it.

173. Duty of police officers to report contraventions of the rules.—(1) Officers in charge of police stations should bring to the notice of the Superintendent of Police all cases in which licences to carry arms are granted to men of bad character. Superintendents of Police should, after careful personal enquiry in each case and after satisfying themselves that the information on which the licence-holder is classed as a bad character is correct, bring any such case to the notice of the District Magistrate and apply for the withdrawal of the licence.

(2) Superintendents of Police are required to report any irregularity or breach of the rules or of the conditions of his

licence committed by the holder of a licence to possess or carry arms. When any such report is received, the District Magistrate will cause to be entered in the "Remarks" column of the relevant register an abstract of the report and of any order which may have been passed thereon.

188. Disposal of confiscated and forfeited fire-arms.—Arms, ammunition and stores which have become forfeited to Government under section 16 (now section 21) or confiscated under section 24 (now section 32) shall be disposed of by the Magistrates in accordance with the following directions:

- (1) Arms, ammunition and stores which can be utilized by the Police or any other Government Department may be retained or brought into use with the sanction of Provincial Government. Pistols, revolvers, rifles and muskets of the prohibited bores which may thus be acquired, may be loaned to Government servants who are authorized to keep them as part of their equipment or who by the nature of their duties require the protection of a weapon. These should not, however, be allowed to become the property of the persons to whom they are issued.
- (2) Arms, ammunition and stores not so retained, shall be disposed of in the following manner:
 - (a) All revolvers, pistols and rifles of prohibited bores shall be sent to the nearest Ordnance Depot if of service pattern and to Ordnance Depot, Allahabad if of non-service pattern. Small arms ammunition similar to service type of ammunition and of prohibited bore shall be sent to the nearest ammunition Depot: All other ammunition of prohibited bore being disposed of in consultation with Chief Circle Inspector of Explosives.
 - (b) Pistols and revolvers of "non-prohibited bore" may subject to the provisions of sub-rule (4) below, be sold to Government servants and other persons, who are duly licensed. Government servants should however be given

preference over "other persons" according to the needs of each category.

- (c) Arms, ammunitions and stores other than those described under (a) and (b) above may subject to the provision of sub-rule (4) below, be sold to licensed dealers or other persons entitled to possess them;
- (d) Arms, ammunitions and stores not disposed of under the provisions of clause (a), (b) and (c) of this sub-rule shall be disposed of in the following manner:

- (i) all rifled fire-arms or rifle-barrels will be sent to the nearest Ordnance Depot to be destroyed,
- (ii) ammunition and stores will either be destroyed by the Magistrate or sent to the nearest Ammunition Depot,
- (iii) all other arms will be broken up locally and the materials sold or sent to the nearest Ordnance Depot for disposal at the discretion of the Magistrate.

- (3) An acknowledgement should be obtained from the Officer incharge of the Arsenal concerned of the receipt of arms and ammunitions sent to him under rule (2) above.
- (4) The disposal of arms, ammunition and stores under sub-rule (2)(b) and (c) above is subject to the condition that no weapon shall be sold except under the order of the District Magistrate himself and, before sanctioning the sale of any weapon to any Government servant or other person, the District Magistrate must satisfy himself that, having regard to the condition of the weapon and market prices, the price offered is reasonable. (U.P. Arms Manual, 1958 edition.)

- (ii) **UTTAR PRADESH:** **Notifications issued under the Arms Act, 1959 and the Arms Rules, 1962.*

Miscellaneous

- (1) No. 6372-R/VIII-B-18-1960, dated 1-10-1962

Whereas, the powers exercisable by the Central Government under sub-section (2) of section 10 of the Arms Act, 1959 (Act No. 54 of 1959) have been delegated to the State Government vide Government of India, Ministry of Home Affairs' notification No. 18/2/62(1)-P.IV, dated October 1, 1962.

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 10 of the said Act as delegated to this Government, the Governor of Uttar Pradesh is pleased to empower all Magistrates, all Justices of the Peace, and all officers of or above the rank of an officer-in-charge of a police station in Uttar Pradesh, to detain within their respective jurisdiction arms and ammunitions in the possession of such persons as may not seem to be covered by clause (a) or (b) of the proviso to sub-section (1) of section 10 of the said Act or in respect of whom the reasonableness of the quantities of arms and ammunition in their possession or the use of such arms or ammunition by them may be in doubt.

- (2) No. 6372-R(i)/VIII-B-18-1960

Whereas, the powers exercisable by the Central Government under sub-section (1) of section 19 of the Arms Act, 1959 (Act No. 54 of 1959) have been delegated to the State Government vide Government of India, Ministry of Home Affairs' Notification No. 18/2/62(1)-P.IV, dated October 1, 1962.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 19 of the said Act as delegated to this Government, the Governor of Uttar Pradesh is pleased to empower all Magistrates, all Justices of the Peace, all Conservators, Deputy Conservators, Assistant Conservators of Forests and all

* Published in U.P. Government Gazette, Extraordinary, dated October 1, 1962.

Patwaris exercising police powers in the districts of Uttar-Kashi, Chamoli, Pithoragarh, Almora, Pauri Garhwal, Tehri Garhwal and the hill patts of districts Naini Tal and Dehra Dun within their respective jurisdiction to demand the production of his licence from any person who is carrying any arms or ammunition in Uttar Pradesh.

(3) No. 6372-R(ii)/VIII-B-18-1960

Whereas, the powers exercisable by the Central Government under sub-section (2) of section 22 of the Arms Act, 1959 (54 of 1959) have been delegated to the State Government vide Government of India, Ministry of Home Affairs' notification No. 18/2/62(1)-P.IV, dated October 1, 1962.

Now, therefore, in exercise of the powers under sub-section (2) of section 22 of the aforesaid Act, as delegated to this Government, the Governor of Uttar Pradesh is pleased to empower all Justices of the Peace, and all police officers of or above the rank of Sub-Inspectors as officers by or in whose presence all searches under the said section shall be conducted.

(4) No. 6372-R(iii)/VIII-B-18-1960

Whereas, it is expedient in the public interest to regulate the manufacture and sale of sharp-edged and deadly weapons of category V of Schedule I to the Arms Rules, 1962 throughout the State of Uttar Pradesh.

Now, therefore, in exercise of the powers under Rule 19 of the Arms Rules, 1962 the Governor of Uttar Pradesh is pleased to direct that no person in Uttar Pradesh shall manufacture, sell or possess for sale or test the sharp-edged and deadly weapons of category V of Schedule I to the said rules, as mentioned in the list appended below, unless he holds a licence issued in accordance with the provisions of the Arms Act, 1959 and the Arms Rules, 1962 framed thereunder.

List of sharp-edged and deadly weapons. Swords (including sword-sticks), daggers, bayonets, spears (including lances and javelins), knives (including Kirpans and Khukris) and other such weapons with blades longer than 9 inches and wider than

2 inches other than those designed for domestic, agricultural, scientific or industrial purposes, and other arms which the State Government may notify under section 4 of the Act, 1959.

(5) No. 6372-R(iv)/VIII-B-18-1960

Whereas the powers exercisable by the Central Government under rule 27 of the Arms Rules, 1962 have been delegated to the State Government vide Government of India, Ministry of Home Affairs' notification No. 18/2/62(1)-P. IV, dated October 1, 1962.

Now, therefore, in exercise of the aforesaid powers as delegated to the State Government, the Governor of Uttar Pradesh is pleased to direct that such Sub-Inspectors of Police as are incharge of Police Stations in Uttar Pradesh may, within the local limits of their respective jurisdiction, perform the functions and exercise the powers mentioned in the aforesaid rule 27 read with condition No. 3 of Forms IX, XI, XII, XIII and condition No. 5 of Form X and No. 8 of Form XIV of the said Rules.

(6) No. 6372-R(v)/VIII-B-18-1960

In exercise of the powers under rule 4 of the Arms Rules, 1962 read with entries 12 and 13 of Schedule II thereto, the Governor of Uttar Pradesh is pleased to empower with effect from October 1, 1962 all District Magistrates in Uttar Pradesh to grant within their respective jurisdiction licences in Form XIII for sale, transfer or test (other than proof test), keeping for sale, transfer or test in respect of weapons of Categories III(c), III(d), V and VI of Schedule I to these Rules and in Form XIV for keeping for safe custody in respect of weapons of all Categories mentioned in the said Schedule I within the premises to be specified in the licence.

(7) No. 6372-R(vi)/VIII-B-18-1960

Whereas the powers exercisable by the Central Government under entry 1(3), proviso in column 2, of Schedule II appended to the Government of India, Ministry of Home Affairs' notifica-

tion No. 15/13/59(v)-P.IV, dated July 13, 1962 (G. S. R. 991) have been delegated to the State Government vide Government of India, Ministry of Home Affairs' notification No. 18/2/62-(1)-P.IV, dated October 1, 1962.

Now, therefore, in exercise of the said powers under entry 1(3), proviso in column 2 of Schedule II appended to the Government of India, Ministry of Home Affairs' notification No. 15/13/59(V)-P.IV, dated July 13, 1962 and delegated to this Government, the Governor of Uttar Pradesh is pleased to cancel the exclusion of Air Pistols covered by the aforesaid entry throughout the State of Uttar Pradesh and to direct that all air pistols shall be subject to the restrictions which apply to ordinary pistols and revolvers.

(8) No. 6372-R(vii)/VIII-B-18-1860

Whereas, the powers exercisable by the Central Government under entry 1(13)(a) of Schedule II to the Government of India, Ministry of Home Affairs' notification No. 15/13/59(v)-P.IV, dated July 13, 1962 (G. S. R. 991) have been delegated to the State Government vide Government of India, Ministry of Home Affairs' notification No. 18/2/62(1)-P.IV, dated October 1, 1962.

Now, therefore, in exercise of the powers under the said entry of Schedule II and delegated to this Government, the Governor of Uttar Pradesh is pleased to direct that the exemption from the provisions of sections 3 and 5 of the Arms Act, 1959 (Act No. 54 of 1959) under entry referred to above, to the bona fide medical practitioners and dispensing chemists in respect of Chlorates shall with effect from October 1, 1962 be subject to the following conditions:

1. Every bona fide medical practitioner and dispensing chemist shall:
 - (a) register himself with the District Magistrate of his respective district.
 - (b) maintain a record of stock and purchase and of sale and despatches in Form "A" appended hereto.
 - (c) submit to the District Magistrate by every 15th day in January, April, July and October a quarterly statement

about the preceding 3 calendar months, in the following form:

FORM "B"

Sl. No.	Month	Opening Balance	Stock purchased during the quarter ending	Sales made during the quarter ending	Balance in hand on the last day of the quarter ending
1	2	3	4	5	6
1.					
2.					
3.					

- (d) furnish to the District Magistrate any other information as may be required by him in respect of purchase, sale or despatch of Chlorates in his possession.

For Dispensing Chemists 2. (a) No dispensing Chemist shall possess more than $\frac{1}{2}$ kgm. of Potassium Chlorate and more than one thousand tablets of Potassium Chlorate .324 gm. at a time.

(b) No dispensing Chemist shall sell to any registered medical practitioner more than 30 gm. of Potassium Chlorate and more than one hundred tablets of Potassium Chlorate (.324 gm.) at a time.

(c) A dispensing Chemist shall make available whenever required for inspection his stock and the register maintained by him in respect of sale of Potassium Chlorate on demand of any magistrate or any police officer of a rank not below the rank of Sub-Inspector-in-Charge of a Police Station.

(d) **For medical practitioners.**—No medical practitioner shall possess more than 30 gm. of Potassium Chlorate and more than one hundred tablets of Potassium Chlorate (.324 gm.) at a time.

FORM "A"

Prescribed vide Notification No. 6372/VIII-B-18-1960, dated October 1, 1962 for maintaining record of acquisition and sale of Potassium Chlorate by dispensing Chemists and medical practitioners.

Name of the Dispensing Chemist/Medical Practitioner.....
 Location of dispensary or clinic.....
 for the year.....

Receipts						Sale				REMARKS
Serial number	Date	Opening Balance	Quantity purchased	From whom purchased	Total	Sales and despatches made	To whom sold or despatched	Purpose for which sold or despatched	Balance in Hand	
1	2	3	4	5	6	7	8	9	10	11

By Order
 A. SEN, Sachiv.

III. MADRAS : (1) Notifications issued under the Indian Arms Act, 1878 and the rules issued thereunder.

Copy of G. O. Ms. 1129, Judicial, dated 10-10-1922.

Arms Act — Section 15 — extended to the whole of Malabar.

Attention is invited to Notification No. 222 dated 14th September 1922 (copy attached) published in the Fort St. George Gazette, Part I, page 1010 of the 26th September issue extending section 15 of the Indian Arms Act 1878 to the whole of the Malabar district.

To the D. M., Malabar.

" I. G. of Police, Law,
 " Publicity Officer.

[True copy]

Notification

Fort St. George, September 14, 1922.

No. 222.—The Governor in Council, with the previous sanction of the Governor-General in Council, resolves under section 15, Act IX of 1878 (The Indian Arms Act) to extend the provisions of that section to the whole of the Malabar district.

2. It is therefore hereby notified for general information that within the limits of the said district no person who is not specified or described in Schedule I of the Indian Arms Rules, 1920, as exempted, shall from the date of this notification have in his possession any arms of any description except under a licence and in the manner and to the extent permitted by it.

Copy of G. O. Ms. No. 968. Public (Genl.), dated 9-8-1930.

ARMS ACT—"Life Preserver" or "ZIPO"—Prohibitions and directions contained in the Act—Retained.

Order

The following notification will be published in the Fort St. George Gazette:

Notification

In exercise of the powers conferred by the proviso in column 3, against entry 1 of Schedule II to the Indian Arms Rules, 1924, His Excellency the Governor in Council hereby retains all the prohibitions and directions contained in the Indian Arms Act in respect of the weapon known as 'Life Preserver' or 'ZIPO'.

It is therefore hereby notified for general information that no person who is not specified or described in Schedule I to the Indian Arms Rules, 1924, as exempted, shall from the date of this notification have in his possession the above weapon except under a licence and in the manner and to the extent permitted thereby.

Copy of G. O. Ms. No. 497, Public, dated 2-5-1931.

ARMS ACT.—Alarm contrivances known as “Stop”—Prohibitions and directions contained in the Act retained—licences, fees, etc. To be treated as .12 bore B.L. Gun.

Order

The following notification will be published in the Fort St. George Gazette:—

Notification

In exercise of the powers conferred by the proviso in column 3 against entry 1 of Schedule II to the Indian Arms Rules, 1924 His Excellency the Governor in Council hereby retains all the prohibitions and directions contained in the Indian Arms Act in respect of the alarm contrivance known as “Stop”, a description of which is given below:—

“Stop” is an alarm contrivance patented by John Martinat of Casella 32, Milan (Italy). It is made in two models — see illustrations attached — Model “A” for use on windows and shutters and the ordinary model on doors and locks. Any tampering with the door, lock, window or shutters to which a “Stop” has been fixed brings into action a hammer which gives an alarm by exploding a .12 bore cartridge.

2. This contrivance shall be treated as a .12 bore breech-loading gun for purposes of licences, fees etc. and licences for its sale should be confined to firms already licenced to sell arms and ammunition.

Copy of G. O. Ms. No. 3467, Home, dated the 6th Nov. 1946.

ACT—Arms Act and Rules—Bayonet—Prohibitions and directions contained in the Act—Retained.

Read: From the District Magistrate, North Arcot, Rc.G.2.214/M/46, dated 27-5-1946.

From the Commr. of Police, Madras, Rc.No.3816/I.S./46, dated 20-6-1946.

From the Insp.-Genl. of Police, Madras, F.O.C. No. 832-A/Statl/46, dated 5-7-1946.

From the Board of Revenue, Madras, L. Dis. L. No. 2620/46, dated 5-7-1946.

From the Govt. of India, Home Dept., No. 21/65/46-Police, dated 18-8-1946.

Order

The District Magistrate, North Arcot is directed to hand over to the nearest military unit, for disposal, the bayonet found in the possession of Subbiah, the deserter, stating the circumstances in which it was seized from him.

2. The following notification will be published in the Fort St. George Gazette:—

Notification

In exercise of the powers conferred by the proviso in column 3 against entry 1 of Schedule II to the Indian Arms Rules, 1924, read with the Government of India, Home Department Notification No. 21/50/37-Police, dated the 20th June 1938 as amended by the Government of India, Home Department Notification No. 21/22/43-Police, dated the 19th June 1943, His Excellency the Governor of Madras hereby retains all the prohibitions and directions contained in section 13 of the Indian Arms Act, 1878 in respect of bayonets.

It is therefore hereby notified for general information that no person who is not specified or described in Schedule I to the Indian Arms Rules, 1924, as exempted, shall from the date of this notification go armed with the above weapon except under a licence and in the manner and to the extent permitted thereby.

Copy of G. O. Ms. No. 1149. Home, dated the 7th April, 1953.

ARMS ACT AND RULES—Malabar district—Certain type of arms possessed by primitive tribes—Exemption—Notification extending Section 15 of Arms Act—Issued.

Read: G. O. No. 1129, Judicial Dept., dt. 10-10-1922.

G. O. No. Ms. 4448, Home, dt. 21-11-1951.

Notification of the Govt. of India, Ministry of Home Affairs, No. 9/24/52-Police (I), dated 25-2-1953.

Order

The following notification will be published in the Fort St. George Gazette:—

Notification

In supersession of the late Judicial Department Notification No. 222, dated the 14th September 1922, published at page 1010 of Part I of the Fort St. George Gazette, dated the 26th September, 1922, and in exercise of the powers delegated to this Government by the Notification of the Government of India, Ministry of Home Affairs, No. 15/60/47-Police (I), dated the 24th October 1951 the Governor of Madras, under section 15 of the Indian Arms Act, 1878 (Central Act XI of 1878), hereby directs that the provisions of the said Section shall be extended to the Malabar district.

It is, therefore, hereby notified for general information that within the limits of the said district no person who is not specified or described either in Schedule I or under entry 9 to Schedule II to the Indian Arms Rules, 1951, as exempted, shall from the date of this notification, have in his possession, any arms of any description except under a licence and in the manner and to the extent permitted by it.

Copy of G. O. Ms. No. 3122 (Confidential) Home, dated the 3rd December, 1957.

ACT—Arms Act and Rules—Ramanathpuram district—Rigid enforcement and recovery of illicit firearms—Ordered—‘Vel Stick’ and ‘Vel’—Possession and carriage in certain taluks—Banned—Notification.

Read: From the Insp.-Genl. of Police, Rc. No. 8411/C/57, dated 24-9-1957.

