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THE SINDH ARMS ACT, 2013.

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An Act to reform the legislation pertaining to the arms and ammunition in the Province of Sindh.

WHEREAS it is expedient to reform the legislation pertaining to arms and ammunition in the province is being enacted to curb the proliferation of arms and ammunition, whether licenced or not, which disrupts the social harmony and development, vitiates the law and order affairs, and directly contributes to the barbarity of violence. This act envisages to ensure that arms licenses are issued to the bonafide persons in the province.

It is hereby enacted as follows:-

CHAPTER-I
PRELIMINARY

1. (1) This Act may be called the Sindh Arms Act, 2013.

(2) It extends to the whole of the Province of Sindh.

(3) It shall come into force on such date as Government may notify in the official gazette.

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

(a) “acquisition”, with its linguistic variations and connotations, includes hiring, borrowing or accepting as a gift or inheritance;

(b) “ammunition” means ammunition for any firearm, and includes —

(i) rockets, bombs, gun powder, shells, detonators, cartridges, grenades;

(ii) articles designed for torpedo service and submarine mining;

(iii) other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or noxious liquid, gas etc. whether capable of use with firearms or not;

(iv) charges for firearms and accessories for such charges;

(v) fuses and friction tubes; and

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Preamble.

Short title, extent
and
commencement.

Definitions.

(vi) parts and machinery for manufacturing ammunition;

(c) "arms" means articles, designed as weapons of offence or defence and includes rifles, pistols, revolvers, grenades, swords, bayonets, and other lethal weapon. It shall also include machinery (and its parts) for manufacturing arms, but excludes articles designed solely for domestic or agricultural purposes and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapon;

(d) "firearms" means weapons designed to discharge a projectile or projectiles of any kind by the action of gun powder or any explosive or other forms of energy and includes —

(i) artillery hand-grenades, riot-pistols or weapons of any kind designed for the discharge of any noxious liquid, gas etc;

(ii) accessories for any such firearm, intended to diminish the noise or flash caused by the firing thereof;

(iii) parts of, and machinery for manufacturing fire-arms; and

(iv) carriages, platforms and appliances for mounting, transporting and serving artillery;

(e) "Government" means the Government of Sindh;

(f) "licensing authority" means an officer or authority empowered to grant or renew licenses under the rules;

(g) "prescribed" means prescribed by rules;

(h) "prohibited arms" means —

(i) firearms so designed that, if pressure is applied to the trigger, missiles discharge until pressure is removed from the trigger or the magazine

containing the missiles is empty, or

(ii) weapons designed for the emission of any

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noxious liquid, gas etc. and included artillery, anti-aircraft and anti-tank firearms and such other arms as the Provincial Government may, by notification in the Official Gazette, specify to the prohibited arms;

(i) "public servant" has the same meaning as in section 21 of the Pakistan Penal Code(1860);

(j) "rules" means the rules made under this Act;

(k) "transfer", includes letting on hire, lending, giving, shifting and parting with possession.

CHAPTER II
ACQUISITION AND POSSESSION OF ARMS & AMMUNITION

3. (1) No person shall acquire, posses, or carry any firearm and ammunition unless a licence is issued to him in accordance with the provisions of this Act and the rules:

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority of the holder of the licence, for repair or for renewal of the licence or for use by such holder.

(2) The number of firearms to be allowed to any person, at any time, shall be in accordance with the rules so prescribed.

4. | No person shall —

(a) manufacture, sell, transfer, convert, repair, test; or

(6) expose or offer for sale or transfer or possess for sale, transfer, conversion, repair, any firearm or any other arms of specific description or any ammunition, unless he holds a licence issued in accordance with the provisions of this Act and the rules:

Provided that a person may sell or transfer any arms or ammunition which he lawfully possesses for his own private use, to another person who is entitled by this Act, to possess such arms or ammunition but the person who has sold or transferred any firearm or ammunition under the

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acquisition and
possession of fire

arms and
ammunition.

Licence for the
manufacture,
sale, etc. of arms
and ammunition.

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provisions of this Act, shall, immediately after the sale or transfer, inform the Home Department, Government of Sindh, in writing about such sale or transfer and the particulars of the person to whom the firearm, ammunition or other arms has or have been sold or transferred.

5. No person shall bring into or take out of Sindh or any of its districts, arms ammunition or military stores of a firearm or convert an imitation firearm into a firearm unless a licence has been issued in accordance with the provisions of this Act and the rules.

