

ACT No. XXVIII OF 1857.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th September 1857.)

AN ACT relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same.

WHEREAS it is expedient to regulate the importation, manufacture, and sale of Arms and Ammunition, and the right to keep or use the same; It is enacted as follows :—

Preamble.

I. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, every person shall, within such time as shall be mentioned in the order, or, if no time be mentioned therein, within one week from the publication of the order in the District or place, give notice in writing to the Magistrate or other Officer specified by the Executive Government, of any fire-arms, bayonet, sword, spear, spear-head, or other deadly weapon to be specified in such order, which shall be in his possession or shall be on his premises in the possession of any of his retainers or servants; and shall also give immediate notice in writing of all other Arms of the like description which shall at any subsequent time come into his possession or into the possession of any of his retainers or servants as aforesaid. The notice shall specify the number and description of the Arms so possessed, and also, in the case of Arms so possessed by retainers or servants, the names of such retainers or servants and in what capacities they are respectively employed.

In places to which this Section is extended, written notice of the possession of Arms shall be given to the Magistrate.

What to be specified in the notice.

II. Whoever

ACT No. XXVIII OF 1857.

II. Whoever wilfully neglects to give such notice as aforesaid shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Arms in the possession of such person may be seized and shall be confiscated if the convicting Magistrate shall so adjudge: and in case the Arms of which he shall so neglect to give notice shall exceed what may be considered reasonable for the private use of such person, he shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all the Arms and any Ammunition or Military Stores in the possession of such person or on his premises shall be confiscated.

III. The Magistrate shall cause to be prepared from such notices a register of the names of persons having Arms in their possession, and the number and description of such Arms; and shall also, at the request of any person giving such notice as aforesaid, deliver to him a certificate specifying the date of the notice and the number and description of Arms specified therein.

IV. If, in the judgment of the Government or of the Magistrate, any such Arms as aforesaid or any Ammunition in the possession of any person cannot be left in such possession without danger to the public peace, it shall be lawful for the Magistrate to cause such Arms or Ammunition to be seized and detained in safe custody for such time as may be deemed necessary.

V. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, if any person goes armed with any such Arms as aforesaid and shall not produce a certificate, from a Magistrate or other Officer authorized by Government to grant licenses to go armed, that he has obtained such a license or that he is exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be

ACT No. XXVIII OF 1857.

be liable to be disarmed by any Magistrate, Deputy Magistrate, or Assistant to
What Officers &c. a Magistrate, or by any European Commissioned Officer in
authorized to disarm. the service of Her Majesty or of the East India Com-
pany, or by any member of a Volunteer Corps enrolled by authority of
Government whilst on duty, or by any Police Officer, if, in the judgment
of such Magistrate or other person as aforesaid, it is dangerous to the
public peace to allow such person to go armed. Provided always that
License to travellers if any person shall have a license, from the Magistrate of
to carry Arms. the District or place at which he resides or may be, to
carry on a journey such Arms as the Magistrate may consider reasonable
for his private use, and shall obtain from such Magistrate a certificate
stating the name and address of the licensee, the route by which he intends
to proceed, the time which such journey is expected to occupy, and the Arms
which he is permitted to carry, such certificate shall have the same force and
effect according to its tenor in every District or place specified therein
as if leave to go armed had been granted by the Magistrate of such
District or place.

Exemptions.

VI. The foregoing provisions shall not apply to—

1. Officers, Soldiers, and Sailors in the Military or Naval Service of
Officers, Soldiers, and Her Majesty or of the East India Company in respect
Sailors. of Arms and Ammunition kept by them for use in the
public service.
2. Members of Volunteer Corps in respect of such Arms and Am-
Volunteers. munition.
3. Police and Revenue Officers and other persons in respect of Arms
Police and Revenue and Ammunition furnished by Government for use in
Officers. the public service or provided by themselves with the
sanction of Government for such use.
4. Such other persons as the Government may think fit to exempt from
Other persons. such provisions.

Arms and Ammunition belonging to any ship or vessel, not exceeding the
Armament of ships reasonable armament thereof, shall also be exempt from
exempt. such provisions.

VII. If

ACT No. XXVIII OF 1857.

VII. If any person shall manufacture, repair, sell, or keep or expose for sale any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale percussion-caps, gunpowder, or other Ammunition, without a license to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such license, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited if the convicting Magistrate shall so adjudge.

Penalty for manufacturing or dealing in Arms or Ammunition without license, or contrary to the conditions therein contained.