Order

5. The following notification will be published in the Fort St. George Gazette:—

Notification

In exercise of the powers conferred by the provision in the

third column against entry 1 in the Table under Schedule II to the Indian Arms Rules, 1951 read with the Government of India, Ministry of Home Affairs Notification, No. 19/3/56-Police (IV), dated the 22nd January, 1957, the Governor of Madras hereby retains all the prohibitions and directions contained in Sections 13 and 15 of the Indian Arms Act, 1878 in respect of the arms known as 'vel kombu' or 'vel stick' in the taluka of Aruppukottai, Mudukulathur, Parmakudi and Sivaganga in the Ramanathapuram districts.

It is, therefore, hereby notified for general information that no person who is not specified or described in Schedule I to the Indian Arms Rules, 1951, as exempted, shall from the date of this notification go armed with the above mentioned weapons except under a licence and in the manner and to the extent permitted thereby in the said four talukas of the Ramanathapuram District.

(2) Notification issued under the Arms Rules 1962.

ARMS ACT AND RULES—Grant of licences in Form XIII and Form XIV—Delegation of Powers of State Government to Commissioner of Police in Madras City and Additional District Magistrates concerned elsewhere—Notification—Published.

Home Department

G. O. Ms. No. 4370, dated 22nd December 1962.

Read the following:—

From the Collector of the Nilgiris, Rc. C2. 4994/M/62, dated 22-10-1962.

From the District Revenue Officer, Ramanathapuram, Roc. C2/11330/62, dated 16-11-1962.

From the Commissioner of Police, Madras, Rc. 45951/L1/62, dated 11-12-1962 and No. 51034/E6/62, dated 12-12-1962.

Order

The following notification will be published in the Fort St. George Gazette:—

Notification

In pursuance of rule 4 read with items 12 and 13 in Schedule II to the Arms Rules, 1962, the Governor of Madras hereby empowers the Commissioner of Police in the City of Madras and the Collectors and Additional District Magistrates elsewhere to grant or renew licences for the purposes specified in column (2) against the said items in the said Schedule to the said rules.

IV. MYSORE: Government of Mysore, Home Department (Political), Notification No. HD. 124 PAA. 62, dated 7-3-1963.

Notification

In exercise of the powers conferred by rule 4 of the Arms Rules, 1962, the Government of Mysore hereby specially empowers the Officers mentioned in column 1 of the Table below to be the licensing authorities within their respective jurisdictions for the purpose mentioned in column 2 in respect of the categories of arms and ammunition and the forms of licences specified in columns 3 and 4 thereof, namely:—

Table

<i>Officers</i>	<i>Purpose</i>	<i>Categories of arms and ammunition as defined in Schedule I of the Arms Rules, 1962.</i>	<i>Form No. of the license.</i>
1	2	3	4
(1) Additional District Magistrates.	Sale, transfer or test (other than proof test) keeping for sale, transfer or test.	Items III(e), III(d), V, VI.	XIII
(2) Additional District Magistrates.	Keeping for safe custody.	All items.	XIV

V. GOVERNMENT OF MYSORE, Home Department (Political), Notification No. H D. 16, PAA. 63, dated 4-10-1963.

Notification

In exercise of the powers conferred by sub-clause (ii) of clause (f) of rule 2 of the Arms Rules, 1962 and in supersession

of Notification No. HD-83 PAA 62 dated 8-1-1963, the Government of Mysore hereby specially empowers the Commissioner of Police, Bangalore, to perform the functions of the District Magistrate for the purposes of the said Rules in the area of the Corporation of the City of Bangalore and the Taluks of Bangalore North and Bangalore South.

APPENDIX X

GAME LAWS—Uttar Pradesh.

A—The Wild Birds and Animals Protection Act, 1912 (Act No. VIII of 1912) as amended in its application to the United Provinces of Agra and Oudh by the Wild Birds and Animals Protection (United Provinces Amendment) Act, 1934 (United Provinces Act No. 13 of 1934).

An Act to make better provision for the protection and preservation of certain wild birds and animals.

Whereas it is expedient to make better provision for the protection and preservation of certain wild birds and animals it is hereby enacted as follows:

1. **Short Title and extent.**—(1) This Act may be called the Wild Birds and Animals Protection Act, 1912; and

(2) It extends to the whole of British India including British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

2. **Application of Act.**—(1) This Act applies, in the first instance, to the birds and animals specified in the Schedule, when in their wild state.

(2) The Provincial Government may, by notification in the official gazette, apply the provisions of this Act to any kind of wild bird or animal, other than those specified in the Schedule, which, in its opinion, it is desirable to protect or preserve,* (or transfer any kind of wild bird or animal from any clause of the Schedule to any other clause).

3. **Close time.**—The Provincial Government may, by notification in the official Gazette, declare the whole year or any part thereof to be a close time throughout the whole or any part of

* These words were inserted by section 3 of the United Provinces Act No. XIII of 1934.

its territories for any kind of wild bird or animals to which this Act applies, or for female or immature wild birds or animals of such kind; and, subject to the provisions hereinafter contained, during such close time, and within the areas specified in such notification, it shall be unlawful—

- (a) to capture any such bird or animal or to kill any such bird or animal which has not been captured before the commencement of such close time;
- (b) to sell or buy, or offer to sell or buy, or to possess, any such bird or animal which has not been captured or killed before the commencement of such close time, or the flesh thereof:

* Provided that in all cases in which a person is accused of having sold or exposed for sale any such bird or animal or the flesh thereof, it shall be presumed that the bird or animal was captured or killed after the commencement of the close season, unless the contrary is proved;

- (c) if any plumage has been taken from any such bird captured or killed during such close time, to sell or buy, or to offer to sell or buy, or to possess, such plumage.

**** 3-A. Prohibition of netting certain birds and animals.—**

The netting of birds or animals specified in clause (i)(a) or clause (ii)(a) of the Schedule at any time of the year is prohibited.

4. Penalties.—(1) Whoever does, or attempts to do, any act in contravention of section 3† (or section 3-A), shall be punishable with fine which may extend to fifty rupees.

(2) Whoever, having already been convicted of an offence under this section is again convicted thereunder shall, on every subsequent conviction, be punishable with imprisonment for a

* This proviso was inserted by section 4 of the United Provinces Act No. XIII of 1934.

** This proviso was inserted by section 5 of the United Provinces Act No. XIII of 1934.

† These words, figure and letter were inserted by section 6 of the United Provinces Act No. XIII of 1934.

term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

5. **Confiscation.**—(1) When any person is convicted of an offence punishable under this Act, the convicting Magistrate may direct that any bird or animal in respect of which such offence has been committed or the flesh or any other part of such bird or animal, shall be confiscated.

(2) Such confiscation may be in addition to the other punishment provided by section 4 for such offence.

6. **Cognizance of offences.**—* [(1) No court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence against this Act.

** (2) The offences referred to in section 3-A and in the proviso to clause (b) of section 3 shall be cognizable offences.]

7. **Power to grant exemption.**—Where the Provincial Government is of opinion that † such a course is desirable, it may grant to any person a licence, subject to such restrictions and conditions as it may impose, entitling the holder thereof to do any act which is by section 3 †† (or section 3-A) declared to be unlawful.

8. **Savings.**—Nothing in this Act shall be deemed to apply to the capture or killing of a wild animal by any person in defence or himself or any other person, or to the capture or killing of any wild bird or animal in bona fide defence of property.

9. (Repeal) Repealed by section 3 and Schedule II of the Second Repealing and Amending Act, 1914 (XVII of 1914).

The Schedule

§ (i) (a) Partridges, pigeons, duck, teal and jungle fowl.

* This number was inserted by section 7 of the United Provinces Act No. XIII of 1934.

** This sub-section was inserted by section 7 of the United Provinces Act No. XIII of 1934.

† The words "in the interest of scientific research" were deleted by section 8 of the United Provinces Act No. XIII of 1934.

†† These words, letter and figure were inserted by section 8 of the United Provinces Act No. XIII of 1934.

§ These clauses were substituted for the original clauses by section 9 of the United Provinces Act No. XIII of 1934.

- (b) Bustard, florican, peafowl, pheasants, sandgrouse, painted snipe, spurfowl, woodcock, herons, egrets, rollers, kingfishers and quail.
- (ii) (a) Antelope.
- (b) Asses, bison, buffaloes, deer, gazelles, goats, hares, oxen, rhinoceroses and sheep.

B.—Notifications under Act VIII of 1912.

This form shows the close time for wild birds and animals in the United Provinces under the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), and contains all orders issued upto the 30th April 1936, under—

- (1) Notification No. 1027/XIV-208, dated the 22nd June 1920 as subsequently amended by notification Nos. 788, 316, 1134, 383, 428, 2503 C, 780, 1361, 791, 534, 896 and 549, dated the 16th August 1922, 20th April 1926, 6th December 1926, 6th April 1927, 19th April 1927, 9th July 1927, 4th August 1927, 20th December 1927, 30th September 1929, 7th August 1930, 11th December 1931 and 12th October, 1932 respectively.
- (2) Notification No. 1359/XIV-305, dated the 20th Dec. 1927.
- (3) Notification No. 453/XIV-296, dated the 27th April 1927.
- (4) Notification Nos. 1055/XIV-126, dated the 21st October, 1927, as amended by notification Nos. 707/XIV/184, dated the 24th July 1928, and 896/XIV-208, dated the 11th December 1931.
- (5) G. O. No. 1243-C, dated the 10th June 1921.
- (6) Notification No. 912-I/XIV, 19, dated the 14th Dec. 1934.
- (7) Notification No. 1041-II/XIV-241, dated the 4th February 1935.
- (8) Notification No. 612-I/XIV-190, dated the 2nd Jan. 1936.
- (9) Notification No. 934/XIV-306, dated the 6th Jan. 1936.
- (10) Notification No. 275/XIV-208, dated the 16th April 1936.
- (11) Notification No. 275-III/XIV-208, dated the 16th April 1936.

English	Hindustani	Period	Area.
Hoopoe.	Hudhud.		
Rufous Shorttoed lark or orchallen.	Bagheri, Bhaghaiira.		
Black drongo or King crow.	Bhujanga, bojanga, tham-pal, kotwal.		
Jungle babbler or Seven sisters.	Sat bahin.		
Indian oriole, Black-headed oriole.	Plak.		
Grey-headed mynah, Common mynah.	Maina.		
Bank Mynah.	Darya maina.		
Pied Mynah.	Ablak maina.		
Common hawk cuckoo.	Poptiya.		
Indian roller or blue jay.	Nilkant.		
Herons.	Nari, sain bara bagla, wak, chanak.	Whole year.	United Provinces.
Egrets.	Karchia bagla, safed bagla, tav bagla, laf bagla, surkia bagla, badami bagla.		
Kingfishers.	Kanderia, hariali, kaikli, koriala-kaikli, chota-kaikli, machhala, kauriala, mach-bagh.		

English	Hindustani	Period	Area.
Bustards.	Charaj, tilur, hukha, hon- bara.	1st April to 14th Septem- ber.	
Floricans.	Charaj, charaj, likh.		
Spur fowl.	Choti jangli murgi.	1st March to 31st July.	
Sand grouse.	Bhat titar.	1st February to 14th Sep- tember.	
Bartaville or greek par- tridge.	Chakor.	(i) 1st March to 14th Oc- tober.	
Jungle fowl.	Jangli murgi.		
Painted Snipe.	Rangin chahia.		(i) In Dehra Dun District, excluding the Chakrata sub-division.
Wood cock.	Sham tharya, sham kokra.	(ii) 1st April to 14th September.	(ii) In the rest of the United Provinces including the Chakrata sub-division.
Pheasant.	Kali, chir, munal koklas, juarlungi.		
Green Pigeon.	Harial, kokla.	(i) 1st March to 14th October.	
Quail.	Bater.	(ii) 1st July to 14th Sep- tember.	
Snow cock.	Hinwal.	15th February to 14th Sep- tember.	United Provinces.
Snow partridge.	Larwa ganguria.		
Wood Partridge.	Bura.		(i) In Benares, Allahabad, Jhansi and Agra Divi- sions and in protected
Grey partridge.	Safed thar.	1st March to 31st August.	

<i>English</i>	<i>Hindustani</i>	<i>Period</i>	<i>Area.</i>
Swamp partridge.			forests of Tarai and Bharat estates of the Kumaun Division.
		1st March to 14th October.	(ii) In Delhi Dun District, excluding the Chakrata sub-division.
		1st April to 14th September.	(iii) In the rest of Meerut Division, including the Chakrata Sub-division, and in Kumaun, Rohil- khand, Lucknow, Fyza- bad and Gorakhpur Divi- sion.
	Kair.	1st March to 31st August.	(i) In Benares, Allahabad, Jhansi and Agra Divi- sions and in the protect- ed forests of the Tarai and Bharat estates of the Kumaun Division.
		1st April to 14th September.	(ii) In Meerut, Kumaun, Ro- hilkhand, Lucknow, Fy- zabad and Gorakhpur Divisions.

English	Hindustani	Period	Area
Black partridge.	Kala tilar.	1st March to 14th October.	(i) In Dehra Dun District excluding the Chakrata Sub-division.
		1st April to 14th September.	(ii) In the rest of the United Provinces, including the Chakrata sub-division.
Painted partridge	Kala tilar.	1st April to 14th September.	In the districts south of the Jamuna river.
Pheasants	Moor.	1st March to 14th October.	(i) In Dehra Dun district, excluding the Chakrata sub-division.
		15th May to 14th September.	(ii) In the rest of the United Provinces, including the Chakrata sub-division.
		1st April to 14th September.	(iii) In the protected forests of the Tarai and Bhabar estates of the Kumaon Division.
Pheasants.	Mor ki munda.	1st March to 14th October.	(i) In Dehra Dun district, excluding the Chakrata sub-division.
		1st April to 14th September.	(ii) In the rest of the Meerut Division, including the

<i>English</i>	<i>Hindustani</i>	<i>Period</i>	<i>Area</i>
Ducks— Pink-headed ducks, (Roho- denessa, Caryophyllacea Loth), Whistling teal, Cotton teal.	Lalsia (Hindi) Jalsir (Oudh).	Whole year.	In Lucknow, Fyzabad and Gorakhpur Divisions.
Coomb duck. Spotted bill.	Silti. Girri. Nukhta. Garghal.	1st March to 30th Septem- ber. 15th June to 30th Septem- ber.	(i) In Delhra Dun District, excluding the Chakrata sub-division. (ii) In the rest of the United Provinces including the Chakrata sub-division.
Ducks.	Batak, murghahi.	1st March to 14th October.	(i) In Delhra Dun District excluding the Chakrata sub-division.
		15th May to 14th Septem- ber.	(iii) In Benares, Allahabad, Jhansi and Agra Divi- sions and in the Hill Pat- tis of Kumaun.
			Chakrata sub-division, in Kumaun, Rohilkhand, Lucknow, Fyzabad and Gorakhpur Divisions and in the protected forests of the Tarai and Bhabar estates of the Kumaun Division.

English	Hindustani	Period	Area.
		1st June to 30th September.	(ii) In the protected forests of the Tarni and Bhabar estates of the Kumaun Division.
Sambhar (males).	Jerau sambhar ka nar.	1st May to 31st October.	(i) In Meerut, Kumaun, Rohilkhand, Lucknow, Fyzabad and Gorakhpur divisions. (1)*
		1st April to 14th October.	(ii) In Benares, Allahabad, Jhansi and Agra Divisions.
		1st May to 14th October.	(iii) In the protected forests of the Tarni and Bhabar estates of the Kumaun Division (2)*, (3)*, (4)*.
		When the horns are in velvet.	(iv) In the Hill Patis of Kumaun (5)*.
Swamp deer (males).	Gond ka nar.	15th March to 14th October.	
Hog deer (males).	Para ka nar.	1st April to 14th October.	United Provinces (6)*
Barking deer (males).	Khakar ka nar.	1st April to 14th October.	
Four-horned antelope (males).	Chausingha ka nar.	1st April to 14th October.	

English	Hindustani	Period	Area
Goral (males)	Ghural ka nar.	15th March to 15th September.	In the Hill Patts of Kumaun.
Spotted deer (males).	Chial ka nar.	1st October to 15th March.	(i) In Meerut, Kumaun, Rohilkhand, Lucknow, Fyzabad and Gorakhpur Divisions (7)*, (1)*
		15th September to 31st January.	(ii) In Benares Allahabad, Jhansi and Agra Divisions. (7)*, (2)*, (3)*, (4)*
		When the horns are in velvet.	(iii) In the protected forests of the Tarai and Bhabar estates of the Kumaun Division (7)*
Indian antelope.	Hiran Lirga.	15th June to 15th September.	In Agra, Benares, Allahabad, Gorakhpur, Meerut, Rohilkhand, Lucknow and Fyzabad Divisions. (8)*
Females and young of Sambhar, swamp deer, hog deer, barking deer, four-horned antelope, spotted deer, musk deer, tahr, serau, barbel, ghural, Indian gazelle.	Madhuan, jarnu, sambhar, goud, pura, khakar, chausingha, chital, kasturi, tahr, serau, barbel, goral, chinkara ki aur unko bachehe.	Whole year.	United Provinces, except with the permission of an authorised forest officer within reserve forests (5)*, (12)*.

English	Hindustani	Period	Area.
Tigers (males & females). Wild elephant.	Sher, chita, Jangli hatti.	1st June to 14th October. Whole year.	United Provinces (9)* (10)* United Provinces.
Lizards— Varanus, Bengalensis (common monitor or goh). Varanus Flavescens (yellow monitor). Varanus Salvator (the water monitor or water lizard).		1st April to 31st October.	United Provinces.

Notes : * (1) The shooting of male sambhar (jerai sambhar ka nar) and of male spotted deer (chital ka nar) is prohibited for a further period of five years with effect from the 10th April 1932 in the Meerut and Muzaffarnagar districts.

* (2) (a) The shooting of male sambhar (jerai sambhar ka nar) is prohibited for a period of five years with effect from the 1st April 1930 in the following villages of the Hamirpur district :

Rampura, Bhiloni, Poochi, Srinagar, Bilrahi, Lalpura, Khoi, Saitiwara, Gundi, Ari and Budhiwara.

(b) The shooting of male sambhar (jerai ka nar) and male (chital ka nar) is prohibited for a period of five years with effect from 1st October 1932 in the following villages of the Hamirpur District :

Indaora, Tola Soem, Sijehri, Ratauli, Ghutai, Khirya Khurd and Chanka.

* (3) Shooting of male sambhar (jerai sambhar ka nar) and of male spotted deer (chital ka nar) is prohibited for a further period of five years with effect from 17th July 1932, in the Fatehpur District.

* (4) The shooting of sambhar and chital (spotted deer) is prohibited for a period of five years, with effect from 15th October 1934 in the Dudhi Pargana of the Mirzapur District.

