

THE PAKISTAN ARMS ORDINANCE, 1965

(W. P. Ordinance XX of 1965)

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10.

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'THE PAKISTAN ARMS ORDINANCE, 1965
(West Pakistan Ordinance XX of 1965)

1

This Ordinance was promulgated by the Governor of West Pakistan on 8 June, 1965; approved by the Provincial Assembly of Pakistan on 10th July, 1965, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); and published in the West Pakistan Gazette (Extraordinary), dated 10th July, 1965, pages 3673-84.

2 Substituted by Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25th May, 1974, for the

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"West Pakistan".

[8 June, 1965]

An Ordinance to consolidate and amend the law relating to the sale, transport, bearing or possession of arms, ammunition or military stores.

Preamble. WHEREAS it is expedient to consolidate the law relating to the sale, transport, bearing or possession of arms, ammunition or military stores, in the manner hereinafter appearing;

AND WHEREAS the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution!, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER — I PRELIMINARY

Short title, extent L () This Ordinance may be called the *[Pakistan] and Arms Ordinance, 1965.

commencemen

t. (2) It extends to the whole of ?[Pakistan] *[except the Tribal Areas].

(3) It shall come into force at once.

Exception. 2. Nothing contained in this Ordinance shall apply to—

(a) arms, ammunition or military stores on board any sea-going vessel and forming part of her ordinary armament or equipment; or

(b) the sale, transport, bearing or possession of arms, ammunition or military stores by order of the 3[Federal Government] or a Provincial

That is Constitution of the Islamic Republic of Pakistan, 1962.

Arms Ordinance 1965 (Ordinance XX of 1965) and the Arms Rules, 1924 are made applicable to the Provincially Administrati Tribal Areas of Balochistan, vide the Home and Tribal Affairs Department, Government of Balochistan's Notification No. SO(TA) 7/97/1189-1293, dated 2TM July, 1997.

Substituted by Federal Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25" May, 1974, the words "Central Government".

Definitions.

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Government, as the case may be, or by a public servant or a member of any of the non-regular forces raised or maintained by or under the

authority of the '[Federal Government] or a Provincial Government, the course of his duty as

such public servant or member.

3. () In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a)

(b)

"ammunition" includes—

(@)

(i)

(iii)

(iv)

(v)

(vi)

ammunition of all types for light and heavy automatic weapons, revolvers, pistols, rifles, carbines, muskets and shotguns;

ammunition constructed and modified for firing projectiles or gas or smoke containers;

gun wads, gun flints, percussion-caps, fuses, friction tubes and detonators;

all types of grenades, bombs, rockets, mines and fuels for flame throwers;

all types of explosives, fulminating material and propellants, including all articles

specially designed for torpedo
operation and depth charges;

all parts of ammunition, but does
not include lead, sulphur or
saltpetre;

"arms" includes—

@)
(i)

cannon,

firearms of all types, such as light
and heavy automatic and automatic

weapons, rifles, carbines,
muskets, shotguns (whether single
or double barrelled), revolvers,
pistols and appliances the object
of which is the silencing of fire

arms;

(ii) air pistols, bayonets, swords,
sword-sticks, daggers, knives
with blades of four inches or more
(but not kitchen knives or knives
used in good faith for the carrying
on of a profession), and flick-
knives irrespective of the blade;]

(iv) knuckle-dusters, spears, spear-
heads, bows and arrows and parts
of arms;

(c) "cannon" includes—

(i) all types of artillery, mortars,
machine and sub-machine guns;

(ii) silencers for all machines and
sub-machine guns;

(iii) anti-tank rifles and_ recoil-less
guns or rifles and bazookas;

(iv) _ revolvers or pistols over 46 inches
bore;

(v) nuclear weapons of all types;

(vi) projectors, guided missiles, and
dischargers for grenades, rockets,
bombs and gas or smoke
containers;

(vii) flame throwers of all types;

(viii) all carriages, platforms and
appliances for mounting or
transporting cannon; and

1 Substituted by West Pakistan Ordinance XI of 1969; published in the Gazette of Pakistan, Extraordinary, Part I, dated 10" Ju
clause (iii).

