

**JOINT/SELECT  
COMMITTEE REPORT  
LEGISLATIVE  
ASSEMBLY  
1925**

**The Code of Criminal Procedure  
(Amendment) (use of firearms)  
Bill**

List of Reports of Select or Joint Committees  
presented to the Legislative Assembly in 1925.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Soldiers (Litigation) Bill.	2.2.25.	
2.	The Obscene Publications Bill.	11.2.25.	
3.	The Code of Civil Procedure (Amendment) Bill.	13.2.25.	Copy not available
4.	The Indian Penal Code (Amendment) Bill (Age of Consent) by Dr. Hari Singh Gour.	23.2.25.	- do -
5.	The Cotton Gining and Pressing Factories Bill.	23.2.25.	
6.	The Indian Tariff (Amendment) Bill.	5.3.25.	
7.	The Indian Succession Bill.	26.8.25.	Report of the Joint Committ.
8.	The Indian Succession (Amendment) Bill (Sec. 27).	26.8.25.	- do -
9.	The Code of Criminal Procedure (Amendment) Bill (Use of firearms) by Dewan Bahadur T. Rangachariar.	26.8.25.	
10.	The Indian Trade Unions Bill.	31.8.25.	
11.	The Indian Carriage of Goods by Sea Bill.	31.8.25.	- do -
12.	The Coal grading Board Bill.	31.8.25.	
13.	The Indian Limitation (Amendment) Bill.	3.9.25.	
14.	The Court-fees (Amendment) Bill.	14.9.25.	
15.	The Contempt of Courts Bill.	16.9.25.	

LEGISLATIVE DEPARTMENT.

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We, the undersigned, Members of the Select Committee to which the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We have omitted sub-section (4) of new section 131A, as we are not of opinion that it adds

anything to the provisions of sub-section (3) of that section.

3. The further changes which we have made are drafting changes which do not affect the substance of the Bill.

4. The Bill was published in the Gazette of India, dated the 23rd February, 1924.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MUDDIMAN.\*

T. C. GOSWAMI.

GULAB SINGH.

H. S. GOUR.

B. VENKATAPATIRAJU.

GHAZANFAR ALI.

H. TONKINSON.\*

BIPIN CHANDRA PAL.

M. M. MALAVIYA.

J. D. CRAWFORD.\*

T. RANGACHARIAR.

W. S. J. WILLSON.†

M. A. JINNAH.\*

*The 26th August, 1925.*

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\* Subject to minute of dissent.

† I regret that other Committee meetings prevented my attending the sittings of this Committee.

## MINUTES OF DISSENT.

I opposed this Bill being sent to the Select Committee as the principle appeared to me to be wrong, and I still feel that in attempting to deal with the use of fire-arms by a number of statutory provisions, the Select Committee are on wrong lines. The true criterion in the use of fire-arms for dispersing crowds is independent of the actual form of the force. The essential rule is that the minimum force necessary should be used to effect the object aimed at and this is already embodied in the existing law regarding the use of troops. Special rules as regards the use of fire-arms are therefore out of perspective in regard to the general law.

2. As regards the actual provisions, I still do not understand why it should be thought necessary to lay down that fire-arms are not to be used unless the assembly cannot otherwise be dispersed. Take the case of ordinary troops armed with a rifle and bayonet. The authorities in charge may be of opinion that it might be possible to disperse the crowd by a bayonet charge. Are they to be forced to try a bayonet charge with all its attendant risks and dangers before fire-arms are used? Moreover, a statutory inhibition of this kind will always render the question in issue—could the assembly have been otherwise dispersed?—

I think a matter very difficult for the courts to deal with.

3. As to clause (2), no doubt a warning should be given wherever possible but there are many cases where it may not be possible. Here the rule is absolute, although a sudden rush by a crowd may make it quite impossible in many cases to give any warning of any kind.

4. I see no great objection to clause (3) which requires a statutory report but I would here again have preferred it not to be confined to the use of fire-arms but to be required on all occasions on which death occurs, whether caused by fire-arms or otherwise.

5. Finally clause (4) is far too wide in granting a right to make complaints without the sanction of any public authority and will inevitably lead to much harassment of officers who have to perform these unpleasant duties.

A. P. MUDDIMAN.

*31st March 1925.*

I agree with the Minute of the Hon'ble the Home Member.

H. TONKINSON.

*5th June 1925.*

## MINUTES OF DISSENT.

I am not in favour of any alterations in the existing sections of the Criminal Procedure Code. The alterations proposed in sub-paragraphs (1) and (2) of the proposed section 131A in clause (2) of the Bill are in the nature of executive instructions and if not already included in any such instructions issued, might well be so. Our endeavour should be to strengthen the sense of responsibility of those called upon to undertake the unpleasant duty of dispersing unlawful assemblies, and the inclusion of the above alterations in the Criminal Procedure Code is in my opinion likely to have a reverse effect.

I have no objection to sub-paragraph (3) providing for the early report of the occurrence to the correct authorities.

I cannot agree to sub-paragraph (4). I am not prepared to withdraw the provision contained in

section 132 that the sanction of the Governor General in Council should be obtained before a prosecution can be instituted, as in my opinion it would lead to the institution of many frivolous suits.

J. D. CRAWFORD.

*13th May 1925.*

I substantially agree with the report save and except clause (4) as I am very doubtful as to its real use that might be made.

M. A. JINNAH.

*26th August 1925.*

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A  
BILL

TO

*Provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.*

WHEREAS it is expedient to provide in the manner hereinafter appearing that warning shall, in certain circumstances, be given before an assembly is fired on for the purpose of causing such assembly to disperse; It is hereby enacted as follows:—

1. This Act may be called the Code of Criminal  
Short title. Procedure (Amendment)  
Act, 192 .

2. After section 131 of the Code of Criminal  
Insertion of new Procedure, 1898, the follow- V of 1896.  
section 131A, in Act V ing section shall be inserted,  
of 1898. namely:—

“131A. Where under the provisions of this  
Use of fire-arms. Chapter any person proceeds  
or determines to disperse any  
such assembly by the use of fire-arms the follow-  
ing further provisions shall apply:—

(1) *Fire-arms shall not be used unless such assembly cannot otherwise be dispersed and unless a Magistrate of the highest class present specifically authorises such use:*

*Provided that, when no Magistrate is present and the senior police or military officer present is of opinion that immediate measures should be taken to disperse the assembly by the use of fire-arms, such senior police or military officer may authorise such use and shall report the fact without delay to the nearest Magistrate. \**

(2) *The person who directs that the assembly shall be fired on shall, before so doing, warn the assembly by such means as may be available that unless it disperses it will be fired on.*

(3) *A report of the occurrence shall be sent in all cases when any such assembly is dispersed by the use of fire-arms by the person authorising such use to the nearest first-class Magistrate within twenty-four hours of the occurrence, and such report shall be deemed to be, for the purposes of sections 74, 76 and 77 of the Indian Evidence Act, 1872, a public I of 1872. document which any person has a right to inspect:*

*Provided that if such person is himself a first-class Magistrate, the report shall be made to the District Magistrate, or if such person is the District Magistrate, to the Local Government.*

- (4) Notwithstanding anything contained in section 132, any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter."

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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Report of the Select Committee on the  
Bill to provide that, when fire-arms  
are used for the purpose of dis-  
persing an assembly, preliminary  
warning shall, in certain circum-  
stances, be given.

*(With Bill as amended.)*