Explanation.- The phrase "imitation firearm" implies anything which has the appearance of a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

6. No person shall -

- (a) acquire, possess or carry; or
- (b) manufacture, sell, transfer, convert, repair, or test; or
- (c) expose or offer for sale or transfer or possess for sale, transfer, conversion, repair, or test,

any prohibited arms or prohibited ammunition unless he has been exclusively authorized by Government, in this behalf.

Provided that all the arms licences for prohibited bore weapons issued under the provisions of Pakistan Arms Act, 1965, to the extent of Province of Sindh, shall continue to remain valid until reviewed and cancelled under this Act.

7. (1) No person shall obliterate, remove, modify or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon in a manner approved by Government.

Import,
export and
transportation.

Prohibition of

acquisition,
possession,
manufacture or
sale of prohibited
arms or
ammunition.

Prohibition of sale
or transfer of
firearms without
identification
marks.

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(3) Whenever any person possesses any firearm, without such name, number or other identification mark or on which such name or other identification mark has been obliterated, removed, modified or forged, it shall be presumed, unless proved otherwise, that he has obliterated, removed, modified or forged that name, number or other identification mark:

Provided that with regard to any person who possesses, at the commencement of this Act, any firearm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this sub-section shall not take effect until the expiry of one year from the date of such commencement.

8. (1) Notwithstanding any of the provisions of this Act, no person shall -

- (i) who is below the age of twenty five years, or
- (ii) who is not permanent resident of Province of Sindh,
- (iii) who has been convicted of any offence involving violence or moral lapses, leading to imprisonment for a minimum term of six months, at any time during a span of five years after the expiry of the sentence, or
- (iv) who has been ordered to execute under chapter VIII of the code of Criminal Procedure, 1898, a bond for keeping peace or for displaying good behavior, at any time during the term of the bond,

acquire, possess or carry any firearm or ammunition, sell or transfer any firearm or ammunition to, or convert, repair, or test any firearm or ammunition for, any other person whom he knows, or has reason to believe —

(i) to be prohibited from acquiring, possessing or carrying any firearm or ammunition, or

(ii) to be of unsound mind at the time of such sale or transfer, or such conversion, repair or test.

(2) Notwithstanding anything contained in clause (i) of sub-section(1), a person who has not attained the prescribed age may use, under prescribed conditions such firearms as may be recommended in the course of his training in the use of firearms.

Prohibited of
acquisition or
possession, or
sale or transfer of
firearms to certain
classes of
persons.

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9. (1) No person shall bring into, or take out of Sindh or any Licence for import of its districts, any arms or ammunition unless he holds a and export of licence issued in accordance with the injunctions of this arms, etc.

Act and the rules:

Provided that -

(a) a person, who is entitled by this Act, to possess arms or ammunition, may without a licence, bring into, or take out of, Sindh such arms or ammunition in justifiable quantities;

(b) a person, being a bonafide tourist, belonging to any such country as notified in the Official Gazette by the Federal Government, and who is not prohibited by the laws of that country to possess any arms or ammunition, may, without a licence under this section, but in accordance with such conditions as may be prescribed, bring with him into Sindh, arms and ammunition in justifiable quantities only to be used by him for the purposes of sports.

Explanation.- The word "tourist" means a person, not being a citizen of Pakistan, visiting for a maximum period of six months, with the sole object of recreation, sightseeing, or participation in a representative capacity in Official meetings, international conferences, associates or other bodies.

(2) Notwithstanding anything contained in the proviso to sub-section (1), where the Home Department Sindh or any other office so empowered by Government has any doubt as to the applicability of clause (a) or clause (b) of that proviso to any person claiming that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be employed by such person, may confiscate the arms or ammunition in the possession of such person until the orders of the Federal Government have been received in this regard.

10. Government may, by notification in the Official Power to prohibit Gazette, prohibit the bringing into, or the taking out of import or export Sindh, such arms or ammunitions as may be specified. of arms etc.

11. (1) Government may, by notification in the Official Gazette -

(a) direct that no person shall transport across Sindh, arms and ammunitions of specific description unless he holds a licence alongwith written authority duly issued in consonance with the provisions of this Act and the rules made thereunder; or

(b) forbid such transport altogether.

CHAPTER III PROVISIONS RELATING TO LICENCES

12. (1) An application for the grant of a licence under Chapter-II shall be made to the licensing authority in such form, containing such particulars and accompanied by such fee, as may be prescribed.