(ix) parts of cannon;

“(d) "Government" means the "Federal Government" for the whole of Pakistan and the "Provincial Government" in the case of a Province;]

*I(dd) "flick-knife" means a knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in, or attached to, the handle of the knife, and includes any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or by the application of centrifugal force and which, when released, is locked in place by means of a button, spring lever or other device;]

(e) "licence" means a licence granted under this Ordinance;

(f) "military stores" means any stores which the 3[Federal Government] may, by notification in the official Gazette, declare to be military stores;

(g) "rules" mean rules made under this Ordinance.

(2) Government may, by notification in the official Gazette, declare any article or substance not specified in clause (a) or clause (b) or clause (c) of sub-section (1), to be, as the case may be, ammunition, arms or cannon for the purposes of this Ordinance and on the publication of such notification, such article or substance shall be deemed to be specified in the said clause (a) or clause (b) or clause (c), as may be notified.

CHAPTER — II

Substituted by Federal Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25" May, 1974, 1
New clause inserted by West Pakistan Ordinance XI of 1969; published in the Gazette of Pakistan, Extraordinary, Part I, dated

Substituted by Federal Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25" May, 1974, 1
"Central Government".

SALE AND REPAIR

Unlicensed sale and 4. () No person shall sell, or keep, offer or expose for repair prohibited.

Power to prohibit transport.

Power to establish searching posts.

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sale, any arms, ammunition, or military stores, or undertake the repairs of any arms, except under a licence and in the manner and to the extent permitted thereby.

(2) 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 shall, without unnecessary delay, give to the '[District Co-ordination Officer], or to the officer incharge of the nearest police station, notice of the sale and of the purchaser's name and address.

CHAPTER — III TRANSPORT

5. Government may, from time to time, by notification in the official Gazette, regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the Province or any part thereof either altogether or except under a licence and to the extent and in the manner permitted by such licence.

Explanation.— Arms, ammunition or military stores trans-shipped at a port in the Province are transported within the meaning of this section.

6. Government may, at any place along the boundary line between the Province and an Acceding State and at such distance within such line as it deems expedient, or at any place in the Province that it may deem proper establish searching posts at which any person, vessel, vehicle or any other type of transport or any type of package or container in transit, may be stopped and searched for arms, ammunition and military stores by any officer empowered by Government in this behalf by

Substituted for the words "Magistrate of the district" by Ordinance LXVI of 2001; published in the Gazette of Pakistan, Extraord

dated 3 December, 2001. Being an Ordinance made by Governor under the Provisional Constitution (Amendment) Order, 1999; Executive Order 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act X of 2010] of the Constitution of Islamic Republic of Pakistan, 1973.

Arrest of persons
conveying
arms, etc.,
under
suspicious

circumstances.

Prohibition of
going armed
with-out
licence.

Unlicensed
possession of
arms, etc.

In certain cases
arms to be
deposited at

name or in virtue of his office.

7. () When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried or conveyed 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.

(2) Any person so apprehended, and any arms ammunition or military stores so taken by a person not being a magistrate or a police officer, shall be delivered over as soon as possible to a police officer.

(3) All persons apprehended by, or delivered to, a police officer and all arms, ammunition and military stores seized by or delivered to any such officer under this section shall be taken without unnecessary delay before a Magistrate.

CHAPTER — IV GOING ARMED AND POSSESSING ARMS, ETC.

8. qd) No person shall go armed with any arms except under a licence and to the extent and in the manner permitted thereby.

(2) Any person so going armed without a licence or in contravention of its provision may be disarmed by any Magistrate, police officer or other person empowered by Government in this behalf by name or by virtue of his office.

(3) Nothing in sub-section (1) and (2) shall apply to a person carrying arms under a written authority issued in accordance with the rules.

9. No person shall have in his possession or under his control any arms, or any ammunition or military stores, except under a licence and in the manner and to the extent permitted thereby.

