

EXTRAORDINARY

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PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 1ST MARCH, 2013.

NO.PAS/Legis-B-10/2013-The Sindh Arms Bill, 2013 having been passed by the Provincial Assembly of Sindh on 21st February, 2013 and assented to by the Governor of Sindh on 27th February, 2013 is hereby published as an Act of the Legislature of Sindh.

THE SINDH ARMS ACT, 2013.

SINDH ACT NO. V OF 2013.

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. **Preamble.**

It is hereby enacted as follows:-

**CHAPTER-I
PRELIMINARY**

**Short title,
extent and
commencement.**

1. (i) 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 in to force on such date as Government may notify in the official gazette.

Definitions.

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,
 - (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 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;
- (j) "public servant" has the same meaning as in section 21 of the Pakistan Penal Code(1860);
- (k) "rules" means the rules made under this Act;
- (l) "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, possess, or carry any firearm and ammunition unless a licence is issued to him in accordance with the provisions of this Act and the rules:

Licence for acquisition and possession of fire arms and ammunition.

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
- (b) 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:

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

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 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.

**Import,
export and
transportation.**

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.

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

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.

**Prohibition of
sale or transfer
of firearms
without
identification
marks.**

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.

(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.

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

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.

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

Licence for import and export of arms, etc.

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 Gazette, prohibit the bringing into, or the taking out of Sindh, such arms or ammunitions as may be specified.

Power to prohibit import or export of arms etc.

Power to restrict or prohibit transport of arms.

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**

Grant of 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.

Refusal of licences.

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.

(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:

Duration and renewal of licence.

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:

Fees and forms for licence.

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 -

Suspension and revocation of licences.

- (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
- (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.

Issuance of licences to companies.

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

Appeals.

18. (1) A person aggrieved by an order of the licensing 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**

Power to demand production of licence or carry permission.

19. (1) Any police officer or any other official specially empowered by Government may demand the production of licence or carry permissions issued by the Home Department, Government of Sindh from any person, 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.

(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.

Search and seizure by Magistrate or Police Officer.

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.

Seizure under orders of Government.

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.

Check posts conducting search.

CHAPTER-V OFFENCES AND PENALTIES

23. (1) Whoever -

Punishment for certain offences.

- (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;
- (b) 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