(2) On receipt of an application, the licensing authority, after conducting the requisite antecedent check, shall, by order in writing, either grant or refuse the licence.

13. (1) Notwithstanding anything in section 12, the licensing authority shall refuse to grant -

(a) a licence under section 3, if it is required for any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter-II;

(c) where such licence is required by a person whom the licensing authority has reason to believe —

(i) to be prohibited by this Act from acquiring, possessing or carrying arms or ammunition; or

(ii) to be of unsound mind; or

(iii) to be for any reason, unfit for a licence under this Act; or

(d) where the applicant is convicted of any offence punishable under the Pakistan Penal Code;

(e) where the licensing authority deems it necessary for the security of the public peace or safety to refuse to grant such licence;

(f) where the applicant possesses more than one Computerized National Identification Card or

multiple passports.

Power to restrict
or prohibit
transport of arms.

Grant of licences.

Refusal of
licences.

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(2) The licensing authority shall not turn down any application for licence merely on the premise that applicant does not own adequate property.

(3) When the licensing authority refuses to grant a licence to any person, it shall record a reasoned decision in writing for such refusal and communicate to the applicant, the reasons of the same, unless the licensing authority holds that such communication is detrimental to the public interest.

14. (1) A licence under section 3, unless revoked earlier, shall continue to be in force, for a period of one year from the date of its issuance:

Provided that such licence may be granted for a shorter period if the applicant so desires or if the licensing authority, for reasons to be recorded in writing, considers that the licence should be granted for a shorter period.

(2) Every licence shall, unless the licensing authority for cogent reasons to be recorded in writing decides otherwise, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time.

15. The fees on payment of which, and the form on which a licence shall be granted or renewed, shall be in accordance with the rules as may be prescribed:

Provided that a licence may contain such conditions, as may be considered crucial by the licensing authority, in any particular case.

16. (1) The licensing authority may, if it deems fit and having recorded a reasoned decision in writing, suspend or revoke a licence for an indefinite period -

(a) if the licensing authority is satisfied that the holder is prohibited by this Act, from acquiring, possessing or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

Duration and
renewal of
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licence.

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revocation of

licences.

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(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of application; or

(d) if any of the conditions of the licence has been flouted.

(2) The licensing authority may also revoke a licence on the application of the holder himself.

(3) Where the licensing authority makes an order, suspending or revoking a licence, it shall record in writing the reasons and communicate to the holder the same, unless in any case, the licensing authority is of the opinion that it will not be in the public interest to do so.

(4) The authority to whom the licensing authority is subordinate, may, by order in writing, suspend or revoke a licence on any ground on which it may be suspended or revoked by the licensing authority, and the foregoing provisions of this section shall, apply in relation to the suspension or revocation of a licence by such authority.

(5) A court convicting the holder of any offence under this Act or the rules may also suspend or revoke the licence:

Provided that if the conviction is set aside on appeal, the suspension or revocation shall become void.

(6) An order of suspension or revocation under sub-section (5) may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

(7) Government may, by order in the Official Gazette, suspend or revoke or direct any licensing authority to suspend or revoke all or any licence granted under this Act.

(8) On the suspension or revocation of a licence under the section, the holder shall immediately surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in the suspension order.

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17. A company shall be accountable for the proper use issuance of and custody of the arms for which licences have been issued to issued and such arms shall be exclusively engaged for the companies security of the functionaries, premises and property of the company under the rules so prescribed.

18. (1) A person aggrieved by an order of the licensing Appeals authority, refusing to grant a licence or varying the conditions of a licence or, suspending or revoking a

licence, may file an appeal against that order to an appellate authority within prescribed period.

(2) No appeal shall be admitted if it is filed after the expiry of the period prescribed:

Provided that if the appellant satisfies the appellate authority that he had sufficient cause for not filing the appeal within the stipulated period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1908.

Provided that no appeal shall be disposed of, unless the appellant has been given a reasonable opportunity of being heard.

(4) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

CHAPTER-IV
POWERS AND PROCEDURE

19. (1) Any police officer or any other official specially empowered by Government may demand the production of

of licence or carry permissions issued by the Home Department, Government of Sindh from any person, permission. carrying arms or ammunition.

(2) If such person refuses or fails to produce the licence or carry permission, the officer concerned may require him to give his particulars and if such officer considers it expedient, seize from that person the arms or ammunition which he is carrying.

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(3) If such person refuses to give his particulars or if the officer concerned suspects that person of giving false particulars or of intending to abscond, the officer may arrest him without a warrant.