VIII. Licenses to manufacture or deal in percussion-caps shall be granted by the Governor General in Council, or by the Executive Government, or by an Officer specially authorized by the Governor General in Council or by the Executive Government to grant such licenses. Licenses to manufacture or deal in Arms and Ammunition other than percussions-caps may be granted by a Magistrate or by an Officer authorized by the Governor General in Council or by the Executive Government to grant such licenses.

Licenses by whom to be granted.

IX. Every person licensed to manufacture or deal in Arms, percussion-caps, or other Ammunition, shall enter, in a book to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of Arms or Ammunition sold by him, together with the nature, description, and quantity of such Arms or Ammunition. Such book shall be open at all times to inspection by the Magistrate or other duly authorized Officer, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such a book or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book or shall make a false entry therein, he shall be liable for every such offence, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees, in addition to double the value of any Arms or Ammunition sold of which he shall fail to make such entry or respecting which he shall make

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

Inspection of book.

ACT No. XXVIII of 1857.

make a false entry; and if the offender be licensed to manufacture or deal in Arms or Ammunition, he shall also forfeit his license if the convicting Magistrate shall so adjudge.

X. The Magistrate or other Officer authorized by Government may at any time enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all the stock-in-trade belonging to such person may be seized and shall be confiscated if the convicting Magistrate shall so adjudge.

Magistrate or other Officer may inspect dealers' premises.

XI. Any license granted under the provisions of Section VIII may be granted subject to such conditions as shall be thought necessary, and may be revoked or suspended by the person or persons authorized to grant such licenses.

Revocation of license to manufacture or deal in Arms or Ammunition.

XII. No Arms or Ammunition, and no Sulphur or Saltpetre, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of the East India Company without the license of the Governor General in Council or of the Executive Government.

Arms, Ammunition, and Sulphur, &c., not to be imported without license.

XIII. If any person shall import or attempt to import without such license, either by sea or by land into any part of the said territories, any Arms or Ammunition, or any Sulphur or Saltpetre; or shall aid or assist in such importation or in such attempt to import; or shall knowingly conceal or assist in concealing any Arms or Ammunition, or any Sulphur or Saltpetre, imported without such license—he shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for any term not exceeding two years, and also to a penalty not exceeding one thousand Rupees; and the articles so imported shall be confiscated if the convicting Magistrate shall so adjudge.

Penalty for importation without license.

ACT No. XXVIII OF 1857.

XIV. The provisions of the two last preceding Sections shall not extend to Arms and Ammunition imported in reasonable quantities for private use; but the Collector of Customs may at any time detain any such articles, if he shall think it necessary, until he shall receive the orders of Government. Nothing in this Section shall exempt any person from the obligation of giving any notice required by this Act.

Importation of Arms and Ammunition for private use.

XV. The Governor General in Council may by order prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, or any particular description of Arms, Ammunition, or Military Stores, from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof except according to such rules and conditions as may be specified in the order; and the Executive Government of any Presidency or place shall have the like power within the territories under their Government.

Government may prohibit transport of Arms, Ammunition, Military Stores, &c.

XVI. If any person shall transport or cause to be transported, or shall attempt to transport or cause to be transported, or shall aid in transporting, any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre contrary to such order or to the rules and conditions specified therein, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and the articles transported or attempted to be transported shall be confiscated. If any person shall by concealment or other device transport or cause to be transported, or attempt to transport or cause to be transported, such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, he shall, in addition to the penalty hereby provided, be liable upon such conviction to imprisonment with or without hard labor for a term not exceeding two years.

Penalty for prohibited transport.

XVII. If any person shall be found carrying or conveying Arms, Ammunition, Military Stores, Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by such person with intent to use the same or that the same may be used for any unlawful purpose dangerous to the public peace,

Persons conveying Arms, Ammunition, &c. under suspicious circumstances may be apprehended without warrant.

ACT No. XXVIII OF 1857.

peace, it shall be lawful for any of the public Officers mentioned in Section V of this Act, or for any other person, to apprehend without warrant the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person in custody in order that he may be dealt with according to law. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

Procedure if apprehended by other than Magistrates, &c.

XVIII. Whenever the Governor General in Council or the Executive Government shall consider it necessary so to do, they may by order prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Sulphur belonging to such person shall be confiscated if the convicting Magistrate shall so adjudge.

Government may prohibit sale of Sulphur.

Penalty.

XIX. The Governor General in Council or the Executive Government may also at any time seize all Sulphur in the possession of any person and detain the same for such time as they may deem necessary for the public safety.

Seizure and detention of Sulphur by Government.

Exception.