* (5) The period of close time in the case of sambhar (males, females and their young) does not apply to the Muktesar reserved forests.

* (6) The shooting of gond is prohibited until further notice in Tahsil Fyzabad District, and Nawabganj, Digsir, and Guwarich Parganas, Gonda District.

* (7) A Divisional Forest Officer, when issuing a permit at any time may allow the holder to shoot a specified number of chital stags in hard horn in Government reserved or protected forests during the period covered by the permit.

* (8) There is no close time for Indian antelope in the forests included in the Afforestation Division in the Districts of Etawah and Cawnpore.

* (9) Cubs or tigresses with cubs should not be shot. Tigers under eight feet and tigresses under seven feet should be considered cubs.

* (10) With the permission of the Divisional Forest Officer shooting is allowed within a reserved forest for the purpose of destroying carnivora in the immediate neighbourhood of habitation and cattle stations.

* (11) There is no close time for ravine deer in the forest included in the Afforestation Division in the Auraiya Tahsil of the Etawah District and in Cawnpore.

* (12) The shooting of Chinkara is prohibited for a period of five years with effect from the 1st January 1936 in the Fatehpur District.

* (13) In the Jhansi Forest Division the close season for tigers is, until further notice, withdrawn as an experimental measure.

* (14) The netting of partridges, pigeons, ducks, teal and jungle fowl and of antelopes at any time of the year is prohibited.

GAME LAWS—Bombay

**¹ THE BOMBAY WILD ANIMALS AND BIRDS
PROTECTION ACT, 1951.**

PREAMBLE.

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BOMBAY ACT No. XXIV OF 1951.¹

[THE BOMBAY WILD ANIMALS AND WILD BIRDS
PROTECTION ACT, 1951]^{1a}

(24th July 1961)

Adapted and modified by the Bombay Adaptation of Laws
(State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of
Laws (State and Concurrent Subjects) Order, 1960.

Amendment by Mah. 11 of 1961.

**An Act to make adequate provision for the protection of wild
animals and birds in the State of Bombay.**

Whereas it is expedient to make better and adequate provi-
sion for the preservation and protection of wild animals and
wild birds in the State of Bombay and for certain other matters
hereinafter appearing; It is hereby enacted as follows :—

CHAPTER I

Preliminary.

1. Short title, extent and commencement. (1) This Act may

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1951, Part V, page 14.

^{1a} This Act was extended to and by virtue of such extension shall be in force in the rest of the State of Maharashtra (*vide* Mah. 11 of 1961, s. 2).

be called the Bombay Wild Animals and Wild Birds Protection Act, 1951.

[(2) It extends to the whole of the State of Maharashtra.]²

(3) It shall come into force [in the pre-Reorganisation State of Bombay]³ on such date as the State Government may, by notification in the Official Gazette, [appoint; and in the remaining part of the State of Maharashtra, it shall come into force on the commencement of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960.]⁴ [Mah. XI of 1961]

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Animal or Bird" includes the young ones of the animal or bird, as the case may be;
- (b) "Big Game" means any animal specified in Schedule III or IV;
- (c) "Game" means any animal or bird specified in Schedule II, III or IV;
- (d) "Game Officer" means any officer, warden or servant appointed or authorized for any of the purposes of this Act;
- (e) "Hunt" means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest;
- (f) "Licence" means a licence granted under this Act;
- (g) "Meat" includes fat, blood, flesh and bones;
- (h) "Permit" means a permit granted under this Act;
- (i) "Prescribed" means prescribed by rules;
- (j) "Rules" means rules made under section 48;
- (k) "Schedule" means a Schedule appended to this Act;
- (l) "Small Game" means any animal or bird specified in Schedule II;
- (m) "Trophy" means the durable part of an animal or a bird which has been preserved by any means, whether natural

² Sub-section (2) was substituted for the Original by Mah. 11 of 1961.

s. 3(a).

³ These words were inserted, *ibid*, s. 3 (b).

⁴ This portion was substituted for the word "appoint", *ibid*, s. 3 (b).

or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid:

- (n) "Vermin" means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under Section 18.

3. Domesticated and other animals and birds in captivity exempted.—Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II

Authorities to be appointed or constituted under the Act

4. Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.—(1) The State Government may for the purposes of this Act appoint,—

- [(a) the Chief Conservator of Forests, Maharashtra State, as the Wild Life Preservation Officer for the State of Maharashtra;]¹
- (b) the Game Wardens, either honorary or stipendiary;
- (c) such other officers and servants as may be necessary.

(2) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(3) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

5. Delegation of powers by Wild Life Preservation Officer.—The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order.

¹ Clause (a) was substituted for the original by Mah. 11 of 1961, s. 4.

6. Constitution of State Wild Life Advisory Board.—(1) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government namely :—

- (a) The Chief Secretary to the Government of Bombay [Government of Maharashtra]² as the Chairman.
- ³[(b) Three representatives of the Maharashtra Legislative Assembly, of whom one shall be a person elected to that Assembly from a constituency in the Bombay area of the State, another from a constituency in the Vidarbha area, and the third from a constituency in the Hyderabad area, of the State;
- (c) Two representatives of the Maharashtra Legislative Council;]
- (d) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds;
- (e) One representative of the Bombay Natural History Society;
- (f) Four other officials of Government.

(2) The Wild Life Preservation Officer shall be the Secretary of the Board.

(3) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine :

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(4) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine :

² These words were substituted for the word "Government of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ Clauses (b) and (c) were substituted for the original by Mah. II of 1961, s. (i).

Provided that the receipt of such allowances by [a representative of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council]⁴ shall not be deemed to make such representative as the holder of an office of profit under the State Government.

7. Duties of State Wild Life Advisory Board.—It shall be the duty of the State Wild Life Advisory Board to advise the State Government :—

- (1) in the selection of areas to be declared as Game Sanctuaries;
- (2) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;
- (3) in the matter of framing rules under section 48; and
- (4) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

8. Procedure of State Wild Life Advisory Board.—(1) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III

Hunting of Animals and Birds

A.—Licences.

9. Hunting of wild animals and birds without licence prohibited.—No person shall hunt any wild animal or wild bird ex-

⁴ These words were substituted for the words "by representation of the Bombay Legislative Assembly and Bombay Legislative Council", *ibid*, s. 5 (#).

cept under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence:

Provided that no such licence shall be necessary to hunt any vermin.

10. Registration of certain persons in possession of arms.— Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed.

11. Procedure for licence.— (1) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(2) The application may be made for any or all of the following kinds of game licence namely :—

- (a) Small Game Licence,
- (b) Big Game Licence,
- (c) Special Big Game Licence,
- (d) Pet Animals (Possession) Licence,
- (e) Pet and other Animals (Trapping) Licence.

(3) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence ¹[after recording in writing his reasons therefor]. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

¹ These words were substituted for the words "without assigning any reasons" by Mah. 11 of 1961, s. 6 (a).

(4) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

12. Record of game hunted to be kept and submitted.—(1) The holder of every game licence of the kind specified in ²[clause (a),] (b), (c) or (e) of sub-section (2) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(2) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the ⁴[State of Maharashtra], whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

13. Issue of licence for special purposes.—Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

- (i) Scientific research;
- (ii) Collection of specimens for zoological gardens, museums and similar institutions; and
- (iii) Killing of such animals and birds as are a source of serious menace to human life or property.

² Sub-section (5) was deleted, *ibid.*, s. 6 (b).

³ This is substituted for the word "clause", *ibid.*, s. 7 (a).

⁴ These words were substituted for the words "Bombay area of the State of Maharashtra", *ibid.*, s. 7 (b).

14. Suspension or cancellation of licence.—(1) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice [but after recording in writing his reasons therefor],⁵ suspend or cancel any licence granted under this Chapter.

[14A.⁷ Appeals.—(1) An appeal from an order refusing to grant a licence under sub-section (3) of section 11, or an order suspending or cancelling a licence under sub-section (1) of section 14, shall lie—

- (a) if the order is made by the officer authorised under sub-section (1) of section 11 or of section 14, to the Wild Life Preservation Officer; and
- (b) if the order is made by the Wild Life Preservation Officer, to the State Government.

(2) In the case of an order passed in appeal by the Wild Life Preservation Officer under sub-section (1), a second appeal lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained, unless it is filed within fifteen days from the date of the communication of the order appealed against :

Provided that, the appellate authority may admit any appeal after the expiry of the period aforesaid, if the appellant satisfies that authority that he had sufficient cause for not preferring the appeal within time.]

B.—General.

15. Hunting of young and female with young prohibited.—

(1) Except when authorized under a specified condition to that

⁵ These words were substituted for the words "and without assigning any reasons" by Maharashtra 11 of 1961, s. 8 (a).

⁶ Sub-section (2) was deleted, *ibid.*, s. 8 (b).

⁷ Section 14A was inserted, *ibid.*, s. 9.

effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(2) Nothing contained in sub-section (1) shall apply to the hunting of a vermin.

16. Close time.—The State Government may, by notification in the Official Gazette, declare the whole year or any part thereof to be a close time throughout the whole or any part of the [State of Maharashtra]⁸ for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

17. Unlawful methods of hunting.—(1) [Subject to the provisions of sub-section (10), no person]⁹ shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(2) [Subject to the provisions of sub-section (10), no person]⁹ shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(3) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (e) of sub-section (2) of section 11.

(4) No person shall for the purpose of hunting set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a¹⁰ kill.

(6) No person shall hunt any game during the hours of night i.e., one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a¹⁰ kill.

(7) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

⁸ These words were substituted for the words "Bombay area of the State of Maharashtra", by Bombay 11 of 1961, s. 10.

⁹ These words were substituted for the words "No Person" *ibid.*, s. 11 (a).

¹⁰ The word "natural" was deleted, *ibid.*, s. 11 (b).

(8) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(9) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

[(10) Nothing in this section shall apply to shooting duck with the use of an out-board motor.]¹¹

18. Declaration of certain animals and birds as vermins.—The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

[18A. Application of sections 36 and 37 to game.—The provisions of sections 36 and 37 shall apply in relation to game as they apply in relation to a trophy.]¹²

CHAPTER IV

Game Sanctuaries

19. Power to declare any area to be Game Sanctuary.—The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

20. Notification regarding declaration of Game Sanctuary.—Whenever it has been decided to declare any area to be a Game Sanctuary the State Government shall issue a notification in the *Official Gazette*,—

- (1) stating that it has been decided to declare such area to be a Game Sanctuary;
- (2) specifying as nearly as possible the situation and limits of such area, and
- (3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged

¹¹ Sub-section (10) was added, *ibid.*, s. 11(c).

¹² Section 18A was inserted, *ibid.*, s. 12.

to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act,

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

21. Bar of accrual of any rights in land comprised in Game Sanctuary.—After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

22. Proclamation by Collector. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying as nearly as possible, the situation and the limits of the proposed Game Sanctuary;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

23. Inquiry by Collector. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly referred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

24. Extinction of rights. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

25. Power to acquire land over which right is claimed. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(a) exclude such land from the limits of the proposed Game Sanctuary, or

(b) come to an agreement with the owner thereof for the surrender of his rights, or

(c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. (1 of 1894).

26. Acquisition Proceedings. For the purpose of acquiring such land,—

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894. (1 of 1894).

(2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(3) the provisions of the preceding section of that Act shall be deemed to have been complied with;

(4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and

(5) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

27. Power of Collector to be exercised by other officers. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

28. Restriction on entry in Game Sanctuary. No person, other than,—

(a) any public servant on duty;

(b) any person who ordinarily resides within the limits of a sanctuary;

(c) any person who has any rights over immovable property within the limits of a sanctuary;

(d) any person passing through a sanctuary along a public highway;

(e) the dependents and servants of the above persons;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

29. Permit to enter or reside in a Game Sanctuary. (1) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely:—

(a) Investigation or study of wild life and purpose incidental thereto;

(b) Photography;

(c) Scientific research;

(d) To transact lawful business with any person residing in the sanctuary.

(2) A permit to enter reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

30. Hunting in Game Sanctuary without permit prohibited.

(1) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reasons, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(2) A permit issued under sub-section (1) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

31. Refusal or cancellation of permit. (1) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(2) Any person aggrieved by the refusal or cancellation of a permit under sub-section (1) may within fifteen days appeal to the State Government, whose decision shall be final.

32. **Causing fire prohibited.**—No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V

Trophies and Pet Animals and Birds.

33. **Dealings in trophy and pets without licence prohibited.**—No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

34. **Trophy and pets dealer's licences.**—A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorised by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

35. **Records and returns to be made by trophy and pets dealers.**—A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

36. **Certificate of ownership.**—The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

37. **Export and sale of trophies regulated.**—No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership

therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer.

Explanation.—For the purposes of this section, "export" means to take out of the [State of Maharashtra]¹ otherwise than across a customs frontier.

38. Government trophies.—Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

[**Explanation.**—In this section, "game" includes the female and the young of any animal or bird specified in Schedule II, III or IV.]²

39. Possession of Government trophy to be reported.—Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

40. Unlawful possession and dealings in Government trophies.—(1) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(2) In any prosecution for contravention of the provisions of sub-section (1), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

41. Production of ivory or horn before Wild Life Preservation Officer.—Every person who kills an elephant or a bison

¹ These words were substituted for the words "Bombay area of the State of Maharashtra" by Maharashtra 11 of 1961, s. 13.

² This Explanation was added, by Maharashtra 11 of 1961, s. 14.

shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

42. Registration of ivory or horn and identification marks.—

The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

43. No ivory or horn to be transferred without a certificate of ownership.—No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI

Prevention and Detection of Offences and Penalties

44. Power of entry, search, arrest and detention.—(1) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

- (a) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;
- (b) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

- (c) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government [together with any vehicle, weapon, trap or tools used for committing any such offence],² and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

1(1A) Power to release property.—Any officer, of a rank not inferior to that of an Assistant Game Warden, who, or whose subordinate, has seized any vehicle, weapon, trap or tools, under clause (c) of sub-section (1), may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.]³

(2) It shall be lawful for any of the Officers referred to in sub-section (1) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(4) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

45. Penalties.—(1) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or

² These words were inserted by Maharashtra 11 of 1961, s. 15(f).

³ Sub-section (1A) was inserted, *ibid.*, s. 15(h).

permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

[45A.⁵ **Punishment for wrongful seizure.**—Any person exercising powers under this Act who vexatiously and unnecessarily seizes the property of any person on the pretence of seizing it for the reasons mentioned in section 44 shall, on conviction, 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.

45.B. Power to compound offences.—(1) The State Government may, by notification in the **Official Gazette**, empower the Wild Life Preservation Officer or any officer of a rank not inferior to a Conservator of Forests,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, a sum of money by way of composition for the offence which such person is suspected to have committed;

(b) when any property has been seized under section 44, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody shall be discharged, the property if any, seized, shall

⁵ Sections 45A and 45B were inserted, *ibid.*, s. 16.

be released, and no further proceedings shall be taken against such person.]

46. **When Court to take cognizance of offence.**—No Court shall take cognizance of any offence against this Act,—

- (1) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorized by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and
- (2) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

47. **Operation of other laws not barred.**—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act :

Provided that no person shall be punished twice for the same offence.

CHAPTER VII

Miscellaneous

48. **Power to make rules.**—[(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.]^a

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely :—

- (a) the forms to be used for any application, licence, permit, registration declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor;

^a Sub-section (1) was substituted for the Original by Maharashtra 11 of 1961, s. 17(a).

- (b) the conditions subject to which any licence or permit may be granted under this Act;
- (c) the particulars of the record of game killed or captured to be kept and submitted by any licensee;
- (d) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna;
- (e) regulating the sale of pet and other animals and trophy derived from the wild animals and birds;
- (f) manner of registration of ivory or horn of elephant or bison brought for such registration;
- (g) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(3) The power to make rules under this section shall be exercised subject to the condition of previous publication.

[4] All rules made under this section shall be laid before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following and publish in the **Official Gazette**.]⁷

49. Power to amend Schedules.—For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the **Official Gazette**, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

50. Defence of life and property.—Subject to the provisions of section 38 to 40 (both inclusive), nothing in this Act shall prohibit—

- (1) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land;

⁷ Sub-section (4) was substituted for the original, by Maharashtra 11 of 1961, s. 17(b).

- (2) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

51. Game officers to be public servants.—All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

52. Protection to persons acting in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

53. Power to exempt.—The State Government may, by notification in the Official Gazette, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.

[53A. Power to amend Schedules.—The State Government may, by notification in the Official Gazette, add to, omit or alter any entry in Schedule I, II, III or IV, subject to such conditions (if any) as may be specified in such notification; and on the issue of such notification such Schedule shall be deemed to be amended accordingly, but without prejudice to anything done or omitted to be done before the amendment of such Schedule.]⁸

***54. Repeal.**—The Wild Birds and Animals Protection Act, 1912, VIII of 1912, in its application to the [pre-Reorganisation State of Bombay,]¹⁰ is hereby repealed :

⁸ Section 53A was inserted, *ibid.*, s. 18.

⁹ Section 54 shall stand unmodified (*vide* Maharashtra Adap. of Laws Order, 1960).

¹⁰ These words were substituted for the words "State of Bombay" by the Bombay Adaptation of Laws (State and Current Subjects) Order, 1956.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

¹¹ 55. Further repeals and savings.—On the commencement of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960, [Maharashtra XI of 1961] the following laws, that is to say :—

- (a) the Central Provinces and Berar Game Act, 1935, C.P. and Berar XV of 1935.
- (b) the Wild Birds and Animals Protection Act, 1912, VIII of 1912, in its application to the Vidarbha area of the State of Maharashtra; and
- (c) the Game Regulations 1354. Fasli,

shall stand repealed :

Provided that, such repeal shall not —

- (i) affect the previous operation of any law so repealed, or anything duly done or suffered thereunder;
- (ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (iv) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid laws had not been repealed :

Provided further that, subject to the preceding proviso, anything done or action taken (including any notifications, orders, certificates, notices or receipts issued, applications made, permissions or licences granted, suspension or revocation of licences effected, and exemptions given) under any such law

¹¹ Section 55 was inserted by Maharashtra 11 of 1961, s. 19,

shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.]

¹²[SCHEDULE I.]

[See sections 2(n) and 53A.]

(VERMIN).

1. Mongoose.
2. Civet Cat.
3. Wild cat (excluding tiger, lion, panther and cheetah).
4. Wild dog.
5. Rodents (except hare, giant squirrel and flying squirrel).
6. Jackal.
7. Monkey.
8. Bat.
9. Crow.
10. Birds of prey (excluding vulture).
11. Parakeet.

SCHEDULE II.

[See section 2(c) and (l) and section 53A.]

