

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th February, 2016

No. LD/Legis-Act/27-39/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

(ACT III OF 2016)

An

Act

to consolidate and amend the law relating to the sale, transport, bearing or possession of Arms, Ammunition or Military stores.

WHEREAS it is expedient to consolidate and amend the law relating to the sale, transport, bearing or possession of Arms, Ammunition or Military stores, in the manner hereinafter appearing;

It is hereby enacted as follows:

CHAPTER-I
PRELIMINARY

1. Short title, Extent and Commencement.— (1) This Act may be called the Azad Jammu and Kashmir Arms and Ammunition Act, 2016.

(2) It extends to whole of the Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Exception.— Nothing contained in this Act shall apply to the sale, transport, bearing or possession of Arms, Ammunition or Military stores by order of the Azad Government of the State of Jammu and Kashmir or the Government of Pakistan, or by public servant or a member of any of them on regular force of the Azad Government or the Government of Pakistan, in the course of his duty as such public servant or member.

3. Definitions.— (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "Ammunition" includes,-

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

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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 charges;

all parts of Ammunition, but does not include
lead, sulphur or saltpeter;

“Arms” includes,-

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Cannon;

firearms of all types, such as light and heavy
automatic and semi-automatic weapons, rifles,
carbines, muskets, shotguns (whether single or
double barreled), revolvers, pistols and
appliances the object of which is the silencing of
fire arms;

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;

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

“Cannon” includes,-

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

silencers for all machines and sub-machine guns;

anti-tank rifles and recoil-less guns or rifles and bazookas;

revolvers or pistols over 46 inches bore;
nuclear weapons of all types;

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

(ix) parts of cannon;

(d) "Government" means the Azad Government of the State of Jammu and Kashmir;

(e) "Licence" means a licence granted under this Act;

(f) "Military stores" means any store which the Government

of Pakistan may, by notification in the official Gazette, declare to be military store;

(g) "Prescribe" means Prescribed by the rules;

(h) "Rules" mean rules made under this Act; and

(i) "State" means Azad Jammu and Kashmir.

(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 Act, 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

SALE AND REPAIR

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

Provided that it shall not be unlawful for a person to sale any such Arm 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:

Provided further that every person so selling Arms or Ammunition to any person shall, without unnecessary delay, give to the District Magistrate, or to the officer in-charge of the nearest police station, notice of the sale and of the purchaser's name and address.

CHAPTER III

Power to prohibit transport— 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 State or any part thereof.

Explanation— Arms, Ammunition or Military stores trans-shipped at a port in the State are transported within the meaning of this section.

Power to establish searching posts— The Government may establish searching posts , at any place in the State, where required so, to search 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 the Government in this behalf by name or in virtue of his office.

Arrest_of persons conveying Arms, etc., under suspicious circumstances.— (1) 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.

Prohibition of going armed without Licence.— (1) No person shall go armed with any Arms or Ammunition 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 the 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.

Unlicensed possession of Arms, etc.— 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.

In certain cases Arms to be deposited at police station or with licensed__dealers— (1) Any person possessing Arms, Ammunition or Military stores the possession whereof, has, in consequence of the cancellation or expiry of a Licence or of an exemption or the death of the licensee 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 with a licensed dealer, subject to such conditions as may be Prescribed,

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 may be Prescribed, be entitled to:-

(a) receive back anything so deposited the possession of which by him or his legal heirs has become lawful; and

(b) 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 23.

(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 the Government.

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(4)(a) Government may make Rules consistent with this Act

(b)

for carrying into effect the provisions of this Section.

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 Rules as to Licence— 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 Licence shall be granted, or renewed, and may by such Rules among other matters,-

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fix the period for which such Licence 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, , of anything done under such Licence, and exhibit such record or account when called upon to do so by an officer of the Government authorized in this behalf in the manners as may be Prescribed;

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 4;

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 the Government so empowered; and

require the person holding any Licence or acting under any Licence to produce the same and to produce or

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account for the Arms, Ammunition or Military stores covered by the same when called upon to do so by an officer of the Government so empowered.

Power of the Government. (1) The Government may, by notification in the official Gazette, specify the description, calibre or bore of Arms and Ammunition which are to be prohibited bores for the purpose of this Act.

(2) No Licence for the Arms and Ammunition notified under sub-section (1) shall be issued except by the Government.

(3) The Government shall have the power to issue Licences for non-prohibited bore weapons valid for the State.

