

ACT No. XXXI OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 17th July 1860.)

*An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.*

WHEREAS it is expedient to regulate the manufacture, importation, and sale of Arms and Ammunition and the right to keep and use the same, and also to give power of disarming Districts and places in certain cases ; It is enacted as follows :—

Preamble.

Act XXVIII of 1857 continued in force till 1st October 1860.

I. Act XXVIII of 1857 shall continue in force until the 1st day of October 1860.

II. No person in India, unless authorized by Government, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, and whoever not being so authorized shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, shall be liable to a fine not exceeding one thousand Rupees, and to imprisonment with or without hard labor for a period not exceeding three years.

Manufacture of cannon &c. without authority of Government prohibited.

Penalty.

III. If any person in India shall, without the permission of the local Government, have in his possession any cannon, howitzer, or mortar, except in the course of his duty as a public Officer of Government, he shall be liable to a fine not exceeding

Penalty for possession of cannon &c. without permission.

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exceeding five hundred Rupees for every such cannon, howitzer, or mortar, and in default of payment thereof may be imprisoned with or without hard labor for a period not exceeding one year. 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.

Exception.

IV. Whenever the local Government shall permit any person to possess any cannon, howitzer, or mortar, such permission shall be in writing and signed by the Secretary to the Government, and shall specify the number of cannon, howitzers, or mortars permitted to be possessed by such person. A fee of fifty Rupees shall be paid on the delivery of such written permission.

Permission to possess cannon, &c., to be in writing, and to specify number permitted to be possessed.

V. No person shall manufacture, repair, or sell, or keep or expose for sale, any arms of the description hereinafter mentioned, or shall manufacture or sell, or keep or expose for sale, percussion caps, sulphur, gunpowder, or other ammunition, except under a license to manufacture or deal in arms or percussion caps, sulphur, gunpowder, or other ammunition, as the case may be, and any person who shall manufacture, repair, sell, or keep or expose for sale, any of such arms, or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and all arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to the offender shall be forfeited if the Court or Officer before whom the offender is convicted shall so adjudge.

Manufacturing or dealing in arms and ammunition without license prohibited.

Penalty.

Specification of arms referred to in Section V.  
and spear head.

VI. The following are the arms referred to in Section V, namely, fire-arms, bayonet, sword, dagger, spear,

VII. Licenses to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition may be granted by a Magistrate, or by an Officer authorized by the Governor-General of India in Council or by the Executive Government to grant such licenses.

Licenses by whom to be granted.

VIII. Licenses

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VIII. Licenses granted under the last preceding Section shall be in the form prescribed by the Governor-General of India in Council, and shall be engrossed on a stamp paper of the value of ten Rupees. The stamp paper shall be furnished by the person applying for the license. A separate license shall be taken out for the sale of sulphur.

IX. Every person to whom such license shall be granted shall affix a board in a conspicuous part of his shop or usual place of business, and shall cause to be painted thereon in large letters in the vernacular of the District the words "Licensed to manufacture or deal in arms or percussion caps, sulphur, gunpowder, or other ammunition," as the case may be.

X. If any person to whom such license shall be granted shall omit to put up a board inscribed as above in a conspicuous part of his shop or usual place of business, he shall be liable to a fine not exceeding one hundred Rupees.

XI. If any person, to whom such license shall not have been granted in the manner prescribed, shall put up such board as aforesaid in his shop or usual place of business, he shall be liable to a fine not exceeding one hundred Rupees.

XII. Licenses granted under Section VII of this Act shall be in force for one year from the date thereof.

XIII. Any person knowingly purchasing arms of the description mentioned in Section VI or any percussion caps, sulphur, gunpowder, or other ammunition from any person not licensed, shall be liable to a fine not exceeding one hundred Rupees.

XIV. Every person licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, 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, percussion caps, sulphur, gunpowder, or other ammunition sold by him, together with the nature, description, and

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and quantity of such arms, percussion caps, sulphur, gunpowder, or other ammunition. Such book shall be open at all times to inspection by the Magistrate

Inspection of book. or other Officer duly authorized by Government in that behalf, by whom copies may be taken of all entries therein

contained. If any such person shall omit or fail duly to keep such 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 to a fine not exceeding five hundred Rupees, in addition to double the value of any arms, percussion caps, sulphur, gunpowder, or other ammunition sold of which he shall fail to make such entry or respecting which he shall make a false entry; and if the offender be licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, he shall also forfeit his license if the Magistrate shall so adjudge.