(SMALL GAME).

1. Spot-bill duck.
2. Nukta.
3. Whistling teal (large and small).
4. Cotton teal.
5. Duck, goose and swan (all kinds other than those mentioned above and pink-headed duck).
6. Water birds (excluding storks, egrets and herons).

¹² Schedules I and IV were substituted for the original by Maharashtra 11 of 1961, s. 20.

7. Crane (excluding sarus).
8. Bustard (excluding Great Indian Bustard).
9. Sand-grouse (all species).
10. Spur fowl.
11. Jungle fowl.
12. Guinea-fowl.
13. Partridge (grey and painted).
14. Quail (all species).
15. Pigeon and dove (all species).
16. Rosy-pastor or Rose-coloured Starling.
17. Hare (all species).
18. Hyæna.
19. Wolf.
20. Wild pig.
21. Chinkara (male only).
22. Barking deer.

SCHEDULE III.

[See section 2(b) and (c) and section 53A.]

(BIG GAME).

1. Nilgai.
2. Black-buck (male only with horns over 12 inches).
3. Four-horned antelope.
4. Sambar (male only with hard horns over 30 inches).
5. Cheetal (male only with hard horns over 20 inches).
6. Panther.
7. Tiger.
8. Sloth bear.
9. Crocodile.

SCHEDULE IV.

(See section 2 (b) and (c) and section 53A.)

(SPECIAL BIG GAME).

1. Bison : Male only, if horn measurements reach at least one of the following limits :—

(a) a span of 33 inches between the outer edges of the horns at their widest spread;

(b) a girth of 18 inches at the base of the horns,

2. Elephant.

3. Wild buffalo.

Rules to regulate Hunting, Shooting, Fishing, etc., within the reserved and protected forests in Bengal, except those in the Chittagong Hill Tracts.

1. No person shall, within the reserved and protected forests in Bengal,—

(a) poison any river or other water;

(b) kill fish by any explosive;

(c) dam or bale water, or

(d) use any fixed engine as defined in clause (2) of section 3 of the Indian Fisheries Act, 1897, or net to catch fish.

2. Nothing in these rules shall apply to fishing in tidal waters.

3. The close seasons prescribed in Schedule I to these rules shall be observed within all reserved and protected forests.

4. (1) For the purposes of these rules forests shall be divided into two classes, namely :—

Class A.—Forests in which all hunting, shooting, trapping or fishing is prohibited in order to prevent the extinction of any species, or to form a sanctuary for game, or for any other purpose : provided that the Conservator of Forests may, with the previous sanction of the Provincial Government, order the killing or capture of any specified animals or birds found to be increasing to an undue extent or endangering the preservation of any other species of animal, bird or fish, or for any other reason.

Class B.—Forests in which hunting, shooting, trapping or fishing is permissible only by such persons as are privileged under rule 8, or under a permit issued in accordance with these rules.

(2) The forest areas described in Schedule II to these rules shall be deemed to belong to Class A.

(3) All forests not included in the areas specified in Schedule II to these rules shall belong to Class B, but the Provincial Government may, on the proposal of the Senior Conservator of Forests, Bengal, received through the Commissioner of Division, specifically declare any forests to be included in Class A.

5. No person shall hunt, shoot, trap or fish in any reserved or protected forest unless he has applied for and obtained the necessary permit in this behalf on such terms and conditions and for such period as may be specified in the permit.

6. In the case of forests under Class B, the necessary permit may be granted by the Divisional Forest Officer in Form A appended to these rules on payment of the fee according to the following scale:—

To non-residents of Bengal—Rs. 50.

Residents of Bengal outside the district or districts in which the Forest Division concerned is situated—Rs. 30.

Residents of the district—Rs. 20.

In the Sundarbans Division, half the above rates may be charged to persons who wish to make one trip only of a duration of not more than ten days within the boundaries of the forest:

Provided that every holder of a permit shall also pay for a forest guard to accompany him and his camp during the time he is within any reserved or protected forests specified in his permit, if the Divisional Forest Officer appoints a forest guard to accompany him:

Provided also that no fee shall be levied from the members of the license-holders' clubs in the districts of Darjeeling and Jalpaiguri holding leases approved by the Provincial Government in the respective districts and paying a yearly sum to the Provincial Government for such leases.

7. Permits under rule 6 shall not ordinarily be granted except to approved sportsmen for the exclusive purpose of hunting and killing wild animals, birds, reptiles and fish, subject to such restrictions as may be mentioned in the permit. These permits shall be (a) non-transferable, (b) available for the period specified therein, not exceeding twelve months, (c) applicable to a portion or the whole of any forest or forests in any one forest

division, (d) capable of extension to any part of the reserved or protected forests outside the area specified on the permit, for any time within the period covered by the permit, by an endorsement in this behalf made thereon by the officer authorised to grant a permit under rule 6 and having authority over the area to which the permit is extended :

Provided that wounded game may be followed into another portion of a forest than that to which the permit applies.

8. The following are exempted from taking out permits under rule 6 but shall be bound by rule 1, 3, 4, 12 and 13 and by any order issued under rule 14 :—

- (i) His Excellency the Governor of Bengal;
- (ii) all the Hon'ble Ministers of the Governor of Bengal;
- (iii) all Gazetted Forest Officers in Bengal;
- (iv) all Forest Range Officers within the Division in which they are employed;
- (v) Commissioners of Divisions, District Magistrates and Sub-divisional Magistrates within whose jurisdiction the forest concerned is situated;
- (vi) Superintendents of Police within whose jurisdiction the forest concerned is situated; and
- (vii) Such Guests of Honour as may from time to time be accorded the privilege by the Conservator of Forests or by the Shooting and Fishing Clubs or Associations, such privileges having, however, the mutual approval of the Conservator of Forests and the Clubs or Associations concerned.

In areas leased to shooting and fishing clubs or associations, the Honorary Secretary of every such club or association shall provide all persons exempted under this rule from taking out permits, with free passes and copies of the rules of the club or association, and such passes shall be issued without such persons having to apply for them and the omission to issue a pass shall not affect the privileges of such persons under these rules.

All such persons shall obey any rules or bye-laws enforced by such clubs or associations on their members with regard to restrictions in number, size or other specification of animals which

may be shot or fish which may be caught, or with regard to the close seasons for any type of animal, or with regard to any restriction of methods by which hunting or fishing by members of such clubs or associations is permissible, provided that such rules or bye-laws are not inconsistent with these rules and have been approved by the Conservator of Forests.

9. In addition to the permit fee, where a permit fee is required, there shall be a charge of Rs. 10 for the first bison killed and a charge of Rs. 20 for each subsequent one killed under the same permit.

10. No person who applies for a permit shall employ any one to search for game in a reserved or protected forest prior to the date of his permit.

11. At the time a permit in Form A appended to these rules is taken out, a declaration shall be made by the permit-holder as to the animals, other than carnivorous animals, which he desires to hunt.

12. The holder of a permit shall not employ beaters armed with fire-arms or bows and arrows unless he has previously obtained the special permission in writing of the Divisional Forest Officer.

13. (1) The shooting of birds or animals, other than carnivora, by any of the following methods is prohibited:—

- (a) by shooting from motor vehicles or aircraft;
- (b) by making use of any artificial lights or flares;
- (c) by trapping by means of nets, pitfalls, enclosures, gins, traps, snares or set guns and missiles containing explosives or poisons; or by using poisons or poisoned weapons;
- (d) by lying in wait near water-holes or salt-licks; and
- (e) by driving animals in snow:

Provided that the provisions of this rule shall not apply to the shooting of pig, jungle fowl and hare from a motor vehicle.

(2) Notwithstanding anything contained in this rule, the shooting of tiger, leopard and bear in the forests of the Rajshahi Civil Division by any of the methods specified in sub-rule (1) is also prohibited:

Provided that lying-in-wait on machans, pits or enclosures with or without live or dead bait and the use of artificial light when

on foot or when so lying-in-wait shall be permissible in the case of shooting of any of the said animals in the said forests.

Explanation.—A bear shall be deemed to be a carnivorous animal for the purpose of this rule.

14. The Conservator of Forests may, with the previous sanction of the Provincial Government, by notification in the Calcutta Gazette,—

- (a) direct that any block or blocks shall be closed to hunting, shooting, or fishing for any specified period;
- (b) specify the animals, birds or fish, the shooting or capture of which is prohibited totally or during any specified period;
- (c) fix the maximum number of permits to be granted in any forest in any year; and fix the maximum number of any animals or birds of any kind that may be killed or captured in any reserved or protected forest;
- (d) prohibit the killing or capture of animals, birds and fish which are immature;
- (e) fix the scale of fees payable for special permits to enter and shoot, hunt, or capture animals, birds or fish within any specified forest area otherwise closed;

and every permit-holder, or person exempted from taking out a permit under rule 8 shall be bound by such orders.

15. When an application for a permit under rule 6 is refused, an appeal shall lie to the Conservator of Forests and the orders passed in appeal shall be appealable to the Provincial Government and the orders of the Provincial Government passed in such appeal shall be final.

16. A permit in Form B may be issued free of charge by the Divisional Forest Officer authorising the holder to hunt, shoot or trap any specified carnivorous or other animals considered dangerous to life. The permit shall be (a) non-transferable, (b) available for the period specified therein, not exceeding three months and (c) subject to any special order not repugnant to these rules in general.

17. Every person to whom a permit has been granted under these rules and who is found hunting, shooting, trapping, fishing or going armed in any forests to which these rules apply shall, on

the demand of any Magistrate, Forest Officer or Police Officer, having jurisdiction in the locality, produce his permit for inspection.

18. (1) Any permit granted under these rules may be cancelled at any time by the authority which granted it, if circumstances render it advisable to stop hunting, shooting, trapping or fishing in any forest or part of a forest for which it has been granted, a proportionate return of the fee paid by the permit-holder being made to him.

(2) An appeal against an order of a Divisional Forest Officer cancelling a permit shall lie to the Conservator of Forests, Bengal.

(3) On the expiry of a permit issued under rule 16, the permit-holder shall submit to the Divisional Forest Officer who issued the permit, an account of the particulars of all games bagged by him under the authority of the permit.

(4) If any person to whom a permit has been granted under these rules commits a breach of any provision of the Forest Law, or of any of these rules, the permit may be cancelled in lieu of, or in addition to, any other punishment to which such person may be liable under the Indian Forest Act, 1927, or under any other law for the time being in force.

19. Every person to whom a permit has been granted under rule 6 shall on the expiry of the permit, return it to the Divisional Forest Officer after filling in the particulars of all games shot or bagged by him in the form attached thereto.

20. These rules shall be subject to the provisions of the Elephants Preservation Act, 1879 (VI of 1879), as amended by the Elephants Preservation (Bengal Amendment) Act, 1932 (Bengal Act V of 1932), and of the Bengal Rhinoceroses Preservation Act, 1932 (Bengal Act VIII of 1932).

Schedule I

(See rule 3)

The following are the close seasons for birds, animals and reptiles respectively mentioned opposite each such season, during which the killing or capture of any such birds, animals and reptiles or the taking of their eggs or young ones is prohibited:—

(a) Birds

Whole year.—Laughing thrush, babbler, whistling thrush, nuthatch, drongo, creeper, wren, warbler, shrike, minivet, oriole, grackle, starling, myna, fly-catcher, chat, robin and redstart, thrush, blackbird and ouzel, martin and swallow, wagtail, pipit, lark (except ortolan), sunbird, pitta, wood-pecker, bee-eater, hoopoe, swift, cuckoo, owl, florican, adjutant, white-winged wood duck and pink-headed wood duck.

1st January to 31st May—Kingfisher.

1st March to 31st August—Pigeon (except rock pigeon).

1st March to 30th September—Peafowl.

15th March to 30th September—Jungle fowl, partridge and pheasant.

1st April to 31st August—Ortolan.

1st April to 15th September—Spot bill, whistling teal and cotton teal.

1st April to 30th September—Quail.

1st May to 30th September—Wild duck (except white-winged wood duck and pink-headed wood duck).

1st July to 31st August—little egret and cattle egret.

(b) Animals

Whole year—Rhinoceros, buffalo, female bison, pigmy hog, gazelle, pangolin, swamp deer, female deer of all kinds and male deer when hornless or in velvet, chital or spotted deer in the Rajshahi Division, and male bison in the districts of Jalpaiguri, Darjeeling and Chittagong.

1st April to 30th September—Sambhar, barking deer, stag with horns not in velvet, serow, gooral and hare.

1st May to 31st August—Male bison (in places other than the districts of Jalpaiguri, Darjeeling and Chittagong).

1st May to 30th September—Hog deer (except in the Rajshahi Division).

1st October to 28th February—Hog deer in the Rajshahi Division, chital or spotted deer (except in the Rajshahi Division).

(c) Reptiles

Whole year.—Ringed or water lizards—*Varanus salvator* (Ramgoddi), Black lizard—*Varanus nebulosus* (Kalagoddi), Yellow land lizards—*Varanus flavescens* (Sonagoddi), Gray land lizards—*Varanus bengalensis* and in the Bholka Range of the reserved forests in the district of Jalpaiguri—Python.

Schedule II
(See Rule 4)

Particulars.	Boundaries.	Forest blocks and compartments included.	Remarks.
Darjeeling Division Senchal and Takdah Ranges, Senchal Game Sanctuary (area 15,27 square miles).	<p>North — From Jorebunglow along the northern boundary of the reserved forests to the 6th mile basti on the Peshoke Road.</p> <p>East — From the 6th mile basti on the Peshoke Road, along the Public Works Department Card Road (leading towards Takdah) and along the boundary between the Rampuria and Pumong blocks to the southern boundary of the Pumong blocks. Then southwards along the boundary of the reserved forest, namely, along the external boundaries of Rampuria, Rambhi extension, Rambhi, Rishup and Senchal blocks to the boundary between the reserved forests</p>	<p>Gaddhikhana, Rangtrum, Rongdong, Dooteria, Rambhi, Rishup, Sureil Senchal pasture, Bara Senchal, Chattakpur, Rangbul, Sonada, Pachim, Catchment area, Setikhola, Rambhi extension, Rampuria, Simkona, Tapkedara and Dawaipani.</p>	..

of the Darjeeling and Kurseong Divisions.

South — The reserved forests of the Kurseong Division.

West — Northward along the western boundary of the reserved forests to Jorebungalow, namely, along the external boundaries of the Pachim, Sonada, Rangbui and Dooteria blocks.

North — The Nilpara-Madarihat District Board Road.

East — The Nilpara-Chilapata, Dooxat's Satali-Patikhawa Roads.

South — The Falakata-Alipur Duar District Board Road.

West — The Hantupara-Falakata District Board Road.

Buxa and Jalpaiguri ..
Divisions, Nilpara, Chilapata and Madarihat Ranges, Jaldapara Game Sanctuary (area 36 square miles).

Jaldapara compartments 1, 2, 3, 4, 5 and Jaldapara extension; Toria, compartments 1, 2 and 3; Sakumar, compartments 1, 2, 3 & 4; Malangi, compartments 1, 2 and 3, Chilapata, compartments 1, 2 and parts of 3 and 4, west of Satali-Patikhawa Road; Barodabri, part of compartment 1, west of Dooxat's Road, compartment 2, part of compartment 6 west of Satali-Patikhawa Road

Any land lying within the confines of the external boundaries described, which may from time to time be declared as reserved forests, will be included in and form part of the sanctuary.

Particulars.	Boundaries.	Forest blocks and compartments included.	Remarks.
<p>Jalpaiguri Division Upper Tondu Range, Chapramathi Game Sanctuary (area 2,179 acres approximate).</p>	<p>North — The southern edge of the Indong line (also known as Sardi line). East — The western edge of the Kunia line.</p>	<p>and part of compartment 7, west of Satali Patlakhawa Road; Mendahari, part of compartment 8, west of Satali-Patlakhawa Road; Bania, parts of compartments 1 and 8, west of Satali-Patlakhawa Road; Nilpara, part of Nilpara extension to North Borofhar Reserve lying to the south of Nilpara-Madarihah Road; North Borofhar, extension to North Borofhar Reserve, i.e., the new reservation of Nilpara Range which lies between Barodabri compartment I, Soudamini Tea Estate and Nilpara-Chulapata Road.</p>	<p>Part of Upper Tondu reserved forests.</p>

South — The Northern edge of the Bengal Duars Railway line.

West — The eastern bank of the Murthi river.

North-west to north — The reserved forest boundary north of the Baradihi-Gorumara District Board Road as far as it touches the Murti river below the Dhapphora forest village; thence south down the Murti river to a point where it turns sharply from an easterly to a southern direction, about half a mile to the north-east of the Gorumara forest rest house and about 1½ furlongs above the junction of the Indong and the Murti rivers.

North to East — From the above point to a fire line (yet to be cut) due east towards the junction of the Mukaddam Naddi with the Jaldhaka river (the latter

Jalpaiguri Division
Lower Tendu, Upper
Tendu and Daina Rang-
es, Gorumara Game Sanc-
tuary (area 2,129 acres).

South Indong Block, com-
partment I whole.
Dhapphora Block, compart-
ment I(a) part.
Jaldhaka Block, compart-
ment I(a) part.

Particulars.	Boundaries.	Forest blocks and compartments included.	Remarks.
<p>Jalpaiguri Division</p> <p>Lower Tondou, Upper Tondou and Daina Rang- es, Gorumara Game Sanc- tuary (area 2,129 acres).</p>	<p>now flows down the former Naddi and this junction is at "Picnic Pool" of the Tondou tea estate).</p> <p>East — The Jalduaka river.</p> <p>South — The reserved forest boundary above the Jadupur tea estate up to where it meets the high bank to the east of the Gorumara-Ram- shal Road and running pa- ralled to it; thence all along this high bank right up to the Gorumara forest rest house.</p> <p>West — The District Board Road from the Gorumara forest rest house up to the reserved forest boundary as far as the Baradighi tea es- tate.</p>		
<p>24-Parganas Division</p> <p>Namkhana Range, Lo- thian Island Game Sanc- tuary (area 9,389 acres).</p>	<p>The Saptanukhi river on all sides.</p>	<p>Compartment 75 (part).</p>	<p>Any accretion that may take place will be automatical- ly included in the sanc- tuary.</p>

(Obverse.)

Forest Department, Bengal

FORM A.

(Rule 6)

Book No.

Permit No.

Permit for hunting, shooting and fishing in B class reserved and protected forests granted under rule 6 of the rules to regulate hunting, shooting, fishing, etc. within the reserved and protected forests in Bengal, except those in the Chittagong Hill Tracts, issued under notification No. 10694 For., dated the 18th November 1940.

Name of person to whom the permit is granted

Residence.

Occupation.