20. (1) Whenever any Magistrate or any officer of Police Station not below the rank of Assistant Sub-Inspector has reason to believe -

(a) that any person possesses arms or ammunition for any criminal purpose, or otherwise;

(b) that such person cannot be left in the possession of any arms or ammunition without endangering public peace or safety,

the such Magistrate or such police officer, after recording the reasons in writing, cause a search to be made of the house or premises, tent, vessels boat, vehicles including public place, occupied by such person or in which the such Magistrate or Police officer has reasons to believe that such arms or ammunition are to be found, he may seize the same for an indefinite period, despite that person being entitled by this Act to keep the same in his possession.

21. Government may, at any time, order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by this Act, to possess and may confiscate the same for such period as it deems fit for public peace and safety.

22. Government may, if it deems expedient, establish check posts across the Province to conduct the search of arms and ammunition and monitor their movement. Police officer or Officials specifically authorized by Home Department shall conduct the aforementioned search of the boxes and luggage used in carrying the materials upon detained vehicles.

CHAPTER-V
OFFENCES AND PENALTIES

23. (1) Whoever -

(a) acquires, possesses, Carries or control any firearm or ammunition in infringement of section 3, shall be punishable with imprisonment for a term which may extend to fourteen years and with fine;

Search and
seizure by

Magistrate or
Police Officer.

Seizure under
orders of
Government.

Check posts
conducting
search.

Punishment for
certain offences.

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(6) manufactures, sells, transfers, converts, repairs, tests, or offers for sale or transfer, or possesses for sale, transfer, conversion, repair, test, any arms or ammunition in contravention of section 4; or

(c)sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 7 or acts in contravention of sub-section (1) of that section; or

(d) brings into, or takes out of, Sindh, any arms or ammunition in contravention of section 9; or

(e) transports any arms or ammunition — in contravention of Section 10; or

(f) fails to deposit arms or ammunition as required by section 21; or

(g)being a manufacturer or dealer in arms or ammunition, fails, on being required to do so, by rules made under section 39, to maintain a record or to make all such entries as are required by such rules or intentionally makes a false entry or prevents or obstructs the inspection of such record or prevents or obstructs the entry into any premises or other place where arms or ammunitions are manufactured or kept or intentionally conceals such arms or ammunition or refuses to point out where the same are manufactured or kept,

shall be punishable with imprisonment for a term which may extend to ten years and with fine.

(2) Whoever being a person to whom provisions of section 8 applies, acquires, possesses or carries any firearm or ammunition in contravention of that section shall be punishable with imprisonment for a term which may extend to seven years and with fine.

(3) Whoever having sold or transferred any firearms or ammunition or other arms under the proviso to section 4, fails to inform the Home Department, Government of Sindh, of such sale or transfer, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to rupees fifty thousand, or with both.

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(4) Whoever when required under section 19 to give his particulars, refuses to furnish the same or gives false particulars, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to rupees fifty thousand or with both.

24. Whoever possesses arms or ammunition licensed or unlicensed with the aim to use them for any unlawful purpose or to facilitate any other person to use them for any unlawful purpose shall, whether such unlawful purpose has been materialized or not, the license holder, the user and the person who has no license, be punishable with imprisonment for a term which may extend to ten years and with fine.

25. Whoever uses or attempts to use firearm licensed or unlicensed or an imitation firearm with the purpose to commit any crime, any unlawful act or to resist or prevent his lawful arrest or detention or of any other person shall be punishable with imprisonment for a term which may extend to ten years and with fine.

Explanation.- The expression "imitation firearm" has the same meaning as in section 5.

26. If any police officer or seizer or witness is declared responsible for fake vexatious recovery, seizers and arrest under this Act by the court or competent authority after detailed enquiry shall be punishable with imprisonment for a term which may extend to three years and with fine:

Provided that the sanction of Government shall be required in the case of police personnel.

27. Whoever -

(a) purchases any firearms or any other arms of such description as may be prescribed or any ammunition from any other person knowing that such other person is not licensed or authorized under section 4; or

(b) delivers or sells any arms or ammunition to any person who is not entitled under this Act to possess such arms or ammunition,

shall be punishable with imprisonment for a term which may extend to seven years and with fine.

Punishment for
possessing arms
with intent to use

for unlawful purposes.

Punishment for use and possession of firearms or imitation firearms in certain cases.

Punishment for vexatious recovery and arrest.

Punishment for intentionally purchasing arms from unlicensed person or for delivering arms to person not entitled to possess.