XV. The Magistrate or other Officer authorized by Government as aforesaid may at any time enter the premises in which arms, per-

Magistrate or other Officer may inspect dealers' premises.

cussion caps, sulphur, gunpowder, or other ammunition shall be manufactured or kept by any licensed manufacturer or dealer in arms or percussion caps, sulphur, gunpowder, or other 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 to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and any arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to such person may be seized and shall be confiscated if the Magistrate shall so adjudge.

XVI. Any license granted under the provisions of Section VII may be

Revocation of license to manufacture or deal in arms or ammunition.

granted subject to such conditions as shall be thought necessary, and may be revoked or suspended by the Officer authorized to grant such licenses whenever he may think fit.

XVII. No cannon, howitzer, or mortar, and no arms, percussion caps,

Cannon and arms and ammunition not to be imported without license.

sulphur, saltpetre, gunpowder, or other ammunition, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of  
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India except under a license from the Governor-General of India in Council or from some Officer authorized in that behalf by the Governor-General of India in Council.

**XVIII.** 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 cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, or shall aid or assist in such importation or in such attempt to import, or shall knowingly conceal or assist in concealing any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, imported without such license, he shall be liable to imprisonment with or without hard labor for any term not exceeding three years, and also to a fine not exceeding one thousand Rupees, and the articles so imported shall be confiscated if the Magistrate shall so adjudge.

**XIX.** The provisions of the last two preceding Sections shall not extend to arms, percussion caps, gunpowder, and other ammunition imported by any person in reasonable quantities for his own 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.

**XX.** The Governor-General of India in Council or the local Government may at any time seize all sulphur in the possession of any person, and detain the same for such time as they may deem necessary for the public safety.

**XXI.** Nothing in this Act shall apply to sulphur kept or sold in reasonable quantities for medicinal purposes.

**XXII.** The Governor-General of India in Council may by order prohibit the transport of any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, 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 local Government of any

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any Presidency or place shall have the like power within the territories under its Government.

XXIII. 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, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, contrary to such order, or to the rules and conditions specified therein, he shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding three years, or to both fine and imprisonment, 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, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, he shall, in addition to the fine hereby provided, be liable, upon conviction, to imprisonment with or without hard labor for a term not exceeding seven years.

XXIV. Nothing in the last two preceding Sections shall extend to arms, percussion caps, gunpowder, and other ammunition transported by any person in reasonable quantities for his own private use in any District or place not ordered or liable to be disarmed under Section XXXII of this Act.

XXV. If any person shall be found carrying or conveying any arms, military stores, percussion caps, sulphur, gunpowder, or other ammunition, 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, it shall be lawful for any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, or for any other person, to apprehend without warrant the person so carrying or conveying such arms, military stores, percussion caps, sulphur, gunpowder, or other ammunition, and to detain such person in custody in order that he may be dealt with according to law.

Persons conveying arms, ammunition, &c. under suspicious circumstances may be apprehended without warrant.

Provisions of two preceding Sections not to apply to Districts not ordered or liable to be disarmed under Section XXXII.

Procedure if apprehended by other than Magistrates, &c.

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 Section shall be carried before a Magistrate

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gistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XXVI. If any person shall go armed with or carry any arms of the description mentioned in Section VI of this Act without having obtained a license from a Magistrate or other Officer authorized by the Governor-General of India in Council or the local Government authorizing him to carry arms, he shall be liable to be disarmed by any Magistrate, Joint Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if in the judgment of such Magistrate or other Officer as aforesaid it is dangerous to the public peace to allow such person to go armed or to carry arms.

Penalty for going armed or carrying arms without a license.

Exemptions.

XXVII. The provisions of the last two Sections do not apply to—

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

Commissioned, Non-Commissioned, and Warrant Officers, Soldiers, and Sailors.

Volunteers.

Members of Volunteer Corps in respect of such arms and ammunition.

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

Police and Revenue Officers.

Other persons.

Such other persons as the local Government may think fit to exempt from such provisions.

XXVIII. Licenses to carry arms may be granted by any Magistrate or other Officer specially authorized by the Governor-General of India in Council or the local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such license whenever he may think fit.

Grant and revocation or suspension of licenses to carry arms.

Form of license.