Name of forest or portion thereof, for which this permit is granted, subject to the closed areas shown in the attachment hereof.

Boundaries.

North.

East.

South.

West.

Valid for the period from to

Amount of fees—Rs. (Rupees.) only.

Date of issue.

.....
 Divisional Forest Officer,
 Division.

Extended for the period from.....to.....to the forest named below, or portion thereof:—

Boundaries.

North.....

East.....

South.....

West.....

Divisional Forest Officer,
..... Division.

Date

(Reverse)

The maximum number of certain animals, other than carnivorous animals, that may be shot under this permit is—

Kind of Animal.	Maximum number which may be shot.	Additional fee to be paid under rule 9 and/or 14.
		Rs.

Forest Guard accompanying the permit-holder—

Name.....

Pay—Rs.....per mensem.

Conditions

1. This permit is not transferable. It shall be carried by the permit-holder when hunting, shooting or fishing and shall be produced on demand of any Magistrate, Forest Officer or Police Officer having jurisdiction over the locality.

2. The permit-holder shall observe the close seasons as shown in the attachment hereof and as may be amended during the currency of the permit.

3. The permit-holder shall observe the provisions of the Elephants Preservation Act, 1879, as amended by the Elephants Preservation (Bengal Amendment) Act, 1932, and of the Bengal Rhinoceroses Preservation Act, 1932.

4. The permit-holder shall observe any orders issued under rule 14 of the rules to regulate hunting, shooting, fishing, etc., issued under notification No. 10694 For., dated the 18th November 1940, as for the time being in force.

5. The permit-holder shall not employ beaters armed with firearms or bows and arrows unless he has previously obtained the special permission in writing of the Divisional Forest Officer.

6. The permit-holder shall camp on such regular camping grounds as may have been set apart by the Forest authorities or in places specially pointed out to him by a Forest Officer.

7. The permit-holder shall, if so ordered by the Divisional Forest Officer, pay for a forest guard to accompany him and his camp during the time he is within the forest area covered by the permit. The sole duty of the forest guard will be to see that no forest rule is infringed by the permit-holder or his men.

8. The shooting of birds or animals, other than carnivora, by any of the following methods is prohibited:—

- (a) by shooting from motor vehicle or aircraft;
- (b) by making use of any artificial lights or flares;
- (c) by trapping by means of nets, pitfalls, enclosures, gins, traps, snares or set guns and missiles containing explosives or poisons or by using poisons or poisoned weapons;
- (d) by lying-in-wait near water-holes or salt-licks;
- (e) by driving animals in snow.

The shooting of pig, jungle fowl and hare from a motor vehicle is permissible.

The shooting of tiger, leopard and bear in forests of the Rajshahi Civil Division by any of the abovementioned methods is prohibited but lying-in-wait on machans, pits or enclosures with or without live or dead bait and the use of artificial light when on foot or when so lying-in-wait shall be permissible in the case of shooting of any of the said animals in the said forests.

9. The permit-holder is not exempted from liability under the Indian Forest Act, 1927, or any other law for the time being in

force, for anything done in contravention of such Act or law, or for any damage done or caused by him, his retainers or followers.

10. At the end of each day, the permit-holder shall fill in particulars of all games bagged by him in the form on the reverse of the attachment hereof and return the form along with the permit to the Divisional Forest Officer on the expiry of the permit. If no such attachment is attached to the permit, the permit-holder shall apply and obtain one from the Divisional Forest Officer before starting to hunt, shoot or fish.

11. Should the permit-holder inflict a wound on any animal dangerous to life, such as tiger, leopard, bison, etc., without killing it, he shall at once inform the Divisional Forest Officer and the Forest Officer-in-charge of the Range in which the animal was wounded.

12. This permit may be cancelled under rule 18 of the rules to regulate hunting, shooting, fishing, etc., referred to above.

(Obverse.)

Attachment to hunting, shooting and fishing permit No.
 dated
 Name of permit-holder

1. The following are the close seasons for birds, animals and reptiles respectively mentioned opposite each such season during which the killing or capture of any such birds, animals or reptiles is prohibited :-

(a) Birds

Whole year.—Laughing thrush, babbler, whistling thrush, nuthatch, drongo, creeper, wren, warbler, shrike, minivet, oriole, grackle, starling, myna, fly-catcher, chat, robin and redstart, thrush, blackbird and ouzel, martin and swallow, wagtail, pipit, lark (except ortolan), sunbird, pitta, wood-pecker, bee-eater, hoopoe, swift, cuckoo, owl, florican, adjutant, whitewinged wood duck and pink-headed wood duck.

1st January to 31st May—Kingfisher.

1st March to 31st August—Pigeon (except rock pigeon).

1st March to 30th September—Peafowl.

15th March to 30th September—Jungle fowl, partridge and pheasant.

1st April to 31st August—Ortolan.

1st April to 15th September—Spot bill, whistling teal and cotton teal.

1st April to 30th September—Quail.

1st May to 30th September—Wild duck (except white-winged wood duck and pink-headed wood duck).

1st July to 31st August—Little egret and cattle egret.

(b) Animals

Whole year:—Rhinoceros, buffalo, female bison, pigmy hog, gazelle, pangolin, swamp deer, female deer of all kinds and male deer when hornless or in velvet, chital or spotted deer in the Rajshahi Division and male bison in the districts of Jalpaiguri, Darjeeling and Chittagong.

1st April to 30th September—Sambhar and barking deer, stags with horns not in velvet, serow, gooral and hare.

1st May to 31st August—Male bison (in places other than the districts of Jalpaiguri, Darjeeling and Chittagong).

1st May to 30th September—Hog deer (except in the Rajshahi Division).

1st October to 28th February—Hog deer in the Rajshahi Division, chital or spotted deer (except in the Rajshahi Division).

(c) Reptiles

Whole year.—Ringed or water lizards—*Varanus salvator* (Ramgoddī). Black lizards—*Varanus nebulosus* (Kalagoddī), Yellow land lizards—*Varanus flavescens* (Sonagoddī), Gray land lizards—*Varanus Bengalensis* and in the Bholka Range of the reserved forests in the district of Jalpaiguri—Python.

(Reverse.)

2. Areas closed to hunting, shooting and fishing, falling within the boundaries of the area for which this permit is issued (rules 4 and 14):—

(To be filled in by the Divisional Forest Officers.)

<i>Name of forest.</i>	<i>Boundaries and other particulars.</i>

.....
Divisional Forest Officer,
 *Division.*

3. Account of animals, birds and reptiles bagged to be filled in by permit-holder according to paragraph 10 of the conditions of the permit :—

<i>Date.</i>	<i>Forest.</i>	<i>Type of animal, bird or reptile.</i>	<i>Measurements and remarks.</i>

.....
Permit-holder.

(Obverse)

Forest Department, Bengal

FORM B.

(Rule 16)

Book No.

Permit No.

Permit granted under rule 16 of the rules to regulate hunting, shooting, fishing, etc. within the reserved and protected forests in Bengal except those in the Chittagong Hill Tracts, issued under notification No. 10694 For., dated the 18th November 1940.

Name of permit-holder.....
 Residence.....
 Occupation.....
 Period for which valid: From.....to.....
 Name of forest, or portion thereof, for which this permit
 is granted:—.....

Boundaries.

North.....
 East.....
 South.....
 West.....

The permit-holder is hereby authorised to hunt, shoot or trap, subject to any special order endorsed hereon, the animal/animals described hereunder, which is/are dangerous to life:—

.....

Date of issue.....

.....
Divisional Forest Officer,
*Division.*

(Reverse)

Conditions

1. This permit is non-transferable and must be produced for inspection on the demand of any Magistrate, Forest Officer or Police Officer having jurisdiction over the locality.
2. The permit-holder shall hunt, shoot or trap only the animal or animals described hereon.

3. The permit-holder shall camp only on such regular camping ground as may have been set apart by the Forest authorities or in places specially pointed out to him by a Forest Officer.

4. The permit-holder is not exempted from liability under the Indian Forest Act, 1927, or any other law, for anything done in contravention of such Act, or law, or for any damage done or caused by him, his retainers or followers.

5. This permit may be cancelled under rule 18 of the rules to regulate hunting, shooting, fishing, etc. in the reserved and protected forests in Bengal except those in the Chittagong Hill Tracts, issued under notification No. 10694 For., dated the 18th November 1940, as for the time being in force.

6. The permit-holder shall return this permit to the issuing officer immediately after the date of expiry or after the destruction or capture of the animals specified herein, whichever occurs first, with an endorsement in the form below and any other remark he deserves to record.

Certified that I have/have not destroyed/trapped the . . .

.....
 for the destruction or capture of which this permit was issued to me.

Remarks (if any):—.....

.....
Signature of permit-holder.

Dated.

(Government of Bengal, Forest and Excise Department, Forest Branch, notification Nos. 10694 For., dated the 18th November 1940, and 8403 For., dated the 30th August 1941).

Correction to the Bengal Presidency Forest Manual, Part I.

No. 88.

*Dated the 14th January 1943.**Insert the following as a new Article 2A:—*

2A. Rules to regulate hunting, shooting, fishing, etc. within the reserved and protected forests in the Chittagong Hill Tracts.—In exercise of the powers conferred by clause (i) of sub-section (1) of section 26 of the Indian Forest Act, 1927 (XVI of 1927), the Governor is pleased to direct that the rules published under notification No. 10694 For., dated the 18th November 1940, as subsequently amended by notification No. 8403 For., dated the 30th August 1941, shall apply to the Chittagong Hill Tracts subject to the following exceptions and modifications, namely:—

- (1) No subsequent alteration made in the said rules generally for Bengal shall apply to the Chittagong Hill Tracts unless especially notified in this behalf.
- (2) The close seasons as prescribed in rule 3 of the said rules, read with Schedule I to the said rules, shall apply to the Chittagong Hill Tracts with the following special close seasons for the said tracts:—

Shooting prohibited—

(a) Birds

(i) *1st April to 15th September.*—Spot bill, whistling teal and cotton teal.

(ii) *1st April to 30th September.*—Quail.

(b) Animals

Whole year.—Male bison and cheetal stags with horns not in velvet.

(Board of Revenue, Bengal, notification No. 106S, dated the 4th July 1942.)

GAME LAWS — MADRAS AND ANDHRA PRADESH

Particulars of the Licensee.

1. Number of the licence.
2. Name of the licensee in full.
3. Occupation and address of the licensee.
4. Signature of the licensee.*

* The licensee should sign here before bringing the license into use.

Entries to be filled in by the Issuing Officer.

5. Fees received.
6. Deposit received and to whom credited.
7. Divisions covered by the licence.
8. Valid from.

Signature and designation of the
Issuing Officer.

PARTICULARS RELATING TO RENEWALS:

Amount of fee and date of payment.	The license is renewed		Signature and seal of Issuing Officer
	From	To	

Note.—After every renewal the licensee should peruse the licence again on its return and make himself acquainted with amendments, if any, incorporated in the licence book.

Conditions.

1. This licence is not transferable and entitles the

owner to shoot in the Forest Divisions between the dates specified therein in consideration of the payment of fee and deposit, which latter will be treated as Revenue Deposit bearing no interest and retained as security for the fulfilment of the conditions specified below and will be subject to forfeiture in whole or in part for infringement of any one of them. The deposit, or unforfeited balance of it, if any, will be returned after the expiry of the licence on application to the issuing officer provided that this licence with an entry as shown in Annexure showing a list of animals shot with dates, and measurements of horned trophies, signed by a Forest Officer of rank not lower than that of forest guard accompanies the application. If no application is made, on or before three months after the expiry of the licence, the deposit will be forfeited to Government.

2. This licence must be shown on demand to any Forest Officer or to any Revenue Officer not below the rank of Revenue Inspector or to any Police Officer not below the rank of head constable.

3. The shooting of the following animals is prohibited:—

Elephants (except a duly prescribed rogue or in defence of life or when found upon cultivated lands or in the immediate vicinity of public roads), Nilgai, Malabar squirrels, all kinds of monkeys, chevrotain (mouse deer), black buck, imported animals and those designated as Big Game:—

Sambur—chital, bison, ibex, antelope (four horned antelope chinkara), barking deer and buffalo.

Notes.—Mature males are defined as follows in the case of the following animals:—

Sambur—Animals in hard horn, the longer horn measuring not less than 28 inches, the measurement being taken along the outer curve of the horn from the burr to the point.

Chital—Animals in hard horn the longer horn measuring not less than 28 inches, the measurement being taken along the outer curve of the horn from the burr to the point.

Bison.—Animal in which the widest outside span between horn

measures not less than 32 inches, or girth at base of horn measures not less than 18 inches.

Ibez.—A saddleback, that is, an animal with a well defined saddle mark.

Antelope (Black buck).—An animal with neither horn measuring less than 15 inches, the measurement to be made in a straight line from base to tip.

4. The shooting at animals assigned Big Game and tiger, panther, bear and pig with shot or slug is prohibited.

5. For shooting bison only double barrelled rifles shall be used, and the bore shall not be less than .400 in the case of high velocity rifles and .500 in the case of blackpowder rifles.

6. In the case of Big Game, the following is the maximum number of animals that may be shot under this licence:—

Tiger

Sambur

or

Antelope (Chinkara)

Barking deer.

Note.—All wounded animals count against the license as regards bag.

The following constitute small game and no birds other than those listed below may be shot except birds of prey, cormorants, crow pheasants, crows, doves, blue rock pigeons and green pigeons:—

"Jungle-fowl, spur-fowl, partridge, quail, sandgrouse, woodcock, snipe, duck, goose, floricane, teal, imperial pigeons and wood-pigeons".

7. The following birds and animals shall not be shot during their close season which is noted against them:—

ANNEXURE.

List of wild birds and animals for which close seasons have been prescribed.

<i>Name of wild birds and animals.</i>	<i>Periods of close time.</i>
<hr/>	
(a) <i>Wild birds:—</i>	
All kinds of birds except birds of prey, 1st April to 30th September. Cormorants, Crow Pheasants, Crows, Doves.	
(b) Grey Jungle fowl, Peafowl.	Whole year.
<i>Wild animals:—</i>	
Indian Cheetah, Wild buffalo, Antelope Whole year. (Black Buck)	

8. The following acts are prohibited:—

- (a) The removal of birds' eggs.
- (b) the use of poison and dynamite or other explosive and the setting of traps and snares or beating for game except with the written permission of the District Forest Officer;
- (c) the shooting of any small game or any animal other than tiger, panther, bear, wild dog, pig, porcupine or wolf.
 - (i) at a waterhole or salt lick;
 - (ii) from a machan or a shelter; and
 - (iii) by the aid of artificial light;
- (d) the shooting of any bird or animal from motor vehicles and
- (e) photography with the aid of flash light except with the permission of the District Forest Officer.

9. Nothing in this licence shall be deemed to permit the shooting of the females of tiger, panther and bear when accompanied by their offspring too young to fend for themselves.

10. Trophies must be produced for inspection whenever required by a Forest Officer, not below the rank of a Forest Guard.

11. A return of big game shot must be sent within 48 hours of each occasion on which an animal is shot, to the local Range Officer.

12. The selling, buying, or offering for sale or marketing in any way the hides, horns, plumage, flesh or any other part of animals or birds shot by licence holders is strictly prohibited.

13. The shooting of deer or bison after dusk and before dawn is prohibited.

14. Infringement of any of the conditions above or any of the additional conditions in condition 15 may involve the cancellation of this licence and the confiscation of trophies as well as forfeiture of deposit. In the event of the whole or part of the deposit being forfeited the licensee shall not be allowed to hunt or shoot until the deposit has been made up to the original amount.

15. Additional conditions applicable to shooting licences covering several forest divisions:—

- (1) The licence shall be subject to special shooting rules applicable to the divisions concerned.
- (2) The licence holder may apply to the District Forest Officer for the relevant rules with a return of the animals shot during the year to date.
- (3) The licence holder shall make his own arrangements to ascertain the local prohibitions against shooting that may be in force in any local area and he shall be responsible for the proper observation of such local prohibitions on pain of cancellation of the licence.

Schedule of Fees and Deposits for Shooting Licences

<i>Name of forest division</i> (1)	<i>Deposit fee</i> (2)	<i>Licence fee</i> (3)
	Rs.	Rs.
(i) SINGLE LICENCE		
All Forest Divisions	10 for each	10 for each of the forest divisions

(1)	(2)	(3)
	Rs.	Rs.
(ii) PLURAL LICENCE	20	25
For a licence covering any two divisions		
For a licence covering three divisions.	20	30
For more than three divisions.	20	35

Single licence, i.e., licence to shoot in a single forest division is issued by the District Forest Officer concerned and plural licence, i.e., licence covering more than one division is issued by the Chief Conservator of Forests. Persons requiring separate licences for two or more divisions should apply separately to the District Forest Officers concerned.

A licence for a single division can be converted into a plural licence, provided the difference between the fees and the deposits prescribed for the two kinds of licences is paid, and the divisional licence is returned with a return of game shot up to the date of the surrender of the licence. Such conversion will hold good only upto the end of the period covered by the divisional licence.

PART I

GAME LAWS AND RULES

Introduction

In the Andhra State, forest lands consist of (1) Government forests or (2) private forests. Of the former there are two kinds viz.:-

- (a) Reserved Forest, and
- (b) Reserved lands.

- (a) Reserved forests are those notified as such by the Local Government in the Fort St. George Gazette, under section 16 of the Madras Forest Act, 1882. These are of two

classes, Classes I and III. Practically all class I forests are under the control of the Forest Department and class III. There are no class II forests at present.

- (b) Reserved lands are lands at the disposal of Government, which—
- (i) are notified by the Local Government under section 4 of the Madras Forest Act, 1882, but are not included in a reserved forest; or
 - (ii) are notified by the Collector of the district as reserved lands.

Part II of this booklet sets forth briefly the principal statutory provision enabling Government to make rules to regulate hunting and shooting in a reserved forests and Part III contains a summary of the rules framed.

In addition to the licence required under the Indian Arms Act, 1878, for the possession of arms, a licence is necessary to hunt and shoot in Class I and Class III reserved forests or in reserved lands.

Rules have been framed to regulate hunting and shooting in some private forests while in other no rules have been framed. Licences for shooting in private forests should in all cases be obtained from the proprietor of the forest.

PART II

GAME LAWS

Powers conferred by legal enactments

I. The State Government have power to make rules to regulate hunting, shooting, fishing, poisoning water or setting hunting traps or snares in reserved forests. The penalty for contravention of any rules so made is imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both, in addition to such compensation for damage done to the forest as the convicting court may direct.

Section 21(h) of the Madras Forest Act, 1882.

II. The removal of skins, tusks, bones and horns and other forest produce from reserved forest is an offence under the provisions of the Madras Forest Act and punishable with the penalty specified in paragraph I above.

