

THE ARMS ACT, 1878

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THE FIRST SCHEDULE - [*Repealed*]

THE SECOND SCHEDULE - [*Repealed*]

THE ARMS ACT, 1878

ACT NO. XI OF 1878

[15th March, 1878]

An Act to consolidate and amend the law relating to Arms, Ammunition and Military Stores.*

WHEREAS it is expedient to consolidate and amend the law relating to arms, ammunition and military stores;

Preamble

It is hereby enacted as follows:—

I.—PRELIMINARY

1. This Act may be called the Arms Act, 1878; and it extends to the whole of Bangladesh.

Short title
Local extent

But nothing herein contained shall apply to—

Savings

- (a) arms, ammunition or military stores on board any seagoing vessel 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 the Government,¹[* * *], or by a public servant²[* * *] in the course of his duty as such public servant³[* * *].

* Throughout this Act, except otherwise provided, the words "Bangladesh" and "Government" were substituted, for the words "Pakistan" and "appropriate Government" or "Central Government" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words "or any Provincial Government" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, comma and figure "or a member of the forces constituted by the Pakistan Territorial Force Act, 1950" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "or member" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Commence-
ment

2. This Act shall come into force on such days as the Government by notification in the official Gazette appoints.

3. [*Repealed by Act No. I of 1938, section 2, Schedule.*]

Interpretation-
clause

4. In this Act, unless there be something repugnant in the subject or context,-

"cannon" includes also all howitzers, mortars, wall-pieces, 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:

¹[* * *]

"arms" includes firearms, 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, gunflint, 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 saltpetre:

"military stores", in any section of this Act as applied to any part of Bangladesh, means any military stores to which the Government may from time to time, by notification in the official Gazette, specially extend such section in such part, and includes also all lead, sulphur, saltpeter and other material to which the Government may from time to time so extend such section:

"license" means a license granted under this Act, and "licensed" means holding such license.

¹ The expression "Government" was omitted by section 2 of the Arms (Amendment) Act, 1980 (Act No. VII of 1980).

II.- MANUFACTURE, CONVERSION AND SALE

5. No persons shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Unlicensed manufacture, conversion and sale prohibited

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. No person shall bring or take by sea or by land into or out of Bangladesh any arms, ammunition or military stores except under a license and in the manner and to the extent permitted by such license.

Unlicensed importation and exportation prohibited

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 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 Government thereon.

Importation and exportation of arms and ammunition for private use

Explanation - Arms, ammunition and military stores taken from one part of Bangladesh to another by sea or across intervening territory not being part of Bangladesh are taken out of and brought into Bangladesh within the meaning of this section.

Sanction of Government required to warehousing of arms, etc.

7. Notwithstanding anything contained in the ¹[Customs Act, 1969], no arms, ammunition or military stores shall be deposited in any warehouse licensed under section 16 of that Act without the sanction of the Government.

8 and 9 – [Repealed by the Amending Act, 1891 (Act No. XII of 1891).]

Power to prohibit transport

10. The Government may, from time to time, by notification in the official Gazette,-

- (a) regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of Bangladesh 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.

Transshipments of arms

Explanation – Arms, ammunition or military stores transhipped at a port in Bangladesh are transported within the meaning of this section.

Power to establish searching stations

11. The Government may, at any places along the boundary-line between Bangladesh and foreign territory, 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 the Government in this behalf by name or in virtue of his office.

Arrest of persons conveying arms, etc., under suspicious circumstances

12. 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.

¹ The words, comma and figure "Customs Act, 1969" were substituted, for the words, comma and figure "Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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.

Procedure where arrest made by person not Magistrate or 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. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Prohibition of going armed without license

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Government in this behalf by name or by virtue of his office.

14. No person shall have in his possession or under his control any cannon or firearms, or any ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Unlicensed possession of firearms, etc.

15. In any place ¹[* * *] to which the Government may by notification in the 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.

Possession of arms of any description without license prohibited in certain places

16. (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 Government may by rule prescribe, with a licensed dealer.

In certain cases arms to be deposited at police station or with licensed dealers

¹ The words, figures and commas "to which section 32, clause 2, of Act No. XXXI of 1860 applies at the time this Act comes into force or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) When arms, ammunition or military stores have been deposited under sub-section (1) ¹[* * *] the depositor shall, at any time before the expiry of such period as the Government may by rule prescribe, be entitled-

- (a) to receive back anything so deposited the possession of which by him has become lawful, and
- (b) to dispose, or authorise the disposal, of anything 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 authorise 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 Government.