XXIX. The license shall be in the form prescribed by the Governor-General of India in Council.

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XXX. The license shall state whether its operation is limited to the person in whose favor it is granted and whom it shall mention by name, or whether it extends to any of his followers. In the latter case the number of the followers of such person licensed to carry arms and the number and description of arms to be carried by each of such followers shall be specified.

XXXI. Whenever a Magistrate shall have reason to believe that any person residing within the limits of his jurisdiction has in his possession any arms of the description mentioned in Section VI of this Act, or percussion caps, sulphur, gunpowder, or other ammunition for any unlawful purpose or that such person cannot in the judgment of the Magistrate be left in the possession of any such arms, percussion caps, sulphur, gunpowder, or other ammunition without danger to the public peace, it shall be lawful for such Magistrate, having first recorded the grounds of his belief, to cause a search to be made of the house or premises occupied by such person or on which the Magistrate may have reason to believe such arms, percussion caps, sulphur, gunpowder, or other ammunition are to be found, and to seize and to detain the same in safe custody for such time as he may deem necessary. The search in such case shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military, to be specially empowered by Government.

XXXII. *Clause 1.* It shall be lawful for the Governor-General of India in Council or for the Executive Government of any Presidency or for any Lieutenant Governor, or with the sanction of the Governor-General in Council for the Chief Commissioner or Commissioner of any Province, District, or place subject to their administration respectively, whenever it shall appear necessary for the public safety, to order that any Province, District, or place shall be disarmed.

*Clause 2.* In every such Province, District, or place as well as in any Province, District, or place in which an order for a general search for arms has been issued and is still in operation under Act XXVIII of 1857, it shall not be lawful for any person to have in his possession any arms of the description mentioned in Section VI of this Act, or any percussion caps, sulphur, gunpowder, or other ammunition without a license.

*Clause 3.* Licenses



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*Clause 3.* Licenses to have in possession any arms of the description mentioned in Section VI or percussion caps, sulphur, gunpowder, or other ammunition may be granted by any Magistrate or other Officer specially authorized by the Governor-General of India in Council or the local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such licenses whenever he may think fit. The license shall be in the form prescribed by the Governor-General of India in Council or by the local Government.

*Clause 4.* If any person shall have a license from the Magistrate of the District or place at which he resides, or may be, to carry on a journey such arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a license stating the name and address of such person, the route by which he intends to proceed, the time which such journey is expected to occupy, and the arms which he is permitted to carry, such license shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

*Clause 5.* In every Province, District, or place which shall be ordered to be disarmed, the order of the Governor-General of India in Council or of the local Government shall be published in the Calcutta Gazette or in the Gazette in which the orders of the Governor-General of India in Council or of the local Government making the order, as the case may be, are usually published, and shall also be made public in such other manner as the Governor-General of India in Council or the local Government shall direct.

*Clause 6.* Every person who, after the expiration of the time mentioned in such order in any Province, District, or place to which this Section shall be extended, or who after the 1st day of October 1860 in any Province, District, or place in which an order for a general search for arms has been issued and is still in operation as aforesaid, shall have in his possession or custody any such arms as aforesaid or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, shall be liable to be imprisoned with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees, and it shall be lawful for the Magistrate or other Officer mentioned in the order to search or cause to be searched any house or premises occupied by such person, or in which

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the Magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed.

*Clause 7.* The search shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, appointed by Government to conduct such searches; and all such arms, percussion caps, sulphur, gunpowder, and other ammunition found on such search shall be confiscated.

*Clause 8.* The provisions of this Section shall not extend to any person or persons exempted by the authority of the Governor-General of India in Council or of the local Government of the proclaimed District, or by any European Officer serving in such District duly authorized by the local Government on that behalf.

*XXXIII.* If on any such search being made under the provisions of either of the last two Sections, any person having in his possession or power any such arms, percussion caps, sulphur, gunpowder, or other ammunition, or knowing where such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed, shall refuse to produce or point out the same to the Officer making the search, or if any person shall intentionally conceal or attempt to conceal any such arms, percussion caps, sulphur, gunpowder, or other ammunition, such person may be apprehended without warrant, and shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees.

*XXXIV.* 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 to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months, or to both fine and imprisonment.

*XXXV.* Except as otherwise provided, all offences under this Act may be tried by any Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, unless the period of imprisonment to which the offender may be liable exceed that which

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the Magistrate, Joint Magistrate, or other Officer as aforesaid is competent to award under the laws for the time being in force in the Presidency or place in which such Magistrate, Joint Magistrate, or other Officer as aforesaid is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Magistrate, Joint Magistrate, or other Officer as aforesaid, the offender shall be committed for trial before the Sessions Judge, if the evidence given before such Magistrate, Joint Magistrate, or other Officer as aforesaid shall appear to such Magistrate, Joint Magistrate, or other Officer sufficient for the conviction of the accused.