Section 21(f) of the Madras Forest Act, 1882.

III. In regard to reserved lands the State Government have power to make rules to regulate or prohibit shooting, hunting, fishing, poisoning water and setting traps or snares and to regulate the sale of natural produce. For infringement of any rules so made, the State Government have power to prescribe as penalties imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

Section 26(f) and (g) of the Madras Forest Act, 1882.

IV. In place of the penalties specified above a Conservator, District Forest Officer, Deputy Conservator or Assistant Conservator may accept from any person violating the rules framed by the State Government a sum of money by way of compensation for the offence. If any property has been seized as liable to confiscation, such officer may release it on payment of the value thereof as estimated by him. On the payment of such compensation or of such value or of both, the accused, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property.

Section 55 of the Madras Forest Act, 1882.

V. Any Forest Officer or Police Officer may arrest, without a warrant, any person reasonably suspected of having been concerned in an offence against the shooting rules, etc. made by the State Government and punishable with imprisonment for one month or upwards if such person refuses to give his name and residence or gives a name and residence which there is reason to believe to be false or if there is reason to believe he will abscond.

Section 51 of the Madras Forest Act, 1882.

VI. It is obligatory on every licence holder—

- (i) to furnish to the nearest Forest Officer or Police Station house officer without unnecessary delay any information he may possess respecting the occurrence of a fire in or near a reserved forest or the commission of or intention to commit any forest offence; and
- (ii) to assist any Forest Officer or Police Officer demanding his aid.
 - (a) in extinguishing any fire occurring in such forest;
 - (b) in preventing any fire which may occur in the vicinity from spreading to such forest;
 - (c) in preventing the commission of any forest offence; and
 - (d) when there is reason to believe that any such offence has been committed, in discovering and arresting the offender.

Section 23 of the Madras Forest Act, 1882.

VII. The State Government have power to declare the whole year or any part thereof, to be a close time throughout the whole or any specific part of the State of Andhra for any kind of wild bird or animal. It shall then be unlawful—

- (a) to capture any such bird or animal or to kill any such bird or animal which has not been captured before the commencement of such close time;
- (b) to sell or buy, or offer to sell or buy or to possess, any such bird or animal which has not been captured or killed before the commencement of such close time, or the flesh thereof; and
- (c) if any plumage has been taken from any such bird captured or killed during such close time, to sell or buy, or to offer to sell or buy or to possess such plumage.

The penalty for doing or attempting to do any act in contravention of the above is in the case of a first conviction, a fine which may extend to fifty rupees and in the case of a second

or subsequent conviction imprisonment for a term which may extend to one month or fine which may extend to Rs. 100 or both. The convicting magistrate may also order the confiscation of the bird or animal in respect of which the offence has been committed or the flesh or any other part of such bird or animal.

Nothing in this paragraph applies to the capture or killing of a wild animal in self-defence or the defence of any other person, or to the capture or killing of any wild bird or animal in defence of property.

VIII. *Wild Birds and Animals Protection Act VIII of 1912—*

The shooting at or the destruction of wild female elephants upon waste or forest lands (whether the property of Government or of private persons) is strictly prohibited except by a person to whom a special licence has been granted thereof. Such a licence will be granted by the District Collector if he is specially authorised in that behalf by the Board of Revenue. It will be granted only to a person by name in respect of a specified area within the district.

The shooting at or the destruction of wild animal male elephants upon waste or forest lands, which are the property of Government, is permitted only on a licence obtained for this purpose from the District Collector.

Any person shooting or abetting the shooting of wild elephants without being authorised by a licence as aforesaid is liable for a first offence to a penalty not exceeding five hundred rupees and in default of payment to simple or rigorous imprisonment for a period not exceeding three months, and for a second or subsequent offence, to a penalty not exceeding one thousand rupees and in default of payment to simple or rigorous imprisonment for a period of not exceeding six months.

Every licence to shoot wild female or male elephants become void at the expiration of one year from the date of issue or upon conviction for any offence against the Act or the rules committed by the licensee.

The State Government have power to make rules for regulating the grant or renewal of licence, and to cancel such rules.

No restriction of any kind is however placed on the shooting at or destroying of wild male or female elephants—

- (a) which are found upon cultivated lands, or upon or in the immediate vicinity of public roads; or
- (b) in self-defence or in defence of any other person.

(The Madras Wild Elephants' Preservation Act, 1873, as amended by the Madras Wild Elephants' Preservation (Amendment) Act, 1933.)

OTHER LAWS

IX. Any Magistrate or Police Officer may disarm any person going armed without a licence granted under the Indian Arms Act, 1878, or in contravention of the provisions of such a licence.

The State Government may empower any person by name or by virtue of his office to exercise similar powers.

Section 13 of the Indian Arms Act, 1878.

X. The doing of any act which causes danger, obstruction or injury to any person in any public way is an offence by virtue of section 283 of the Indian Penal Code. Thus, a person who fires a shot while in or near a public road and thereby causes danger, obstruction or injury to any person on the road is liable to be charged under this section.

PART III

RULES FRAMED UNDER THE GAME LAWS.

A—Rules regulating hunting, shooting and fishing in reserved forests.

1. The rules below are those framed by the State Government under the power referred to in paragraph I of Part II above. These rules apply to all areas except.

- (a) the areas specified in the Introduction.

These rules do not apply to members of hill tribes as defined in the Agency Tracts Interests and Land Transfer Act, 1917,

resident in the East Godavari district, or the hunting or shooting of wild elephants, which is governed by the rules in section D. below:

2. The following matters relating to each shooting unit separately will be reviewed once a year in the month of November by the Conservator of Forests in consultation with the Collector of the district and notified in the District Gazette.

- (a) the limitation of bag;
- (b) the prohibition of the shooting of certain small game or animals or sexes of animals.
- (c) the prohibition of shooting in particular localities;
- (d) the definition of shootable animals; and
- (e) the close season for small game.

Rules for hunting or shooting

- (a) Hunting or shooting is prohibited in reserved forests except under a licence obtained from the District Forest Officer of the division. A licence issued by the District Forest Officer will cover one shooting unit, normally a Forest Division. A licence to cover more than one shooting unit may be obtained from the Chief Conservator of Forests, Andhra Pradesh.
- (b) A licence will be valid for one year from date of issue.
- (c) It is not transferable.
- (d) The District Forest Officer may, with the previous sanction of the Conservator, grant licences to non-commissioned officers and men of the Army, Navy and Air Force of the Govt. of India. These licences also shall not be transferable.
- (e) The District Forest Officer or the Chief Conservator of Forests may refuse to grant a licence if the applicant has been convicted of an offence against these rules or for any other special reason to be recorded in writing.
- (f) (1) The wild birds or wild animals specified in Schedule I may be killed, captured, possessed, bought, sold or offered for sale throughout the year, provided that females of tiger, panther and bear shall not however be shot when accompanied by cubs too small to take care of themselves.

- (2) No person shall at any time of the year, shoot at any birds or animals specified in Schedule II except as provided in that schedule. Provided that this sub-rule shall not apply to genuine natural history collectors authorized in this behalf by the District Forest Officer.
- (3) No person shall kill, capture, possess, buy or sell or offer for sale any animal or bird specified in Schedule III except when it is doing damage to crops or under a special permit to be issued by the District Forest Officer.
- (4) (i) Any animal may be kept in captivity subject to the conditions laid down in item (a) of Schedule IV. (ii) The wild birds specified in item (b) of Schedule IV may be kept in captivity to the extent specified therein.
- (g) (i) The removal of the eggs of all kinds is prohibited. (ii) The use of poison and of dynamite or other explosive for the capture or destruction of animals or birds and beating and setting of traps or snares therefor are prohibited, except with the special permission of the District Forest Officer.
- (h) No person shall shoot any of the animals or birds specified in Schedule II other than birds of prey or tiger, panther, bear, wild pig, wild dog, porcupine, or wolf—
- (i) at a water hole or salt-lick, or
 - (ii) from a machan or shelter, or
 - (iii) by the aid of artificial light.
- (2) No person shall shoot any bird or animals from a motor vehicle.
- (3) No person shall sell or buy or offer for sale or market in any way the hides, horns, plumage, flesh or any other part of the animals or birds specified in Schedule II and Schedule III.
- (i) For shooting hison, only double baredled rifles shall be used, and the bore shall not be less than .400 in the case of high velocity rifles and .500 in the case of black powder rifles.
- (j) Photography of game with the help of flashlight is prohibited except with the permission of the District Forest Officer which should be obtained in each case.

- (k) Shooting at animals designated big game, and tiger, panther, boar and pig with shot or slug is prohibited.

The following animals constitute big games—

Sambur, chital, bison, ibex, antelope (four horned antelope Chinkara), barking deer and buffalo.

No females or immature males of the animals shall be shot at any time.

Rules for Fishing

3. The Conservator of Forests is empowered, in consultation with the Collector of the district, to declare by notification in the District Gazette, all or any rivers, streams or lakes, situated within all or any reserved forests in his circle to be closed against fishing either absolutely or without a special licence. A separate licence will be issued for fishing in waters not closed by special order, provided that no such separate licence shall be necessary in the case of a person who holds a shooting licence for the division concerned. Fishing, whether under a separate licence or under a shooting licence, is permitted only with nets or rods, and the Conservator of Forests is authorised to regulate the size of the mesh of the nets to be used.

4. The use of poison and of dynamite or other explosive in water and the setting of cruives or fixed engines or snares for the capture or destruction of fish, and the damming or baling of water for the capture of fish are absolutely prohibited anywhere within the units to which these rules supply.

General

5. Against any order issued by the District Forest Officer, or the Conservator under the above rules, an appeal lies to the Conservator or the Chief Conservator as the case may be if filed within three months of the date of the order appealed against. The decision of the appellate authority will be final; provided that the Government of Andhra may either of their own motion or on the application of the party aggrieved, revise the order passed on any such appeal.

Schedule I

Birds and animals excluded from protection and permitted to be shot under a licence.

- (a) Birds of prey, cormorants, crow-pheasants, crow, dove.
- (b) Tiger, panther other than female of, tiger, bear, wolf, jackals, wild pig, fox, wild dog, porcupine, wild cat, mongoose, otter, crocodile, hare.

(Female of tiger, panther and bear not to be shot if accompanied by cubs too small to take care of themselves).

Schedule III

Birds and animals protected at all times except when they are doing damage to crops or by special permit to be issued by the District Forest Officer.

- (a) All kinds of birds other than the birds mentioned in schedule I including Peafowl, Gray jungle fowl.
- (b) Nilgai, Malabar squirrel, all kinds of monkeys, chevro-tain (mouse deer), imported animals, and antelopes (black buck), Indian Cheetah and Wild buffalo.

Schedule IV

Permitted to be kept in captivity.

- (a) Any animal may be kept in captivity subject to the following conditions, namely:—

No person shall—

- (i) cruelly and unnecessarily beat, overdrive, overload, or otherwise ill-treat any animal; or
- (ii) bind or carry any animal in such a manner or position as to subject the animal to unnecessary pain or suffering; or
- (iii) possess any live animal which is suffering from pain by mutilation, starvation or other ill-treatment or any dead

animal which he has reason to believe to have been killed in an unnecessary cruel manner.

(b) Paroquets — Not more than 6. Mynas and weaver bird. Not more than 10 of each species. Mynas—Not more than 2. Partridges and quail—not more than 2 of each species. Blue rock pigeons—No limit.

B—Rules regulating hunting and shooting and fishing in reserved lands.

The rules below are those framed by the Local Government under the powers referred to in paragraph III of Part II above. These rules apply to all reserved lands.

Rules for hunting and shooting.

(a) No licence is required for hunting and shooting in reserved lands but hunting and shooting are prohibited in any particular part or parts of such land closed to hunting and shooting for any prescribed period by the Collector.

(b) Rules (f) to (m) relating to reserved forests apply to these lands also.

Rules for fishing.

(c) These rules apply to the reserved lands referred to above. The penalty for violation of these rules is that stated in paragraph III of Part II.

The Collector is empowered to declare all or any rivers, streams or lakes outside forests declared to be reserved forests to be closed to fishing without a licence. Fishing in waters so closed by special order requires a licence issued by the Collector. In all other waters outside reserved forests no licence is required for fishing but fishing by nets or rods is alone permitted and the Collector is authorised to regulate the size of the mesh of the nets.

The use of poison and of dynamite or other explosive in water and the setting of cruives or fixed engines or snares for the capture or destruction of fish are absolutely prohibited anywhere within the limits to which these rules apply.

(1) Against any order passed by the District Forest Officer under these rules, an appeal shall lie to the Collector of the district and against any order passed by the Collector an appeal shall lie to the Board of Revenue.

(2) Such appeal shall be preferred within three months of the date of the order appealed against.

(3) The decision on such appeal of the Collector or the Board of Revenue, as the case may be, shall be final provided that the Government of Andhra may either of their own motion or on the application of the party aggrieved revise the order passed on any such appeal.

C—Notification for the protection of wild birds.

Under the powers referred to in paragraph VII of Part II the Local Government have notified that in respect of the birds specified hereunder, the period noted against each bird shall be deemed to be a close time throughout the whole State. The penalty for breach of these orders is that stated in paragraph VII of Part II.

Annexure.

List of Wild birds and animals for which close seasons have been prescribed.

<i>Name of wild birds and animals</i>	<i>Periods of close time.</i>
(a) <i>Wild birds:—</i>	
All kinds of birds except birds of prey, Cormorants, Crow Pheasants, Crows, Doves.	1st April to 30th September
(b) Gray jungle fowl, Peafowl.	Whole year.
<i>Wild animals:—</i>	
Indian Cheetah, Wild buffalo, Antelope (Black Buck).	Whole year.

Note: The close season mentioned in the notification is general for the whole State and is applicable to a particular division only when no

separate notification relating to that division has been published. The close season for the several divisions will be fixed by the Conservator in consultation with the Collector in the month of November and will be notified in the District Gazette.

D—Rules for hunting and shooting elephants.

The following are the rules made by the State Government in exercise of the powers specified in the penultimate subparagraph of paragraph VIII of Part II.

Note: The hunting and shooting of elephants requires a separate licence. The ordinary licence permitting hunting and shooting in reserved forests and reserved lands does not entitle the holders to shoot elephants.

(a) No Collector shall grant a licence to shoot wild male or female elephants without obtaining the sanction of the Board of Revenue.

(b) Certain elephants leave their herds and are a source of danger to person and property. Such animals are notified by the Collector in the District Gazette as prescribed and are thus declared 'rogues'. The District Forest Officer is also empowered to prescribe a rogue elephant provided his prescription is simultaneously notified to the Collector, who will examine the facts and cancel the prescription, at his discretion, if the elephant has not been shot in the meanwhile. The validity of every such notification, whether by the Collector or by the District Forest Officer, shall, by its terms, be limited, expressly to a period not exceeding one year.

Prescribed rogues may be shot by the holders of ordinary shooting licences.

(c) For shooting elephants, otherwise than in defence of life, only double barrelled rifles shall be used, and the bore shall not be less than .400 in the case of high velocity rifles and .500 in the case of black powder rifles.

E—Notification issued by the State Government under the powers specified in paragraph IX of Part II above.

All Forest Officers of and above the rank of Ranger are em-

**GAME REGULATIONS SANCTIONED BY HIS EXALTED
HIGHNESS THROUGH THE FIRMAN-E-MUBARAK
DATED THE 24TH SAFAR 1364 H.**

(For Hyderabad Region of Andhra Pradesh)

Preliminary: Whereas it is expedient to amend and frame the present Game Regulations it is hereby ordered as follows:—

Short title, date of issue and extent: Rule 1. These Rules may be called "The Hyderabad Game Regulations" and shall by notification in the Jareeda come into force in the Dominions.

Repeal: Rule 2. On and from that date all Rules and Regulations that are repugnant to or repetition of these Rules shall be repealed.

Interpretation clause: Rule 3. In these Regulations unless there is anything repugnant in the subject or context the word "Game" include all the animals and birds named in the annexed schedule and such other animals and birds as His Exalted Highness Government from time to time specify by notification in the Jareeda.

Special preserves: Rule 4. (a) Special Preserves mean the area in which no one except His Exalted Highness with His Exalted Highness' permission shall be allowed to shoot, kill, or snare any game.

These areas are as follows:—

(1) Shikargah area of Saroonagar including part of Ibrahimpatan and such other villages of the Baghat Taluq as are under the control of the existing Shikargah. A list of the villages is given as Appendix I.

(2) Shikargah areas in the Pakhal, Mahbubabad, Warangal and Mulug Taluqs in the Warangal District. A list of the villages included is given as Appendix II.

3. Shikargah area of Damagundam. A list of the villages is given as Appendix III.

(b) No alteration shall without the permission of His Exalted Highness take effect in these Shikargahs, the management of which for purposes of Shikargah has been entrusted from long past to the Sadrul Moham, Sarfe-khas in virtue of a Firman-e-Mubarak.

(c) In addition to these areas, portions of his Exalted Highness' Dominions may from time to time be demarcated and reserved as His Exalted Highness' Shikargah which shall be under the direct control of His Exalted Highness' Shikargah Department. A notification specifying the boundaries of such Shikargah shall be published in the *Jareeda* for public information.

(d) No one shall be allowed to kill, shoot, capture or snare any animal in His Exalted Highness' special preserve without the permission of His Exalted Highness.

(e) No one shall be allowed to shoot any animal in the Atraf-e-Balda District without obtaining the permission of His Exalted through Sadarul Moham of Sarf-e-khas, H. H. the Prince of Berar.

(f) In such places of Shikargah where man-eater or other animals, e.g., boars and wild dogs, not only cause destruction of human life but also cause damage to agriculture and property of the agriculturists, the Sadrul Moham of Sarf-e-khas shall be deemed to be authorised to grant permission for their destruction in the same way as the First Talukdars in the Diwani illaqa are authorised under rules.

Rights of Jagirdars, etc., to grant permission: Rule 5. Paigah Nobles, the owners of Samasthans and Jagirdars who are entitled to grant permission to shoot in their respective illaqa, will continue to do so subject to the observance of these Regulations. Applications for permission to shoot in such illaqa will be made to and granted by the illaqa concerned.

Definition of shooting areas: Rule 6. Shooting of animals and birds may occur in areas specified below:—

- (a) Reserved and protected forest areas which are under the management of the Forest Department as per Rule 8 of these Regulations.
- (b) Open forests and other areas as per Rule 7 of these Regulations.

Open forests and other areas: Rule 7. (1) No one shall shoot in open forest and other areas save in accordance with these rules. No shooting of any kind of animals or birds shall be allowed in the 35 villages given in Appendix IV which are in the vicinity of Hyderabad.