- (4) (a) The 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 Government may by rule prescribed-
 - (i) the conditions subject to which arms, ammunition and military stores may be deposited with a licensed dealer, and
 - (ii) the period after the expiry of which things deposited as aforesaid shall be forfeited under sub-section (3).

V.- LICENSES

Power to make
rule as to
licenses

17. The Government may from time to time, by notification in the official Gazette, make rules to determine the officers by whom the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules among other matters-

¹ The words, commas and figure "or before the first day of January, 1920, under any provision of law for the time being in force" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (a) fix the period for which such license shall continue in force;
- (b) fix a fee payable by stamp or otherwise ¹[* * *] 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 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.

²[17A. (1) The Government may, if it considers it expedient in the public interest so to do, by order, to be notified in the official Gazette, impose restrictions on the movement of any person with his licensed arms for such period as may be specified in the notification.

Restriction on movement with arms

(2) Any person going armed in contravention of an order made under sub-section (1) shall be disarmed by any Magistrate, Police officers or other person empowered by the Government in this behalf by name or by virtue of his office and his license may be cancelled or suspended under section 18 during the period of national as well as local government elections.

¹ The words, letter, figures and commas "in respect of any such license granted in a place to which section 32, clause 2, of Act No. XXXI of 1960 applies at the time this Act comes into force or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Section 17A was inserted by section 2 of the Arms (Amendment) Act, 1991 (Act No. XVII of 1991).

Explanation - Election period means the period from the date of submission of nomination papers until the date of declaration of the result in the official Gazette.]

Cancelling
and
suspension of
license

18. 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 Magistrate of a district, 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 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

the Government may by a notification in the official Gazette cancel or suspend all or any licenses throughout ¹[Bangladesh], or any part thereof.

VI.- PENALTIES

For breach of
sections 5, 6,
10, 13 to 17

19. 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;

¹ The word "Bangladesh" was substituted, for the words and comma "Pakistan or the Province, as the case may be" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (g) intentionally makes any false entry in a record or account which, by a rule made under section 17, clause (c), he is 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 section 14 or section 16;

shall be punished with ¹[imprisonment for life or any other rigorous imprisonment which shall not be less than seven years,].

²[19A. Notwithstanding anything contained in section 19, whoever commits an offence under clause (a), (c), (e) or (f) of section 19 shall, if the offence is committed in respect of a pistol, revolver, rifle ³[shot gun or other firearm] be punished with ⁴[imprisonment for life or rigorous imprisonment for a term which shall not be less than ten years].]

For breaches of sections 6, 13 14 and 15 in respect of certain arms

20. 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 ⁵[* * *] Penal Code, or to any person employed upon a railway or to the servant of any public carrier,

For secret breaches of sections 5, 6, 10, 14 and 15

and whoever, on any search being made under section 25 conceals or attempts to conceal any arms, ammunition or military stores,

For concealing arms, etc.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both:

¹ The words and comma "imprisonment for life or any other rigorous imprisonment which shall not be less than seven years," were substituted, for the words and commas "imprisonment for a term which may extend to three years, or with fine or with both" by section 3 of the Arms (Amendment) Act, 1991 (Act No. XVII of 1991).

² Section 19A was inserted by section 3 of the Bengal Criminal Law (Amendment) Act, 1934 (Act No. VII of 1934).

³ The words "shot gun or other fire-arm" were substituted, for the words "or shot gun" by section 3 of the Arms (Amendment) Act, 1980 (Act No. VII of 1980).

⁴ The words "imprisonment for life or rigorous imprisonment for a term which shall not be less than ten years" were substituted, for words and comma "transportation for life or any shorter term which may extend to fourteen years, or with fine" by section 4 of the Arms (Amendment) Act, 1991 (Act No. XVII of 1991).

⁵ The word "Pakistan" was omitted by article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Provided that if an offence committed under this section is in respect of a pistol, revolver, rifle or ¹[shot gun or other firearm], the offender shall be punished with transportation for life or any shorter term, or with imprisonment for a term which may extend to fourteen years, or with fine.

Enhanced
punishment in
certain cases

²[**20A.** Notwithstanding anything contained in this Act, whoever goes armed with a pistol, revolver, rifle or ³[shot gun or other firearm] in contravention of the provision of section 13, or has any such firearm in his possession or under his control in contravention of the provisions of section 14 or section 15, under circumstances indicating that he intended that such firearm should be used for the commission of any offence of murder shall ⁴[* * *] be punished with death, or with transportation for life or any shorter term or with imprisonment for a term which may extend to fourteen years, to which fine may be added.]

For breach of
license

21. 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 taka or with both.

For knowingly
purchasing arms,
etc., from
unlicensed person.
For
delivering arms,
etc., to person
not authorised to
possess them

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same; or

delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred taka, or with both.