XX. Nothing in the two preceding Sections shall apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person from the provisions of Sections XVIII and XIX upon such conditions, if any, as such Government may consider necessary.

Government may exempt persons from the provisions of Sections XVIII and XIX.

XXII. The Government may require all persons having in their possession Ammunition or other Military Stores or Sulphur, in any greater quantities than are considered reasonable for private use, to give notice thereof to the Magistrate

Penalty for wilful neglect to give notice of possession of Ammunition &c. in certain cases.

ACT No. XXVIII OF 1857.

Magistrate or other Officer specified by Government; and any person who wilfully neglects to give such notice shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all Ammunition, Military Stores, or Sulphur in the possession of such person or upon his premises shall be confiscated.

XXIII. If any Magistrate have reasonable cause for suspecting that Arms, Ammunition, or Sulphur liable to confiscation are in any house, building, or other place, or that any Arms, Ammunition, or Sulphur are in any house, building, or other place in the possession of any person in whose possession they cannot be left with safety to the public peace, he may, with such assistance as he shall think necessary, by night or by day and by force if necessary, enter and search any such house or place, or cause the same to be entered and searched. It shall be competent to a Magistrate to delegate to any of his European Assistants the powers conferred on him by this Section.

XXIV. The Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorized by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorized by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

XXV. If, on any search being made, any person shall refuse to produce or point out to the persons making the search, or shall conceal or attempt to conceal, any Arms, Ammunition, or Sulphur, such person may be apprehended without warrant, and shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years in addition to any other penalty to which he may be subject under this Act.

XXVI. After

ACT No. XXVIII OF 1857.

XXVI. After such time as shall be mentioned in the order of Government extending the provisions of this Section to any District or place, or, if no time be mentioned, after one week from the publication of the order in the District or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a license from the Governor General of India in Council or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such license, he shall be liable, on conviction before a Magistrate, to a fine not exceeding two thousand Rupees, and to imprisonment for a term not exceeding two years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this Section takes effect in any District or place, and who shall be unwilling to apply for a license to retain possession thereof, may surrender the same to the Magistrate within such period as aforesaid. The provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

Penalty for making, using, or keeping cannon, &c., without license, in any District to which this Section is extended.

Surrender of cannon, &c., by persons not willing to take out license for retaining possession thereof.

Exception.

XXVII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months.

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act.

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

Notice and limitation of suits.

XXIX. If any fine or penalty imposed by a Magistrate under the authority of this Act be not immediately paid, the Magistrate may commit the offender to jail, there to be imprisoned

Imprisonment if fine not paid.

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ACT No. XXVIII OF 1857.

imprisoned according to the discretion of the Magistrate for any term not exceeding six months where the amount of the fine or penalty shall not exceed five hundred Rupees, and for any term not exceeding twelve months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

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

Rewards to inform-
ers.

XXXI. The word "Magistrate" shall include any person exercising the full powers of a Magistrate; and within the Presidency Towns and in the Straits' Settlement, all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magistrates; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police, and all notices hereby required to be given to a Magistrate shall in any such Presidency Town or in the Straits' Settlement be given to the Commissioner of Police.

Interpretation of the
word "Magistrate."

Commissioners of Po-
lice in Presidency
Towns may exercise the
powers hereby given to
a Magistrate, other than
powers of conviction and
confiscation.

XXXII. Whenever in any Presidency or place the immediate control and superintendence of the Police is vested in any person other than the Magistrate or such Commissioner of Police as aforesaid, the Executive Government may order that all or any of the powers given by this Act to a Magistrate, other than powers of conviction and confiscation upon conviction, shall be exercised by such person, and that all notices hereby required to be given to a Magistrate shall be given to such person.

Persons having the
immediate superintend-
ence of the Police
may be vested with the
powers hereby given to
a Magistrate, other
than powers of convic-
tion and confiscation.

XXXIII. This Act, or any part or parts thereof, shall take effect in any District or place to which the same shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place.

Act or any part of it
to take effect in any
District to which it is
extended by Govern-
ment.

XXXIV. It

ACT No. XXVIII OF 1857.

XXXIV. It shall be lawful for the Governor General in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any District or place which they may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

Parts of District may be withdrawn from the operation of the Act and again made subject to it.

Duration of Act.

XXXV. The Act shall continue in force for two years.

XXXVI. Any Officer of Government, who, prior to the passing of this Act, may have seized or detained, or prevented the importation of any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, in pursuance of an order of Government, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of such seizure or detention.

Indemnity to Government Officers for seizure or detention of Arms, Ammunition, &c., before passing of this Act.