Creation of shooting blocks: Rule 8. (1) Reserved and protected forests have been demarcated into blocks of convenient size for shooting purposes. Certain blocks will be open and others closed, for shooting each year. A list of the blocks open for shooting will be published each year in the month of *Ardibehisht* in the *Jareeda* under the signature of the Inspector General of Forests. A block limit showing the number of animals which may be shot in the block during the year shall be fixed by the Inspector General of Forests in consultation with the Director General of Revenue taking into consideration the extent of the estimated stock of game in each block. But in no circumstances will more than the block limit be allowed to be shot, and once the block limit has been shot the block shall be closed for shooting for the rest of the year.

(2) Certain blocks shall be reserved each year for Hon'ble the President and for distinguished guests which will be allotted to the latter on receipt of the direct orders from Hon'ble the President.

(3) The Inspector General of Forests shall in consultation with the Director General of Revenue, open certain blocks each year for small game shooting for the officers of collieries and such Industrial centres as lie in remote forest areas of H. E. H. the Nizam's Dominions.

Sanctuaries: Rule 9. Government may by notification in the *Jareeda* declare that any block closed for shooting or any open forest or other area shall remain permanently closed. Such blocks or open forests or other area shall be called Sanctuaries and the firing of guns in such areas is prohibited.

Prohibition to shoot certain animals and birds: Rule 10. (1) The shooting, killing or snaring of the following animals and birds is prohibited throughout the year.

1. Cheetah, 2. Bison, 3. Buffaloes, 4. Deo Samber, 5. Cow Nilgai, 6. All female and young ones of deer and stags in velvet, 7. Cubs of tiger, 8. Jungle goat, 9. Indian Bustard.

(2) When a tigress is shot and her cubs are too young to provide for themselves, the cubs may be captured but should not be killed.

(3) The shooting of black buck is permitted from 1st December to the end of May, but the snaring and clubbing of these animals is prohibited throughout the year.

Further prohibition: Rule 11. No one shall kill small stags the head of which cannot be looked on as trophies or do not exceed 30" for Cheetal, 30" for Samber, 18" for Buck and 8" Chinkara.

Prohibition to sell horns and skins: Rule 12. (1) Horns and skin of big game shall not be sold at any time of the year. No one shall hunt, shoot, snare, capture, sell or export any game during the close breeding season nor shall any animal be shot when going to or coming from water or whilst in the act of drinking water at any tank, river, nullah or pool.

(2) The use of dazzling lights, glares, poison or poisoned weapons for hunting or shooting animals is prohibited, nor may animals be shot from motor vehicles.

When prohibition of Section 13 does not apply: Rule 14. The provisions of Section 13 shall not apply to panthers, wild dogs, bears, man-eating tigers or any other man-eating animals nor preclude any person from adopting such measures as may be necessary for the protection of any human being.

Exception: Man-eating animals on their being notified under Rule 42 as such may be shot anywhere.

Shooting passes not to issue during certain periods: Rule 15. No shooting permit of any kind shall be issued between the 1st July and 1st October.

Rule 16. Permits to shoot small game shall not be issued to soldiers without giving one month's notice in writing to the Hon'ble the Resident as laid down in the Residency Circular No. III of 1903. In granting these permits, the periods herein laid down shall be strictly followed.

Limit of Bag: Rule 17. Shooting parties will be bound not to exceed the limits of the number of game permitted to be shot as given in the permit.

Period for permission to shoot: Rule 18. (1) The period of permission to shoot, shall ordinarily be for one month and shall in no case exceed three months. No application will be received for reserving the block for any period of less than a month except for the ten days at Christmas.

(2) If a shooting party to which a permit has been issued, does not arrive on the ground within the first month of the period specified in the permit, all claims to that area shall be forfeited. If for any reason it is desired to have the period extended, fresh permit must be obtained but no extra fee shall be charged.

Application for permission to shoot: Rule 19. (1) Applications for permission to shoot big game in His Exalted Highness' Dominions shall specify the block or blocks or the open forest or other areas for which permit is desired and shall be sent to the Inspector General of Forests who shall obtain the permission of the Director General of Revenue and shall issue orders in conformity with the orders of Government. In case of British officers of the garrison the application shall be made through the Hon'ble the Resident and Political Secretary who will forward them to the Inspector General of Forests. Ordinarily not more than one block will be allotted to each shooting party but in exceptional circumstances two adjoining blocks may be allowed.

(2) If any application be received to shoot in any area of Sarf-e-Khas under the supervision of Diwani, the Inspector General of Forests shall forward such application to the Sadar-ul-Moham, Sarf-e-khas for sanction.

(3) When permission is applied for on behalf of a party the application shall be submitted by the person responsible for the party and shall state the names of persons comprising the party without which no application will be entertained. Individual members of a party shall not be entitled to permission to shoot in any block other than mentioned in the permit issued on behalf of the party nor shall they put separate application.

(4) Every application for permission to shoot must be accompanied by a fee of O. S. Rs. 25/- for each block per gun and sent to Inspector General of Forests, who shall forward them to the Director General of Revenue.

(5) A deposit of Rs. 25/- will be taken from every application at the time of the issue of the permit as a security for the due observance of the shikar rules, which would be returned on receipt of a clear report from the Divisional Forest Officer, concerned, after the completion of the Shikar. If the applicant fails to pay the bag fee as laid down in para 24 the amount due from him will be deducted from the deposit amount and the balance returned to him.

(6) Every application for permission to shoot small game under Rule (8) sub-Rule (3) must be accompanied by a fee of O.S. Rs. 10/- for each block per gun and sent to Inspector General of Forests.

Date of despatch of application: Rule 20. Applications for

permission to shoot may be submitted not more than three months before the date for which the permit is desired. Subject to the above, if there be more than one applicant for any block preference will normally be given to the application which is first received. Persons applying for a block are advised to give at least a month's notice.

Application from persons residing outside: Rule 21. (1) Applications for permission to shoot from persons residing outside His Exalted Highness' Dominions shall be forwarded to the Inspector General of Forests through the Political Secretary. The Inspector General of Forests shall obtain the orders of Hon'ble the President through Director General, Revenue, for such applications.

(2) Such applications will not be considered until the claims of those residing in His Exalted Highness' Dominions have been met.

Permits: Rule 22. (1) When an application for permission to shoot is allowed, a permit in form 'A' shall be issued along with a copy of these Rules to the applicant who shall be bound strictly to abide by these Rules.

(2) Shooting permits shall not be transferable.

Return of permits on conclusion of shooting: Rule 23. Permit holders shall return all permits to the Inspector General of Forests on the completion of the shooting together with a correct statement of all animals shot with measurements and a short account of local conditions as affecting Shikar with photos, if possible, for record and publication at the discretion of the Forests Department. In the event of Sambar and Cheetal being shot the length of their horns must also be reported to the Inspector General of Forests. All measurements to be taken before skinning and horns to be measured from tip to base along the curve. Officers exempted under Rule 33 are similarly required to report to the Inspector General of Forests particulars of any game which they may have shot.

Fees payable on Bags: Rule 24. In addition to fee prescribed in Rule 19 above permit holders shall pay Rs. 10/- for each tiger or tigress shot and Rs. 25/- for each cub under 7' measured from head to tail. (These fees realised on the issue of permits as per Rule 18 and after shooting as per this rule in respect of

Taluqs of Sarf-e-khas and Taluqs entrusted to the supervision of Diwani or managed jointly shall be credited to Sarf-e-khas.

Supplies: Garas or karbi, fowls, eggs, milk, ghee, gram or kulthi, dhall, atta, rice, goats and sheep.

Rule 25. The articles marginally noted will generally be obtainable on payment at the Scheduled rates which can be obtained from the Tahsildar of the Taluq or his assistant. Of these, however, only such articles as are obtainable locally will be supplied and payment for all supplies must be made in cash on the spot, and receipts taken from the patel.

Beaters: **Rule 26.** (1) Permit holders shall give due intimation of the number of beaters required to the Forest Official appointed to the camp who will do his best to collect them from the adjoining villages. The beaters should be paid at the rate of annas four per diem if big game is killed and at annas three per diem if the day is blank or only small game is shot. No person shall be forced to serve as a beater against his will.

(2) If beaters are collected at the camp on requisition and are not employed they should be paid one anna each. These payments should be made direct to the beaters without the medium of any one.

(3) Permit holders will be held responsible for the prompt payment of beaters in accordance with the above rates, and on no account shall payments be deferred till the following day.

Garas: **Rule 27.** (1) Buffaloes required for garas should be previously purchased by the permit holders outright, and should not be returned to the owners unless they agree to take them back. In such cases a small remuneration should be given to the owners.

(2) The following are the approximate rates to be paid for 'Garas': 2 years old Rs. 6; 3 years old Rs. 8 and 4 years old Rs. 9.

(3) No garas over the age of four years should be purchased by permit holders.

(4) No person shall be forced to sell his cattle for gara purposes against his will.

Report of accidents: **Rule 28.** Permit holders and others entitled to shoot shall report in detail to the nearest Magistrate or a Police Officer all accidents and injuries to Shikaries, beaters and others immediately after their occurrence, and should send a copy of such report to the Inspector General of Forests.

Shikaries to be Registered: Rule 29. (1) No Shikari will be allowed to be employed within His Exalted Highness' Dominions by any sportsman unless he is registered and has taken out a licence for the season.

(2) The license fee will be as follows: Rs. 5 for big game, and Rs. 2 for small game.

All licensed Shikaries shall be supplied with badges by the Inspector General of Forests.

Conditions of employment of village Shikaries: Rule 30. Any permit holder wishing to employ a villager or local Shikari shall before employing him, if he is not already registered, send the Shikari's name and address at once to the Inspector General of Forests to be registered and licensed.

Rate of pay etc. for Shikaries: Rule 31. The ordinary rate of payment for Shikaries is as follows:

For big game shikaries	Rs. 15 to 30 p.m.
For small game	" 10 to 15 p.m.
For village or local Shikaries	" 5 to 10 p.m.

Penalty for Shikaries breaking rules etc: Rule 32. Any Shikari licensed and registered under these rules who wilfully commits or abets the commission of any breach of these Regulations or who fails to report any breach thereof, or who having been suspended takes service without the permission of the Inspector General of Forests, shall be liable to have his license cancelled either permanently or for a period.

Officials exempted from the Regulations: Rule 33. The following officials while travelling on duty shall be exempt from obtaining a permit under these Regulations:

- (a) 1. Sadarul Mohams and Sandurul Moham of Sarfe-khas, Secretary, Sarfe-khas, Secretary, Committee Sarfe-khas and Member of the Committee, Sarfe-khas.
2. Secretaries to Government on tour when on duty.
3. Judges, High Court.
4. Director General Revenue.
5. Director General of Police.
6. Inspector General of Forests.
7. Excise Commissioner.

8. Commissioner of Customs.
9. Director, Public Instruction.
10. Director, Medical Department.
11. Chief Engineer, Public Works Department.
12. Superintending Engineers, Irrigation & Drainage Departments.
13. Mining Engineering to H.E.H. the Nizam Government.
14. Post Master General.
15. Deputy Director General of Police.
16. Accountant General.
17. Director, Electricity Department.
18. Registrar, Cooperative Society.
19. Inspecting Officer, Judicial Department.
20. Commissioner of Settlement.
21. Commissioner of Land Records.

(b) District Officers in their own districts.

1. Subedars.
2. First Taluqdars.
3. Superintendent of Police.
4. Conservators and Asst. Conservators of Forests.
5. Nazims of Sadar Adalatas.
6. Additional Collectors (Jareeda No. 15, dt. 5-3-52H).

- (c) Subject to Rule 34, exempted officers under (a) and (b) may shoot in any notified open block provided that they have first ascertained that the block limit has not already been reached. Such officers may not tie up or beat in any block which has been allotted on permit to any shooting party which at the time is exempted in or near the block for shooting purposes or has at the time kills tied up.

Limit of the Bag in case of persons exempted and amount of fees, etc. to be paid by them. Rule 34. Officers exempted under Rule 33 above of these regulations are entitled to shoot one tiger, one boar, two Sambers and one chital each during the year. Exempted Officers who desire to shoot must pay an annual license fee of Rs. 25/- each and District Officers Rs. 10/-

each and in addition pay Rs. 10/- for a tiger or tigress and Rs. 25/- for a cub under 7 feet in length.

Power to arrest Offenders: Rule 35. Any Revenue Police or Forest Officer, or Police Patel may demand the name and addresses of any person whom he finds committing within his jurisdiction any offence against these regulations or about whom he receives information from reliable sources regarding the commission of such an offence and if the said person declines to give his correct address and name he shall be taken to the nearest Police Station and thence he shall be sent to the nearest Magistrate. Such Magistrate shall hold an enquiry within twenty four hours of the arrival of the accused person. If the person arrested gives his correct name and address at the Police Station he shall be forthwith released and a report of the commission of the offence shall be made to the said Magistrate.

Penalties for shooting, trapping, snaring, killing, selling or exporting game against Game Regulations: Rule 36. The Commission or any offence under these Regulations renders the offender liable to arrest and prosecution under Section 51 and 22(h) of the Hyderabad Forest Act I of '26F.

Additional penalties: Rule 37. (1) In addition to the penalty provided under Rule 36 of these Regulations, His Exalted Highness' Government may prohibit the issue of permits to the offenders for a period of 2 years. If an offender is a British officer or European British subject the case shall be reported to the Hon'ble the Resident.

(2) It is the duty of every Police Patel and Forest Chowkidar to report at-once to the Divisional Forest Officer concerned every case of breach of these Regulations.

Penalty for shooting without permission in His Exalted Highness' preserves—Government preserves or Jagirs: Rule 38. Whoever kills, shoots or captures any game in His Exalted Highness' Sikargah without His Exalted Highness' permission or in the shooting block notified under Sec. 6 of the Forest Act without a valid permit shall be liable to arrest and prosecution under Sec. 51 and 22(h) of the Hyderabad Forest Act I of '26F.

Penalty for refusing to give name and address: Rule 39. Whoever on being demanded under Rule 35 refuses to give his correct name and address or knowingly gives wrong name and

address shall be punished with a fine which may extend to Rs. 25/- and to Rs. 50/- on a second conviction for the same.

Payment to informers: Rule 40. Fines realised under these rules may up to one half of their amount be paid by the Court to the informers through whose efforts the conviction may have been obtained.

Shikar Fund: Rule 41. All moneys realised under these rules shall be credited into a separate fund to be called the 'Shikar Fund' the proceeds of which will be appropriated under the orders of Government for the protection of the fauna of the Dominions.

Payment of rewards: Rule 42. No reward shall be paid for killing tigers, panthers and bears, but a reward of Rs. 5/- shall be paid for the destruction of every wild dog at the district treasury after satisfactory proof and on production of the skin and the skull before the First Taluqdar who is the officer authorised to sanction the payment of the rewards. A special reward may also be sanctioned by Government for the destruction of any Man-eating tigers and panthers provided a notification has first been issued and under the signature of the Inspector General of Forests and after destruction of the animal no human kills in the area have occurred during the following three months. In order to avoid delay where the First Taluqdar after consultation with the D.F.O. is satisfied that there is a man-eating animal in part of his district he may authorise its destruction without any permit having first been obtained under these rules. Such authorisation shall only be issued where a First Taluqdar and the D.F.O. are both in agreement as to the action to be taken. Sanction shall only be given by the First Taluqdar after due enquiry and verification as there is always a danger that poaching may be done under the guise of destruction of a man-eater. Wherever a reward is claimed under this rule the skin shall be handed over to the First Taluqdar at the District Headquarters at the time of payment and shall subsequently be auctioned except in cases where the Taluqdar specially sanctions the return of the skin after being marked to the person claiming the reward.

Manner of publication Notices: Rule 43. All notices issued under these Regulations shall unless otherwise provided for, be

published in the *Jareeda* and sent to the residency for such publication as may be considered desirable.

Powers to make rules: Rule 44. Government may at any time issue rules under the Game Regulations where this is found to be desirable.

Rule 45. All offences under the Regulations will be cognizable and bailable and proceedings will take place under the Criminal Procedure Code as is done in other criminal offences.

(Sd/-) M. Nasir Khan,
for Revenue Secretary.

APPENDIX XI.

Important provisions (extracts) in the Laws of some other countries relevant to the provisions in the Arms Act, 1959.

1. Definition of Fire-arms.—(Arms Act—s. 2)

U.S.A. Federal Fire-arms Act, s. 901(3)—The term "fire-arm" means any weapon by whatever make known which is designed to expel a projectile or projectiles by the action of an explosive and a fire-arms muffler or fire-arm silencer or any part or parts of such weapon.

U.K. Fire-arms Act, 1937 s. 32(1)—"Fire-arm" except where otherwise expressly provided means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

U.K. Firearms Act 1937, s. 32—Prohibited ammunition means any ammunition referred to in paragraph (c) of sub-section (1) of section seventeen of this Act; Prohibited weapon means any firearm or weapon referred to in paragraph (a) or paragraph (b) of sub-section (1) of section seventeen of this Act.

2. Prohibited arms and ammunition.—[Arms Act—s. 2(1)(h)-(i)]

U. K. Firearms Act, 1937, Section 17(1)(a)-(c)—It shall not be lawful for any person without the authority of the Admiralty, the Army Council or the Air Council to manufacture, sell, transfer, purchase, acquire or have in his possession:—

- (a) any fire-arm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other things; or

- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing.

U.S.A. National Firearms Act, as amended to September 1, 1952—The term "machine gun" means any weapon which shoots or is designed to shoot automatically or semi-automatically more than one shot without manual reloading by a single function of the trigger.

3. Shortening of Guns.—[Arms Act—s. (6)]

U.K. Firearms Act, 1937, Section 24—(1) No person other than a registered firearms dealer shall shorten the barrel of a smooth-bore gun to a length less than twenty inches.

(2) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

4. Identification Marks.—(Arms Act—s. 8)

U.S.A. National Firearms Act (as amended to Sept. 1, 1952) 2725—Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

2726(b)—Removing or changing identification marks—It shall be unlawful for anyone to obliterate, remove, change or alter the number or other identification mark required by section 2725. Whenever on trial for a violation of this sub-section, the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed or altered, such possession shall be deemed sufficient evidence to authorise conviction, unless the defendant explains such possession to the satisfaction of the jury.

5. Prohibition on acquisition, possession etc. of firearms by young persons etc.—(Arms Act, 1959—s. 9)

U.K. Firearms Act, 1937—Section 19—(1) No person under the age of seventeen years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of seventeen years.

(2) No person under the age of fourteen years shall accept as a gift or borrow any firearm or ammunition to which Part I of this Act applies, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years.