XXXVI. Except as aforesaid, all offences declared to be punishable under this Act with fine, or fine and imprisonment, may be tried in the District or place in which the offence was committed, or in which the person charged with the same is apprehended.

District in which certain offences shall be tried.

XXXVII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force, subject to all the rules applicable to criminal cases deputed to such Assistant acting judicially.

Magistrate may refer offences punishable with fine to his Assistants for trial.

XXXVIII. The local Government may give general authority to any such Assistant to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.

Local Government may authorize Assistants to exercise such powers without reference by Magistrate.

XXXIX. A Magistrate may at any time call from any of his Assistants, any case pending before such Assistants.

Magistrate may call for any case pending before such Assistant.

XL. If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts

Jurisdiction over British subjects committing certain offences beyond the limits of Supreme Court.

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Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.

Summary jurisdiction in respect of certain offences committed within the limits of Supreme Court.  
XLI. If any offence which by this Act is declared to be punishable with fine or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature established by Royal Charter, such offence shall be punishable upon summary conviction by any Police Magistrate of the Presidency Town or Station in which such Court is held.

Conviction to be quashed on merits only.  
XLII. No conviction, order, or judgment under the last preceding Section shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken, supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

All other offences committed within limits of Supreme Court punishable by such Court.  
XLIII. All other offences punishable under this Act which shall be committed within the local limits of any Court of Judicature established by Royal Charter, shall be punishable by such Court.

Levy of forfeiture and penalties by distress.  
XLIV. All forfeitures or penalties imposed under the authority of this Act for offences punishable by any Magistrate of Police or by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the abovenamed Officers.

Procedure until return is made to warrant of distress.  
XLV. In case any such forfeitures or penalties shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XLVI. If

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XLVI. If upon the return of such warrant it shall appear that no sufficient  
distress can be had whereon to levy such fine, and the same  
shall not be forthwith paid, or in case it shall appear to  
the satisfaction of such Officer, by the confession of the offender or otherwise,  
that he has not sufficient goods and chattels whereupon such fine or sum of  
money could be levied if a warrant of distress were issued, any such Officer  
may, by warrant under his hand, commit the offender, provided he is not a  
European British subject, to prison, there to be imprisoned, according to the  
discretion of such Officer, for any term not exceeding two calendar months when  
the amount of fine shall not exceed fifty Rupees, and for any term not exceeding  
four calendar months when the amount shall not exceed one hundred Rupees.  
and for any term not exceeding six calendar months in any other case, the  
commitment to be determinable in each of the cases aforesaid on payment of the  
amount.

XLVII. If the offender shall be a European British subject, the Magistrate  
shall record the facts and transmit such record to the Dis-  
trict Court of the District wherein the offender is convicted,  
and the amount of the fine and costs (if any) shall be levied in the manner  
provided for the execution of decrees of the Civil Court.

XLVIII. 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.

XLIX. No suit, action, or other proceeding shall be commenced or prosecut-  
ed against any person for any thing 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 the  
expiration of three months from the accrual of the cause of action or other  
proceeding.

L. It shall be lawful for the Governor-General of India in Council or for  
the Executive Government of any Presidency or for any  
Lieutenant-Governor, or with the sanction of the Gover-  
nor-General of India in Council for any Chief Commis-  
sioner of any Province from time to time to withdraw from the operation  
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of all or any of the provisions of this Act any part or parts of any District or place; 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.

Act not intended to alter or affect any other law relating to licenses.

LI. Nothing in this Act shall be construed to alter or affect the provisions of any law or other Regulation for the time being in force relating to Licenses.

LII. Whenever an award of hard labor is made under this Act the Court shall not commute such labor to the payment of a fine under Regulation II. 1834 of the Bengal Code.

Award of hard labor not commutable to fine.

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

Grant of licenses in Presidency Towns.

LIV. The word "India" in this Act shall mean the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

Interpretation of the word "India."

LV. The first Section of this Act shall take effect from the passing thereof and all the rest of this Act shall take effect from and after the 1st day of October 1860. This Act shall continue in force for five years from the said 1st day of October.

Commencement and duration of Act.