Prohibition of keeping, carrying, or displaying Arms.— (1) The Government may, by general or special order, prohibit the

keeping, carrying or 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 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 apolitical, 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 suspension of Licences.— (1) Any Licence 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 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, or authority 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 Act or against the Rules and Government may, by a notification in the official Gazette, cancel or suspend all or any licences throughout the State 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

Offences_and_penalties— (1) A person shall be liable to punishment under sub-section (2), if he commits any of the following offences:

(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 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 Section 8;

(e) has in his possession or under his control any Arms, Ammunition or Military stores in contravention of Section 9;

(f) fails to deposit Arms, Ammunition or Military stores as required under Section 10;

(g) intentionally makes any false entry in a record or account which by a rule made under clause (c) of Section 11 he is required to keep;

(h) intentionally fails to exhibit anything which by a rule made under clause

(e) of Section 11 he is required to exhibit; or

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(i) keeps, carries or displays any Arms in contravention of an order issued under Section 13.

(2) If a person commits any of the offences mentioned in sub-section (1), and if the offence is with respect to:

(a) a non-prohibited bore weapon, Ammunition of non-prohibited bore weapons or Military stores, he shall be punished with imprisonment for a term which shall not be less than two years and which may extend to seven years and with fine;

(b) a prohibited bore weapon or Ammunition of prohibited bore weapons, he shall be punished with imprisonment for a term which shall not be less than four years and which may extend to seven years and with fine; and

(c) carrying or possessing two or more prohibited bore weapons or five or more non-prohibited bore weapons or one prohibited bore weapon and two non-prohibited bore weapons, he shall be punished with imprisonment for a term which shall not be less than five years and which may extend to fourteen years and with fine.

(3) For purposes of this Section, the Government shall, by notification or in the Rules, categorize Arms as non-prohibited bore weapons and prohibited bore weapons.

Certain breaches.— Whoever conceals or attempts to conceal any Arms, Ammunition or Military stores, on a search made under Section 24, 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,—

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

(ii) 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 two years.

Certain offences triable by Magistrates. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence, punishable under Section 15 or Section 16 shall, unless it has been committed in respect of any of the

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Arms, Ammunition or Military stores referred to in the proviso to the said Section 15, be triable by a magistrate of the first class.

Breach of Licence 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 15 or Section 16, be punished with fine which shall not be less than twenty five thousand rupees.

Knowingly purchasing Arms, etc.- from unlicensed persons.—
Whoever—

(a) knowingly purchases any Arms, Ammunition or Military stores from any person not licensed or authorised under sub-section (2) of section 4 to sell the same; or

(b) 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 three years or with fine, or with both:

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

(i) Cannon, grenade, bomb or rocket; or

(ii) 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 of Rules— Any person violating any

provision of this Act or any Rule , for the violation of which no penalty is provided by this Act or the Rules, as the case may be, shall be punished with fine which shall not be less than twenty five thousand rupees.

Penalty for failure to give information under Section 26.—

Any person who in the absence of reasonable excuse, the burden of proving which shall lie upon such person, fails to give information to the nearest police officer or magistrate in respect of any offence under sub-section (1) or sub-section (2) of Section 26 of which he becomes aware or which he has reason to suspect, shall be punished with imprisonment for a term which may

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extend to six months, or with fine which shall not be less than twenty five thousand rupees or with both.

Penalty for refusing or neglecting to produce Arms.— Any

person refusing or neglecting to produce any Arms when so required under Section 29 shall be punished with imprisonment for a term which may extend to one month or with fine which shall not be less than twenty five thousand rupees, or with both.

Power to _confiscate— When any person is convicted of any 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 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 Act 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 by Magistrate Whenever any magistrate or an officer in-charge of a 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) 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 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 license or

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exemption, in safe custody for such time as he thinks necessary.

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

Information be given regarding Offences.— (1) Every person aware of the commission of any offence punishable under this Act shall, in the absence of reasonable excuse, the burden of proof of such excuse 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 proof of such excuse 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 Act has been or is being committed.

Provisions relating to searches Provisions of Code of Criminal Procedure, 1898 (V of 1898), relating to search shall mutatis mutandus apply for a search to be made under this Act.

Operation of other laws not barred.— 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 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 Arms.— (1) The Government may, from time to time, by notification in the official Gazette, direct a census to be taken of any Arms or class of Arms in any area, and

empower any person by name or by 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.

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Power to exempt.— The 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 by 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 State from the operation of any prohibition or direction contained in this Act.

Notice and limitation of proceedings.— No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Savings and Validation.—Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc. which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised and conferred under this Act.

Repeal The West Pakistan Arms (Adaptation) Act, 1992 (Act V of 1992) and (Ordinance XXI of 2015) is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer (Legislation)