(3) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part I of this Act applies except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of sub-sections (7), (8) or (9) of section 4 of this Act, and no person shall part with the possession of any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years, except in circumstances where that other person is entitled to have possession thereof as aforesaid.

20. (1) No person shall sell or transfer any firearm or ammunition to, or repair, prove or test any firearm or ammunition for, any other person whom he knows or has reasonable ground for believing to be drunk or of unsound mind.

21. (1) Subject to the provisions of this section, a person who has been sentenced to penal servitude or to imprisonment for a term of three months or upwards for any crime shall not, at any time during a period of five years from the date of his release, have a firearm or ammunition in his possession.

(2) Subject to the provisions of this section, a person who :—

- (a) is the holder of a licence under the Penal Servitude Acts, 1853 to 1891, or the Prevention of Crime Act, 1908; or
- (b) is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or

- (c) has, in Scotland, been ordained to find caution a condition of which is as aforesaid;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

* * *

(4) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be prohibited by this section from having a firearm or ammunition in his possession.

U.S.A. Federal Firearms Act as amended to February 1950, 902(d)—It shall be unlawful for any person to ship, transfer or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugitive from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is fugitive from justice to ship, transport, or cause to be shipped in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received as the case may be, by such person in violation of this chapter.

6. Grant of licences and variation, suspension and revocation of licences.—(Arms Act—ss. 13, 14 and 17)

U.K. Firearms Act, 1937, section 2—(1) An application for the grant of a certificate under this section shall be made in the prescribed form to the chief officer of police for the area in

which the applicant resides and shall state such particulars as may be required by the said form.

(2) The certificate shall be granted by the chief officer of police, if he is satisfied that the applicant has a good reason for purchasing, acquiring, or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace :

Provided that a certificate shall not be granted to a person whom the chief officer of police has reason to believe to be prohibited by this Act from possessing a firearm to which this Part of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a fire-arm, or the holder fails to comply with a notice under sub-section (5) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of a chief officer of police to grant him a certificate under this section or to vary or renew a firearm certificate or by the revocation of a firearm certificate under paragraph (a) of the last foregoing sub-section, may appeal.

(9) In any case where a firearm certificate is revoked by a chief officer of police, he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that, where an appeal is brought against the revocation, this sub-section shall not apply to that revocation unless the appeal is abandoned or dismissed and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(10) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section, or the variation, or renewal of a firearm certificate, he shall for each offence be liable on summary conviction to imprisonment

for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

7. Power to demand production of licence.—(Arms Act—s. 19)

U.K. Firearms Act, 1937, Section 6.—(1) Any constable may demand from any person, whom he believes to be in possession of a firearm or ammunition to which this Part of this Act applies, the production of his firearm certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the constable to read the certificate, or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a firearm certificate, the constable may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(3) If any person refuses so to declare his name and address, or fails to give his true name and address, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and the constable may apprehend without warrant any person who refuses so to declare his name or address, or whom he suspects of giving a false name or address, or of intending to abscond.

8. Possession of arms etc. with intent to use them for unlawful purposes.—(Arms Act—s. 27)

U.K. Fire-arms Act, 1937, Section 22—If any person has in his possession any fire-arm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, he shall, whether any injury to person or property has been caused or not be guilty of felony, and on conviction thereof on indictment, shall be liable to penal servitude for a term not exceeding fourteen years.

9. Use and possession of fire-arms or imitation fire-arms in certain cases.—(Arms Act—s. 28)

U.K. Firearms Act, 1937, Section 23—(1) If any person makes or attempts to make any use whatsoever of a firearm or imita-

tion firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence under this sub-section, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding fourteen years.

10. Manufacture and sale—[Arms Act—ss. 5, 25(1)(c)]

U.K. Firearms Act, 1937, Section 7(1) and (2)—(1) Subject to the provisions of this section, no person shall, by way of trade or business :—

- (a) manufacture, sell, transfer, repair, test or prove; or
- (b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof;

any firearm or ammunition to which this Part of this Act applies, unless he is registered as a firearms dealer :

Provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the chief officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) If any person contravenes the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

The French Arms Decrees—Article (2)—Everybody is forbidden to oblige a third party even verbally, to accept sub-orders concerning a contract for supplies to the National Defence, except through that third party whatever may be the duration provided for that obligation.

In derogation to article 1165 of the civil code, any clause of a written or verbal convention, having the direct or indirect effect of imposing upon the holder of a contract for supplies to

national defence, obligation of passing through an intermediary for the execution of sub-orders concerning the contract of the said holder, will stand legally nullified, and will not in any case be put to execution.

Whosoever provokes or attempts to provoke or accepts the signing of an engagement prohibited by the terms of the two preceding paragraphs, will be subjected to penalties provided in article 4 given below :

Article (3) : Any act of canvassing, not authorised by the provisions of article 1 is forbidden.

1. Prohibited to accept from a beneficiary of sub-orders, either directly or by a go-between or otherwise, a remuneration or a promise of remuneration, acknowledged or secret, whatever be the denomination of the contract employed and whatever be the means adopted to conceal the remuneration or its veritable payee.

2. Prohibited to accept from a beneficiary of sub-order, either directly or by a go-between or otherwise, special advantages or promises of special advantages, whatever be the form in which they have been stipulated or concealed.

11. Registration of Firearms dealers

U.K. Firearms Act, 1937, Section 8(1), (2), (3), (4) and (6).—(1) For the purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of firearms dealers and, subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars :

Provided that —

- (a) the chief officer of police shall not register an applicant who is prohibited to be registered by order of a court in Great Britain made under section thirteen of this Act or sub-section (5) of section eight of the Firearms Act, 1920, or by order of a court in Northern Ireland made under the said sub-section (5) or any enactment passed by the Parliament of Northern Ireland amending or substituted for that section; and

- (b) the chief officer of police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(2) On the registration of an applicant as a firearms dealer in any area there shall be payable a fee of five pounds :

Provided that no fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made :—

- (a) has become situated in that area by reason of an alteration in the boundary of the area and was previously entered in the register for another area; or
- (b) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(3) If the chief officer of police, after giving reasonable notice to any person whose name is on the register, is satisfied that that person :—

- (a) is no longer carrying on business as a firearms dealer; or
- (b) has ceased to have a place of business in the area; or
- (c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace;

he shall cause the name of that person to be removed from the register.

(4) The chief officer of police shall also cause the name of any person to be removed from the register if that person so desires.

.

(6) If any person, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement which he knows to be false, he shall, for each offence, be liable on summary conviction to imprisonment for

a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

12. Certificates of Registration

U.K. Firearms Act, 1937—Section 9(1), (2), (3) and (4).—(1) The chief officer of police shall grant or cause to be granted to any person who is registered under the last foregoing section a certificate of registration.

(2) On or before the first day of June in each year, every person for the time being registered as a firearms dealer in any area shall :—

- (a) surrender to the chief officer of police for that area his certificate of registration; and
- (b) apply in the prescribed form for a new certificate of registration; and
- (c) pay a fee of one pound;

and thereupon that officer shall, subject to the provisions of sub-section (3) of the last foregoing section, grant him a new certificate of registration.

(3) If any such person as aforesaid fails to comply with all or any of the requirements of the last foregoing sub-section on or before the first day of June in any year, the chief officer of police shall by notice in writing require him to comply therewith, and, if he fails, to do so within twenty-one days from the date of the notice, or within such further time as that officer may in special circumstances allow, shall cause his name to be removed from the register.

(4) In any case where a chief officer of police causes the name of any firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days from the date of the notice he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that, where an appeal is brought against the removal, this sub-section shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there

were substituted a reference to the date on which the appeal was abandoned or dismissed.

13. Restrictions on sale, repair, etc. of firearms and ammunition—(Arms Act—ss. 3 and 5)

U.K. Firearms Act, 1937, Section 11(1), (2), (3), (4) and (5).—

(1) No person shall sell or transfer to any other person in the United Kingdom, other than a registered firearms dealer, any firearm or ammunition to which this Part of this Act applies, unless that other person produces a firearm certificate authorising him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase or acquire it without holding such a certificate :

Provided that this sub-section shall not prevent —

- (a) a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate; or
- (b) the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment as such,

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to which this Part of this Act applies to any other person in the United Kingdom, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the chief officer of police by whom the certificate was issued.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition to which this Part of this Act applies for any other person in the United Kingdom other than a registered

firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) If any person—

- (a) contravenes or fails to comply with any of the provisions of this section; or
- (b) with a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition to which this Part of this Act applies produces a false firearm certificate or a firearm certificate in which any false entry has been made, or personates a person to whom a firearm certificate has been granted, or makes any false statement;

he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

14. Firearms and ammunition to which Part I applies:—(Arms Act—s. 4)

U.K. Firearms Act, 1937, clause 16(1) and (2).—(1) This Part of this Act applies to all firearms as defined in section thirty-two of this Act, except the following weapons and component parts thereof and accessories thereto, namely:—

- (a) a smooth bore gun having a barrel not less than twenty inches in length;
- (b) an air gun, air rifle or air pistol not being of a type declared by rules made by a Secretary of State under this Act to be specially dangerous.

(2) This Part of this Act applies to all ammunition as defined in section thirty-two of this Act, except the following articles, namely:—

- (a) cartridges containing five or more shot, none of which exceeds nine twenty-fifths of an inch in diameter;

- (b) ammunition for an air gun or air rifle or air pistol;
- (c) blank cartridges not exceeding one inch in diameter.

15 Power to prohibit removals of firearms and ammunition.—
(Arms Act—s. 12)

U.K. Firearms Act 1937, clause 18(1), (2), (3), (4) and (6).—(1)
A Secretary of State may by order prohibit the removal of any
firearms or ammunition :—

- (a) from one place to another in Great Britain; or
- (b) from Great Britain to Northern Ireland; or
- (c) for export from Great Britain;

unless the removal is authorised by the chief officer of police
for the area from which they are to be removed, and unless
such other conditions as may be specified in the order are com-
plied with.

(2) Any such order may apply :—

- (a) either generally to all such removals, or to removals from
and to any particular localities specified in the order; and
- (b) either to all firearms and ammunition or to firearms and
ammunition of such classes and descriptions as may be
so specified; and
- (c) either to all modes of conveyance or to such modes of
conveyance as may be so specified ;

Provided that no such order shall prohibit the holder of a
firearm certificate from carrying with him any firearms or ammu-
nition authorised by the certificate to be so carried.

(3) Any officer of police may search for and seize any fire-
arms or ammunition which he has reason to believe are being
removed or to have been removed in contravention of any order
made under this section, and any person having the control or
custody of any firearms or ammunition in course of transit shall,
on demand by a police constable, allow him all reasonable faci-
lities for the examination and inspection thereof, and shall pro-
duce to him any documents in his possession relating thereto.

(4) If any person :—

- (a) contravenes any of the provisions of any order made under this section; or
- (b) fails to comply with any of the provisions of this section :

he shall, on summary conviction be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds for each firearm or parcel of ammunition in respect of which the offence is committed, or to both such imprisonment and fine; and if the offender is the owner of the firearms or ammunition, the court before whom he is convicted may make such an order as to the forfeiture of the firearms or ammunition as the court think fit.

* * * *

(6) Any order made under this section may be varied or revoked by a subsequent order made by a Secretary of State.

16. Transporting, shipping or receiving firearms or ammunition in interstate or foreign commerce Acts prohibited

U.S.A. Federal Firearms Act—Section 902.—(a) It shall be unlawful for any manufacturer or dealer except a manufacturer or dealer having a licence issued under the provision of this Act, to transport, ship or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of sub-division (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a licence be obtained for the purchase of such firearm unless such licence is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugitive from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is fugitive from justice to ship, transport, or cause to be shipped in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received as the case may be, by such person in violation of this Act.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition knowing or having reasonable cause to believe same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship or knowingly receive in interstate or foreign commerce any firearm from which the manufacturers' serial number has been removed, obliterated or altered and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped or received as the case may be, by the possession in violation of this Act.

003. License to transport, ship or receive firearms or ammunition

(a) Any manufacturer or dealer desiring a license to transport,

ship or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of dollars 25 per annum and if a dealer shall pay a fee of dollar 1 per annum.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a licence which shall entitle the licensee to transport, ship and receive firearms and ammunition in interstate and foreign commerce unless and until the licence is suspended or revoked in accordance with the provisions of this Act: Provided that no licence shall be issued to any applicant within two years after the revocation of a previous licence.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this Act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction and said Secretary shall revoke such licence: provided, that in the case of appeal from such conviction the licensee may furnish a bond in the amount of dollars 1,000 and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the secretary of the Treasury shall suspend such licence until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed dealers shall maintain such permanent records of importation, shipment and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

U.S.A. National Firearms Act (As amended to September 1, 1952)—2726 (c)—Importing firearms illegally. . . . It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction in violation of the provisions of this sub-chapter and Part VIII of sub-chapter A of chapter 27, or (2) knowingly to assist in so doing, or (3) to receive, conceal, buy, sell or in any manner facilitate the transportation, concealment or sale of any such firearms after being imported or brought in knowing the

same to have been imported or brought in contrary to law. Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such firearms, such possession shall be deemed sufficient evidence to authorise conviction unless the defendant explain, such possession to the satisfaction of the jury.

2727. Exportation.—Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under section 2720 has been paid by the manufacturer the Commissioner shall refund to the manufacturer the amount of the so paid or if the manufacturer, waives all claim for the amount to be refunded the refund shall be made to the exporter.

2728. Importation.—No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction except that under regulations prescribed by the Secretary any firearm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

17. Forfeiture of firearms and cancellation of certificates.—(Arms Act—s. 9)

U.K. Firearms Act, 1937—Section 25—(1) Where any person :

- (a) is convicted of an offence under this Act or is convicted of any crime for which he is sentenced to penal servitude or imprisonment; or
- (b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is as aforesaid;

the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court

think fit, and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancels a firearm certificate under this section :—

- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
- (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and
- (c) if the holder fails to surrender the certificate within twenty-one days from the date of the last-mentioned notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

National Firearms Act — 2730 :

2730. Forfeitures—(a) *Laws applicable.*—Any firearm which has at any time been transferred or made in violation of the provisions of this sub-chapter and Part VIII of sub-chapter A of chapter 27 shall be subject to seizure and forfeiture and (except as provided in sub-section (b) all the provisions of internal revenue laws relating to searches, seizures and forfeitures of unstamped articles are extended, to and made to apply to the articles taxed under this sub-chapter and the persons to whom this sub-chapter and Part VIII of sub-chapter A of chapter 27 applicable.

(b) *Disposal.*—In the case of the forfeiture of any firearm by reason of a violation of this sub-chapter and Part VIII of sub-chapter A of chapter 27, no notice of public sale shall be required, no such firearm shall be sold at public sale if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary and the Secretary may order such firearm destroyed or may sell such firearm to any State Territory or possession or political sub-division thereof or the District of Columbia or retain it for the use of the Treasury Department or transfer it without charge to any executive department or independent establishment of the Government for use by it.

18. Power to search for and dispose of firearms and ammunition—(Arms Act—s. 22)

U.K. Firearms Act, 1937—Section 26.—(1) If a justice of the peace, or, in Scotland the sheriff or any magistrate (by whatever name called) officiating under the provisions of any general or local Police Act, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, he may grant a search warrant authorising any constable named therein :—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

(2) The constable making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Act.

(3) A court of summary jurisdiction, or in Scotland the sheriff, may on the application of the chief officer of police, order any firearm or ammunition seized and detained by a police constable under this Act to be destroyed or otherwise disposed of.

APPENDIX XII

*Corresponding Sections in the Indian Arms Act, 1878
and The Arms Act, 1959.*

<i>Section of the 1878 Act.</i>	<i>Subject matter</i>	<i>Section of the 1959 Act.</i>	<i>Subject matter</i>
1.	Title.	1.	Title.
1.	(Savings).	45.	Act not to apply in certain cases.
3.	(Repealed).	46.	Repeal.
4.	Interpretations.	2.	Definitions.
5.	Unlicensed manufacture.	5.	Licence for manufacture.
6.	Unlicensed importation, exportation.	10.	Licence for import, ex- port.
7.	Warehousing of arms.	34.	Warehousing of arms.
10.	Power to prohibit trans- port.	12.	Power to restrict or prohi- bit transport.
11.	To establish searching stations.	23.	Search of vessels, etc.
12.	Arrest of persons.	20.	Arrest of persons.
13.	Prohibition on going armed without licence.	3.	Licence for acquisition and possession of firearms.
12.	(second half). Procedure for arrest.	37.	Arrest and searches.
16.	Depositing of arms.	21.	Depositing of arms.
17 (b)	Fee for licence.	16.	Fee for licence.
17 & part of 18.	Power to make rules.	44.	Power to make rules.
18.	Cancellation and suspen- sion of licence.	17.	Sub-sec. 3(b) & parts of sub-secs. 5, 6, 7, and 9. Variation, suspension and revocation of licences.
19.	Production of licence.	25.	Punishment for certain offences.
20.	Secret breaches of sections	26.	Secret contraventions.
21 and 23.	Breach of licence and of rule.	39.	Contravention of licence or rule.
22.	Purchase of arms from unlicensed persons.	29.	Purchase and delivery of arms from and to unlicen- sed persons.
24.	Power to confiscation.	32.	Power to confiscate.
25.	Search and seizure by magistrate.	22.	Search and seizure by magistrate.
26.	Seizure and detection by Central Government.	24.	Search and seizure by orders of Central Govern- ment.
27.	Power to exempt.	41.	Power to exempt.
28.	Information to be given regarding offences.	36.	Information to be given regarding certain offences.
29.	Sanction in certain pro- ceedings.	39.	Previous sanction of dis- trict magistrate.
32.	Power to take census.	42.	Power to take census.
33.	Limitation of proceedings.	40.	Protection of action taken in good faith.

CORRIGENDA

- (i) In the MANUAL OF ARMS LAW, in page 84, line 3, *after* the word 'manufactured', *add* the following:

"or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept;

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) Whoever being a person to whom sub-clause (i) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Whoever having sold or transferred any firearms or ammunition or other arms under the proviso to section 5 fails to inform the district magistrate having jurisdiction or the officer in charge of the nearest police station, of such sale or transfer shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(4) Whoever fails to deliver-up a licence when so required by the licensing authority under sub-section (1) of section 17 for the purpose of varying the conditions specified in the licence or fails to surrender a licence to the appropriate authority under sub-section (10) of that section on its suspension or revocation shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(5) Whoever, when required under section 19 to give his name and address, refuses to give such name and address or gives a name or address which subsequently transpires to be false shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to two hundred rupees, or with both."

- (ii) In page 127,

for the words and figures 'as amended upto 1.1.64'
read 'as amended upto 23.4.1965'

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