10. qd) Any person possessing arms, ammunition or military stores the possession whereof, has, in consequence of

police station the cancellation or expiry of a licence or of an exemption or the

or with death of the licensee or otherwise, become unlawful, shall
licensed

without unnecessary delay deposit the same either with the
dealers.

officer incharge of the nearest police station or, at his option
and subject to such conditions as Government, may by rule
prescribe, with a licensed dealer:

Provided that where, within one month of the
expiry of a licence an application for its renewal has been made
by registered post or by hand, the retention by the holder of
such licence of the arms, ammunition or military stores covered
by the licence shall be deemed to be lawful until such time as
the licence has been renewed or its renewal refused.

(2) When arms, ammunition or military stores have
been deposited under sub-section (1), the depositor, or in the
case of his demise, his legal heir, shall, at any time before the
expiry of such period as Government may by rules prescribe, be
entitled:—

(a) to receive back anything so deposited the
possession of which by him or his legal
heirs 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 '[20].

(3) All things deposited under sub-section (1) and
not returned or disposed of under sub-section (2) within the
prescribed period therein referred to, shall be forfeited to
Government.

(4) (a) Government may make rules consistent
with this Ordinance for carrying into

+ Substituted by West Pakistan Ordinance XI of 1969; published in the Gazette of Pakistan, Extraordinary, Part I, dated 10" Ju

effect the provisions of this section.

(b) In particular and without prejudice to the generality of the foregoing provision, Government may by rules prescribe—

(i) the conditions subject to which arms, ammunition or 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).

CHAPTER— V

LICENCES

Power to make 11. Government may, from time to time, by notification in rules as to the official Gazette, make rules to determine the officers by

licences.

whom, the form in which, and the terms and conditions on and

subject to which any licence shall be granted, or renewed, and may by such rules among other matters—

(a)

(b)

(c)

(d)

(e)

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fix the period for which such licences shall continue in force;

fix a fee payable by stamp or otherwise in respect of any such licence;

>

direct that the holder of any such licence shall keep a record or account, in such form as Government may prescribe, of anything done under such licence, and exhibit such record or account when called upon to do so by an officer of Government authorized in this behalf;

empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are kept by any person holding a licence of the description referred to in section

Clause (c) deleted by Federal Act XX XVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25" May

(f) 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

(g) require the person holding any licence or acting under any licence to produce the same and to produce or account for the arms, ammunition or military stores covered by the same when called upon to do so by an officer of Government so empowered.

Power of the 'T11-A.(1) The Federal Government may, by notification in Federal the official Gazette, specify the description, calibre or bore of Government arms and ammunition which are to be prohibited bores for the purpose of this Ordinance.

(2) No licence for the arms and ammunition notified under sub-section (1) shall be issued except by the Federal Government.

(3) The Federal Government shall have the power to issue licences for non-prohibited bore weapons valid for the whole or any part of Pakistan.

(4) The Provincial Government shall have the power to issue licences for non-prohibited weapons only which power shall be exercised by the said Government subject to section 11.]

Prohibition of '[11-B.(1) The Federal Government may, and if so directed keeping, by the Federal Government, the Provincial Government shall, carrying, Or by general or special order, prohibit the keeping, carrying or displaying : . . arms display of arms at such places or times or on such occasions as

may be specified in the order.

(2) In particular, and without prejudice to the generality of sub-section (1), an order issued thereunder may prohibit—

(a) the keeping of arms within the premises

+ New section 11-A, added by Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Part I, dated 25" May

+ New section 11-B, added by Act LXXX of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 30 December
Earlier amended so by Ordinance XXXI of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 14 September

of educational institutions and the premises of the hostels or boarding and lodging houses relating or affiliated thereto; and

(b) the carrying or display of arms at fairs or in gatherings or processions of a political, religious, ceremonial or _ sectarian character or in the premises of Courts of law or public offices.