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28. Whoever violates any condition of a licence or any provision of this Act or rules made thereunder for which no punishment is provided in this Act, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to rupees fifty thousand, or with both.

29. Where any person is convicted under this Act of any offence, it shall be the discretion of the convicting court to direct whether the whole or any portion of such arms or ammunition, vehicle or other means of conveyance and any container or object used to conceal the arms or ammunition, shall be confiscated:

30. (1) Where an offence under this Act has been committed by a company, the person who at the time of the offence, was in charge of, or was responsible to the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that such person shall not be liable to punishment under this Act, if he proves that the offence was committed without his knowledge and that he exercised all due circumspection to prevent its commission.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section —

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director in relation to a firm" means a partner in the firm.

31. Any person going armed without a license or a written authority duly issued by the Home Department, Government of Sindh, shall be disarmed and arrested without a warrant by the officer in charge of the nearest police station and shall be produced before the Magistrate concerned within twenty four hours of such arrest.

Punishment for
contravention of
license.

Power to
confiscate.

Offences by
companies.

Power to disarm.

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CHAPTER-VI
MISCELLANEOUS

32. Where any offence under this Act has been committed, and arms and ammunitions are found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is suspicion that he was cognizant of the existence of the arms or ammunition in the premises, vehicle or other place shall, unless proven otherwise, be liable for that offence in the same manner as if it was committed by one person alone.

33. Every person cognizant of the commission of any offence under this Act shall give information of the same to the officer in charge of the nearest police station or the Deputy Commissioner having jurisdiction. However, in the absence of rational substantiation, the burden of proof shall lie upon the person, giving information.

34. Except as otherwise provided in this Act -

all arrests and searches made under this Act or under any rules shall be executed in line with the provisions of the Code of Criminal Procedure, 1898, except section 103 of the Code:

(a)

Provided that any Police officer or person present on the spot can be witness of search and recovery.

(b) any person arrested and arms or ammunition seized under this Act, shall be delivered immediately to the officer in charge of the nearest police station and that officer shall prosecute that person under this Act on behalf of State.

35. (1) All offences under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1898 and triable by the court of Sessions.

(2) All the offences under this Act shall be non-bailable.

Criminal
responsibility of
persons in
occupation of

premises in
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Information to be
given regarding
certain offences.

Arrest and
searches.

Offences to be
cognizable.

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36. No suit, prosecution or other legal proceeding shall lie Protection of against any person for anything done in good faith or action taken in intended to abide by this Act. good faith.

37. Thorough verification of credentials and antecedents, Due verification by various agencies, of the persons applying for arms before issuance. licence shall be mandatory:

Provided that nothing contained in this section shall apply to the Gazetted officers of Government.

38. If Government is of the view that it is expedient in the Power to exempt. public interest to exempt any person or classes of persons,

or exclude any description of arms or ammunition from the

operational ambit of this Act, it may do so by notification in

the Official Gazette, subject to such conditions and under

such rules as may be prescribed.

39. Government may, by notification in the Official Power to make Gazette, make rules for carrying out the purposes of this rules.

Act, enshrining the following matters:-

(a) the jurisdiction, control and functions of licensing authorities;

(b) the form and particulars of application for the grant or renewal of a licence;

(c) the form in which and the conditions subject to which any licence may be granted or refused, renewed, suspended or revoked;

(d) the period for which any licence shall continue to be in force;

(e) the fees payable in respect of any application for the grant or renewal of a licence and in respect of any licence granted or renewed and the manner of paying the same;

(f) Licence in which the maker's name, the manufacturer's number or other sign of mark of a firearm shall be stamped or otherwise shown thereon;

(g)the firearms that may be used in the course of trainings, the age-limits of persons who by use them and the conditions for their use by such persons;

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(h) the authority to whom appeals may be preferred under section 18, the procedure to be adopted by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and their refunds;

(i

the entry and inspection of any premises, in which arms or ammunition are manufactured or in which arms or ammunition are kept by a manufacturer or dealer, by any police officer or any official exclusively empowered by the Government in that behalf.

40. This Act shall not apply to —

(a) a public servant in the discharge of his official duty;

(6) any weapon which is obsolete or of antiquarian significance or in disrepair, rendering it incapable of being used as a Firearm, either or without repair;

(c) the acquisition, Possession or carrying by a person, of minor parts of arms or ammunition which are not intended to be used with complementary parts, acquired or possessed by that or any other person.

Act not to apply

certain cases.