

The Smuggling of Arms Act, 1934

(ACT NO. VI OF 1934)

¹♣An Act for the prevention of smuggling of arms and ammunition in Bangladesh.

WHEREAS it is expedient to make better provision for the prevention of smuggling of arms and ammunition in Bangladesh;

[* * *]

It is hereby enacted as follows:-

Short title and extent

1. (1) This Act may be called the ²[* * *] Smuggling of Arms Act, 1934.

(2) It extends to the whole of Bangladesh.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

(1) "arms" and "ammunition" have the same meaning as in section 4 of the Arms Act, 1878;

³[* * *]

(4) "notified area" means any area which is declared to be a notified area under section 3.

(5) "smuggler of arms" includes any person who-

(a) smuggler arms or ammunition into or from Bangladesh, or abets such smuggling;

(b) sells, purchases, receives or transports, or abets the sale, purchase, receipt or transport of, arms or ammunition which he knows or has reason to believe to have been smuggled;

(c) has been convicted by any Court in Bangladesh of an offence connected with the smuggling of arms or ammunition; or

⁴[* * *]

**Power to
declare
notified
area**

3. The Government may, by notification in the official Gazette, declare that any area specified in the notification shall be a notified area for the purposes of this Act.

**Report by
district
Magistrate**

4. Whenever it shall appear to any District Magistrate that there is within a notified area within his jurisdiction any person who-

(a) is a smuggler of arms, and

(b) resides within or habitually visits or frequents such notified area,

the District Magistrate may make a report to the Government with a recommendation that such person be dealt with under the provisions of this Act.

**Issue of
warrant on
receipt of
report**

5. (1) On receipt of the report of the District Magistrate the Government may make an order for the issue of a warrant for the arrest of the person against whom the report has been made.

(2) The warrant shall be in such form as shall be prescribed by the Government by notification in the official Gazette and shall be issued by the District Magistrate and shall contain a statement of the heads of the charges against such person, and shall require him to submit by petition to the advising judges appointed under sub-section (1) of section 6, by such date as may be specified in the warrant, any representation that he may desire to make.

(3) The person arrested under such warrant shall be detained in custody until the final order of the Government under section 7 is communicated to him, unless the officer by whom the warrant is issued directs, in his discretion, that such person shall be released from custody on his executing, to the satisfaction of such officer, a bond with sufficient sureties for his attendance at such place and at such time or times as may be specified in the warrant and thereafter as such officer may direct:

Provided that while such person is detained in custody he shall be given reasonable facilities, under proper safeguards, for communicating with his legal adviser.

(4) The District Magistrate by whom such warrant is issued shall have-

(i) for the enforcement of the attendance of the person, against whom the warrant is issued, at such place and at such time or times as may be specified therein (and thereafter as the District Magistrate may direct), in order to communicate to such person the final order of the Government made under section 7, and

(ii) for the forfeiture, under section 514 of the Code of Criminal Procedure, 1898, of any bond, executed for the attendance of such person at such place and at such time or times, all the powers of such District Magistrate under the Code of Criminal Procedure, 1898; and the warrant shall for the purposes set forth in clauses (i) and (ii) be deemed to be a warrant issued by a District Magistrate for the arrest of the said person to answer a charge in respect of a non-bailable offence committed by him within the jurisdiction of such Magistrate.

**Government
to place
report
before
advising
judges**

6. (1) After issue of the warrant under section 5, the Government shall forthwith cause the report of the District Magistrate, with all material facts and circumstances in its possession relevant to the same, to be placed before two advising judges, of whom one shall be the District and Sessions Judge having local jurisdiction over the notified area or any portion thereof concerned and the other a District and Sessions Judge or Additional District and Sessions Judge who was held judicial office not below that of an Additional District and Sessions Judge for a total period of not less than three years.

(2) The advising Judges shall consider in camera the report and the other facts and circumstances, if any adduced before, them by the Government, and any representation, submitted to them by the person against whom the report has been made within the time fixed by section 5 or such further time as they may allow, and shall call for such further information, if any, and may examine such witnesses, if any, as shall appear to them to be necessary to enable them to tender their advice on the report. They shall also give to the person against whom the report has been made, if he so