(3) Any person keeping, carrying or displaying any arms in contravention of an order issued under sub-section (1) may be disarmed by the Magistrate, police officer or other person empowered by Government in this behalf.]

Cancellation and 12. () Any licence may cancelled or suspended—
ion of
Nowe. ° (a) by the officer by whom the same was

granted or by any authority to which he may be subordinate, or any '[District Magistrate] within the local limits of whose jurisdiction the holder of such licence may be, when, for reasons to be recorded in writing, and after giving the holder of the licence an opportunity of showing cause against the proposed cancellation or suspension, such officer [authority or magistrate] deems it necessary for the security of the public peace to cancel or suspend such licence;
or

(b) by any Judge or Magistrate before whom the holder of such licence is convicted of an offence against this Ordinance or against the rules and Government may, by a notification in the official Gazette, cancel or suspend all or any licences

Substituted for the words "District Magistrate" by Ordinance LXVI of 2001; published in the Gazette of Pakistan, Extraordinary, I, dated 3 December, 2001. Being an Ordinance made by Governor under the Provisional Constitution (Amendment) Order, 1999 (Executive Order 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act X of 2010] of the Constitution of Islamic Republic of Pakistan, 1973.

2 Substituted ibid for the words "authority or magistrate".

throughout the Province or any part thereof.

(2) An appeal against an order of cancellation or suspension under clause (a) of sub-section (1) may be made by the person whose licence has been cancelled or suspended to the immediate official superior to the authority making the order, within sixty days of the receipt by him of a copy of the order where appeal lies to Government, and where appeal lies to any other authority, within thirty days of the receipt by him

of a copy of the order.

CHAPTER - VI

PENALTIES

Penalty for breach 13. Whoever! commits any of the following offences, of sections 4, namely:— afftux 5, 8 to 11.

(a) sells, or keeps, offers or exposes for sale, any

arms, ammunition or military stores, or undertakes the repairs of any arms in contravention of the provisions of section 4;

(b) fails to give notice of the sale of arms and ammunition and of the purchaser's name and address as required by section 4;

(c) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 5;

(d) goes armed in contravention of the provisions of section 8;

(e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 9;

(f) fails to deposit arms, ammunition or military stores as required by section 10;

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The words with comma "Subject to section 13-A, whoever" were substituted for the word "Whoever" by Ordinance XXXIII of 1996, Ordinance LXVII of 1996, Ordinance XCVIII of 1996 and the last Ordinance XLII of 1997; published in the Gazette of Pakistan Extraordinary, Part I on 8" March, 1996, 4" July, 1996, 2" November 1996 and 7" March, 1997, respectively. All these Ordinances were repealed by afflux of time one after the other. The last one expired on 1" July, 1997 and in consequence whereof the position of the amendment was revived. Earlier section!3 was amended similarly by Ordinance XVI of 1988; published in the Gazette of Pakistan Extraordinary, Part I, dated 13" October, 1988, with substitution of its proviso and thereafter insertion of two New section 13-A and 13-B, however the same stand repealed by afflux of time/ lapsed for having not been made an Act under Article 89 of the Constitution of the Islamic Republic of Pakistan, 1973.

(g) intentionally makes any false entry in a record or account which by a rule made under clause (d) of section 11 he is required to keep; ![*]

(h) intentionally fails to exhibit anything which by a rule made under clause (f) of section 11 he is required to exhibit; [or]

3) keeps, carries or displays any arms in contravention of an order issued under section 11-B;]

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

'[Provided that the punishment for an offence committed in respect of any—

(a) cannon, grenade, bomb or rocket; or

(b) light or heavy automatic weapon, rifle of .303 bore or over, musket of .410 bore or over or pistol or revolver of .441 bore or over, or ammunition which can be fired from such weapon, rifle, musket, pistol or revolver,

shall be imprisonment for a term which is not less than three years.]

