

**APPENDIX XIV**  
**(Regulation 240 and 529)**

**Rules for the care, custody and despatch of weapons deposited in police-stations and court malkhanas.**

**Custody of weapons deposited in the malkhana:**

(a) When a Magistrate cancels a license to possess arms, he shall make an entry to that effect in his register of cancelled licenses, and shall issue an order by registered post to the licensee, directing him to deposit the weapon covered by the license either at the police station within the jurisdiction of which he resides or at his option and subject to such conditions as the Provincial Government may by rule prespring with a licensed dealer within 14 days of receipt of the order, warning him that in the event of his failure to do so, he shall be prosecuted under the Arms Act. A copy of the order containing full particulars of the weapon to be deposited, shall at the same time be forwarded to the officer in charge of the police station within the jurisdiction of which the licensee resides.

(b) All arms, ammunition and military stores deposited at a police station under the above, clause or in accordance with the provision of section 14 and 16 of the Indian Arms Act, shall at once be entered in a register in B. P. Form No. 113.

(c) If the license is also deposited with the weapon, an entry to this effect shall be made in the register in B. P. Form No. 113. Licenses will probably not be deposited with the weapons in all cases, but will be cancelled in the Magistrate's office at the time of rejection of the petition for renewal: and if this is the case, they will be filed in that office and will not be sent to the police station. If however, license which has been cancelled is still in possession of the licensee, he shall be specially told to surrender it with the weapon, at the police station, and the officer in charge of the police station shall forward the license with the weapon to the court.

(d) Within 14 days from the date of deposit to the police station, the officer in charge shall forward the weapon to the court after filling up the duplicate and triplicate copies of B. P. Form No. 113.

**Malkhana Arms Register:**

(e) On receipt of the weapon in the court, the Court officer shall endorse the duplicate copy of B. P. No. 113 and return into the police station to be filed. He shall then make the necessary entries in the Arms Register of the malkhana (B. P. Form No. 114), and make over the triplicate copy of B. P. Form No 113 to the Clerk in charge of licenses (with the license, if received) after endorsing on it the date of deposit in the malkhana (B. P. Form No. 114). The clerk in charge of licenses shall enter the date of deposit and the number of the entry in the Arms Register of the malkhana in this register of cancelled licenses, and shall file the triplicate copy of B. P. Form 113.

Entries which have been pending for more than one calendar year shall be brought forward in the Arms Register in red ink after the annual sale.

**Description of arms:**

(f) The description of arms in malkhana register must be full and detailed so that it may be impossible at any time other weapons to be substituted without detection. All names, numbers and marks which the weapon may bear must be recorded in addition to other full particulars viz. whether rifle or smoothbore single or double barrel, muzzle or breech loader, number of chambers in the case of revolvers, number of cartridges that fit in the magazine in the case of automatic weapons, etc. The stock must also be verified item by item whenever the malkhana is inspected and the weapons should be so numbered and arranged as to facilitate verification.

(g) Every officer on assuming charge of a court office shall personally compare the arms in stock in the malkhana, item by item, with their descriptions in the arms register of the malkhana, and shall enter a certificate to this effect in the register in his own hand, signed and dated.

(h) The Magistrate in charge of licenses shall inspect the court malkhana twice a year and shall compare the arms in stock with the register of cancelled licenses.

(i) If a license, which has been cancelled, is subsequently renewed, the Magistrate shall issue to the Court officer an order, over his own signature, to make over the weapon covered by it and shall also send him the necessary license and the triplicate



copy of B.P. Form No. 113 received from the police station. He shall also inform the licensee that the license has been renewed. The Court officer shall then dispatch the weapon with the license and the triplicate copy of B.P. Form No. 113 to the officer in charge of the police-station within the jurisdiction of which the licensee lives, and make the necessary entry in the arms register of the malkhana. The officer in charge of the police station shall acknowledge receipt of the weapon, the license and the triplicate copy of B.P. Form No. 113, and shall enter the particulars of the weapon with date of receipt in his register and shall send for the licensee to take delivery of the license and weapon. The licensee, on taking delivery, shall sign the register (B.P. Form No. 113), and the officer in charge of the police station shall return the triplicate copy to the Magistrate with an endorsement, signed and dated to the effect that the weapon has been duly delivered.

### **Disposal of confiscated or forfeited Weapons:**

(j) The Court officer shall follow the procedure indicated below, in the case of all confiscated and forfeited weapons; but before doing so he shall take the order of the Magistrate in charge of the working of the Arms Act, who shall, before a weapon is dispatched to the ordnance office or is destroyed, or is sold by auction or is transferred for the use of the police or of any other department of Government, satisfy himself that its number and description agree with those given in the malkhana register. All arms, ammunition or military stores deposited under section 16 of the Arms Act and the rules made thereunder shall be kept in the malkhana for one calendar year from the 1st January of the year following that in which they were deposited. Arms, ammunition and military stores as defined in section 4 of the arms Act, which are confiscated or forfeited under any provision of the that Act or of any other enactment for the time being in force and which have been kept in the malkhana for the prescribed period, may, if they can be utilised by the police or by any department under the Government, be retained and brought into use with the sanction of the Provincial Government. If and such arms, ammunition or military stores are not so retained, they with the exception of revolvers and postols and rifles of prohibited bores, should be sold by auction to licensed vendors or to persons who by exemption or license are entitled to possess them, the police being informed of the names and addresses of the purchasers in order to enable them to verify the sales. The sale in the muffassil should be conducted in January every year by a gazetted officer who should be selected for the purpose by the District Magistrate. In Calcutta, the Commissioner of Police will arragne for the District Magistrate. In Calcutta, the Commissioner or Police will arragne for the the auction to be held by Meassrs. Mackenzie, Lyall and Co. The unsold arms, ammunition or military stores should be destroyed locally in the presence of the District Magistrate or of a gazetted officer whom the District Magistrate (or the Commissioner of Police in the case of Calcutta) may select for the purpose: but all rifles of prohibited bores, revolvers and pistols shall invariable be sent to the Ordnance Officer, Fort William, Calcutta, between 1st February and 15th March every year, to be broken up or otherwise destroyed .The Commissioner of Police, Commissioner of Police, Calcutta, shall depute a responsible police officer to the Arsenal to check and compare with the invoice the number and description of such weapons made over to the Ordnance Officer for destruction.

The weapons which have been deposited but not yet forfeited may be sold by auction on the written application of the owner, the sale-proceeds being paid to the owner.

### **Despatch to the Arsenal:**

(k) when sending consignments to the Arsenal, the Court officer shall send delivery vouchers in duplicate in I.A. Form Z 2096 (vide Chapter XX) to the Arsenal, so as to arrive there a day or two before the consignment. The Commissioner of Police, Calcutta, shall at the same time, be informed of the dispatch, together with a complete list giving the number and description of the weapons sent for destruction. No consignment should weigh more than 5 maunds.

The officer in charge of the Arsenal shall be asked to sign and return one copy of the voucher. This the Court officer shall paste into the arms register of the Voucher. This the Court officer shall paste into the arms register of the malkhana and give a reference to it, opposite all items covered by it, in covered by it, in column 14 of the various pages in which they are entered.

In filling up vouchers great care shall be taken to give a full and complete description of firearms and the marks and numbers they bear, so that they may be traced, if necessary, without, any doubt or hesitation.