¹ The words "shot gun or other fire-arm" were substituted, for the words "shot gun" by section 3 of the Arms (Amendment) Act, 1980 (Act No. VII of 1980).

² Section 20A was inserted by section 3 of the Bengal Criminal Law (Amendment) Act, 1934 (Act No. VII of 1934).

³ The words "shot gun or other fire-arm" were substituted, for the words "or other fire-arm" by section 3 of the Arms (Amendment) Act, 1980 (Act No. VII of 1980).

⁴ The words, commas and figure "if he is tried by Commission were appointed under the Bengal Criminal Law Amendment Act, 1925," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

23. 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 taka, or with both.

Penalty for breach of rule

24. 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.

Power to confiscate

VII.- MISCELLANEOUS

25. 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,

Search and seizure by Magistrate

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 Government.

26. The 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.

Seizure and detention by Government

27. The Government may from time to time, by notification published in the official Gazette,-

Power to exempt

- (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 ¹[Bangladesh], 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 Bangladesh ²[* * *] comprised therein to the operation of such prohibition or direction.

Information to be given regarding offences

28. 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.

29. [Omitted by the Arms (Amendment) Act, 1980 (Act No. VII of 1980), section 7.]

Searches in the case of offences against section 19, clause (f), how conducted

30. Where a search is to be made under the Code of Criminal Procedure, 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, be made in the presence of some officer specially appointed by name or in virtue of his office by the Government in this behalf, and not otherwise.

Opinion of arms and ammunition expert not necessary

³[**30A.** In a trial of an offence punishable under this Act, no opinion or examination of any expert on arms or ammunition shall be necessary to prove whether or not any articles or things are arms or ammunition unless in the opinion of the court trying the offence such opinion or examination is necessary.]

¹ The word "Bangladesh" was substituted, for the words and comma "Pakistan or of the Province, as the case may be" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "or Province" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Section 30A. was inserted by section 7 of the Arms (Amendment) Act, 1980 (Act No. VII of 1980).

¹[30B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or in any other law for the time being in force, an investigation of an offence under this Act shall be completed:

Time limit
for
completion
of
investiga-
tion

- (a) within fifteen working days from the date of arrest of the accused, where the accused is arrested at the time of commission of the offence by the police or by any other person and handed over to the police; or
- (b) within sixty working days, from the date of receipt of information regarding the commission of the offence or from the date of receipt of an order of any magistrate for investigation of such offence when the accused is not arrested at the time of commission of the offence.

(2) Where an investigation is not completed within the period specified in sub-section (1), the investigation officer may, after recording the reasons in writing, complete the investigation within a further period of seven working days and shall report it in writing to his controlling officer and also to the magistrate concerned.

(3) Where an investigation is not completed within the extended period specified under sub-section (2), the investigation officer shall, within twenty four hours of the expiry of that period, report it in writing, stating reasons therefore, to his controlling officer and also to the Magistrate concerned.

(4) Upon receipt of a report under sub-section (3), the controlling officer or, when the investigation was ordered by a magistrate, the magistrate concerned, may transfer the responsibility for investigation to some other officer and, where the responsibility for investigation is so transferred, the officer who received the responsibility shall complete the investigation:-

- (a) within seven working days from the date of receipt of the order of transfer, where the accused is arrested at the time of commission of the offence by the police or by any other person and handed over to the police; or
- (b) within thirty working days from the date of receipt of the order of transfer in any other case.

(5) Where an investigation is not completed within the period specified under sub-section (4), the investigation officer shall, within twenty-four hours of the expiry of that period, report it in writing, stating reasons therefore, to his controlling officer and also to the magistrate concerned.

¹ Section 30B was inserted by section 2 of the Arms (Amendment) Act, 2002 (Act No. XXX of 2002).

(6) Where, after examination of the report submitted under sub-section (2) and (4), the controlling officer or when the investigation was ordered by a magistrate, the magistrate concerned finds that the investigation officer is liable for the non-completion of investigation within the specified period, such liability shall be deemed to be inefficiency of that officer and such inefficiency shall be recorded in his annual confidential report, and in appropriate case departmental action may be taken against him under the service rules applicable to him].

Operation of other laws not barred

31. 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.

Power to take census of firearms

32. The Government may from time to time, by notification in the official Gazette, direct a census to be taken of all firearms 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 person 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 taka, or with both.

Notice and limitation of proceedings

33. 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 case.

THE FIRST SCHEDULE.—[Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.]

THE SECOND SCHEDULE.—[Repealed by the Amending Act, 1891 (Act No. XII of 1891).]