[New section 13-A. (amending Ordinances stand repealed under Article 89 of the Constitution of Islamic Republic of Pakistan 1973)]^o

[New section 13-B. (amending Ordinance stand repealed under Article 89 of the Constitution of Islamic Republic of Pakistan 1973)']

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The word "or" omitted by Act LXXX of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 30" December, note undeSrv section 11-B.

The word "or" added, ibid.

New clause (i) added, ibid.

Substituted by Act LII of 1973, for the words "three years"; published in the Gazette of Pakistan, Extraordinary, Part-I, dated 5" February, 1973; Earlier amended so by the W.P. Ordinance III of 1973; published in the Gazette of Pakistan, Extraordinary, Part I, dated 21 February, 1973. The original proviso which was omitted by West Pakistan Act XI of 1967 was re-inserted, by Act LII of 1973; published in the Gazette of Pakistan, Extraordinary, Part-I, dated 5" July, 1973. Earlier amended so by the W.P. Ordinance III of 1973; published in the Gazette of Pakistan, Extraordinary, Part I, dated 21" February, 1973.

The same was substituted by Ordinance XVII of 1988, however lapsed for having not been made an Act of the Assembly. See note undeSrv section 13.

Insertion of new section 13-A, see footnote under section 13.

Insertion of new section 13-B, see footnote under section 13.

Certain breaches of 14. Whoever—
sections 4, 5, 9
and 21.

(b) on any search being made under section 21,
conceals or attempts to conceal any arms,

ammunition or military stores,

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

[Provided that the punishment for an offence
committed in respect of any—

(a) cannon, grenade, bomb or rocket; or

(b) light or heavy automatic weapon, rifle of .303
bore or over, musket of .410 bore or over or
pistol or revolver of .441 bore or over or
ammunition which can be fired from such
weapon, rifle, musket, pistol or revolver,

shall be imprisonment for a term which is not less than two
years. |

Certain offences 3[14-A (1) Notwithstanding anything contained in the Code
triable by of Criminal Procedure, 1898 (Act V of 1898), an offence
Magistrates. punishable under section 13 or section 14 shall, unless it has

been committed in respect of any of the arms, ammunition or

military stores referred to in the proviso to the said section 13,

be triable by a Magistrate of the first class.

(2) All cases relating to offences triable by a
Magistrate of the first class under sub-section (1) and pending
in a Court of Session immediately before the commencement*
of the Pakistan Arms (Amendment) Ordinance, 1976 (XXI of
1976), in which the charge had not been framed shall, on such
commencement, stand transferred to the Court of the Magistrate
of the first class having jurisdiction over such cases.]

Clause (a) omitted, by Act LII of 1973; published in the Gazette of Pakistan, Extraordinary, Part-I, dated 5" July, 1973. Earlier a
the W.P. Ordinance III of 1973; published in the Gazette of Pakistan, Extraordinary, Part I, dated 21" February, 1973.

Substituted by Act LXXX of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 30" December, 1976. Earlier
by W.P. Ordinance XXXI of 1976; published in the Gazette of Pakistan Extraordinary Part I, dated 14 September, 1976.

New section 14-A inserted by Act L of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 21* July, 1976. |
so by the Ordinance XXII of 1976; published on 25" May, 1976.

25" May, 1976 is the commencement date of the Pakistan Arms (Amendment) Ordinance, 1976 (Ord. XXI of 1976).

Breach of licence. 15. Whoever, in violation of a condition subject to which a licence 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 13 or section 14, be punished with fine which may extend to five hundred rupees.

Knowingly 16. Whoever—
purchasing . a
arms, éte., (a) Knowingly purchases any arms, ammunition or
from military stores from any person not licensed or
unlicensed authorized under sub-section (2) of section 4 to
persons. sell the same; or

(b) delivers any arms, ammunition or military store
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 three years or with fine. or with both;

[Provided that the punishment for an offence
committed in respect of any—

(a) cannon, grenade, bomb or rocket; or
(b) light or heavy automatic weapon, rifle of .303
bore or over, musket of .410 bore or over or
pistol or revolver of .441 bore or over, or
ammunition which can be fired from such
weapon, rifle, musket, pistol or revolver,

shall be punished with imprisonment for a term which is not
less than one year.]

Penalty for breach 17. Any person violating any provision of any rule made
of rules. under this Ordinance for the violation of which no penalty is
provided by this Ordinance, shall be punished with fine which

may extend to two hundred rupees.

Penalty for failure 18. Any person who in the absence of reasonable excuse,
to give the burden of proving which shall lie upon such person, fails to
information

give information to the nearest police officer or Magistrate in
under section respect of any offence under sub-section (1) or sub-section (2)

+ Substituted by Act LXXX of 1976; published in the Gazette of Pakistan, Extraordinary, Part I, dated 30" December, 1976. Ea
by W.P. Ordinance XXXI of 1976; published in the Gazette of Pakistan Extraordinary Part I, dated 14 September, 1976.

23. of section 23 of which he becomes aware or which he has reason to suspect, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 500 or with both.

Penalty for refusing 19. Any person refusing or neglecting to produce any arms or neglecting to when so required under section 26 shall be punished with produce arms. imprisonment for a term which may extend to one month or

with fine which may extend to two hundred rupees, or with

both.

Power to 20. When any person is convicted of any offence punishable confiscate. under this Ordinance, committed by him in respect of any arms,

ammunition or military stores, it shall be in the discretion of the committing Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, vehicle or any other type of transport used to convey the same, and any type of package or container in which the same may have been concealed, together with the other contents of such package or container shall be confiscated:

Provided that where such conviction is in respect of an offence punishable under this Ordinance with imprisonment for not less than twelve months, the Court or the Magistrate convicting such person shall direct that the whole or any portion of such arms, ammunition or military stores shall be

confiscated.

CHAPTER— VII

MISCELLANEOUS

Search and seizure 21. Whenever any magistrate or an officer incharge of a

by Magistrate. _police-station has reason to believe that any person residing within the local limits of his jurisdiction—

(a) has in his possession any arms, ammunition or military stores for any unlawful purpose; or

(b) 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 or such police officer having first recorded the grounds of his belief, may cause a search to be made of the

Seizure and
detention by
Government.

Information be
given
regarding
offences.

Searches in the case
of offences
how
conducted.

Operation of other
laws not
barred.

house or premises occupied by such person or in which such Magistrate or such police officer 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 licence or exemption, in safe custody for such time as he thinks necessary.

22. 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 lawfully entitled to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

23. qd) Every person aware of the commission of any offence punishable under this Ordinance shall in the absence or reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest police officer or Magistrate.

(2) 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 or Magistrate regarding any package or container in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Ordinance has been or is being committed.

24. When a search is to be made for any of the purposes of this Ordinance, such search shall be made under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

25. Nothing in this Ordinance 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 Ordinance or the rules or from being liable under such other

law to any higher punishment or penalty than that provided by this Ordinance:

Provided that no person shall be punished twice for the same offence.

Power to take 26. () Government may, from time to time, by census of arms. notification in the official Gazette, direct a census to be taken of any arms in any area, and empower any person by name or in virtue of his office to take such census.

(2) On the issue of any such notification, all persons 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.

Power to exempt. 27. [Federal Government] may, from time to time, by notification in the official Gazette, or in exceptional circumstances by a written order, exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms, ammunition or military stores, or withdraw any part of the Province from the operation of any prohibition or direction contained in this Ordinance.

Notice and 28. No suit, prosecution or other proceeding shall lie against limitation of any person for anything which is in good faith done or intended proceedings.

to be done in pursuance of this Ordinance.

Repeal. 29. The Arms Act, 1878 (XI of 1878), as in force in the Province of West Pakistan, together with all enactments amending or modifying the same, except the provisions thereof relating to manufacture (including conversion), export or import of arms, ammunition and military stores, is hereby repealed.

+ Substituted by Act XXXVIII of 1974; by Federal Act XXXVIII of 1974; published in the Gazette of Pakistan, Extraordinary, Pa

May, 1974, for the words "Government".