

Arms Act, 1878

(XI OF 1878)

[115th March 1878]

An Act to consolidate and amend the law relating to Arms, Ammunition and Military Stores,

Preamble, Whereas it is expedient to consolidate and amend the law relating to arms, ammunition and military stores; It is hereby enacted as follows:---

I.--PRELIMINARY

1. Short title Local extent. This Act may be called the Arms Act, 1878; and it extends to the whole of Pakistan.

Savings. But nothing herein contained shall apply to---

(a) arms, ammunition or military stores on board any seagoing vessel and forming part of her ordinary ornament or equipment, or

(b) the manufacture, conversion, sale, import, transport, bearing or possession of arms, ammunition or military stores by order of the Central Government or 'any Provincial Government, or by a public servant or a member of the forces constituted by the Pakistan Territorial Force Act, 1950 in the course of his duty as such public servant or member.

2. Commencement. This Act shall come into force on such day as the Central Government by notification in the official Gazette appoints.

3. [Repeal of enactments.] Rep. by the Repealing Act, 1938 (1 of 1938). S. 2 and Such.

4. Interpretation clause. In this Act, unless there be something repugnant in the subject or context, ---

"cannot" includes also all howitzers, mortars, wall-pieces, mitraille uses and other Ordinance and machine-guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same:

71" appropriate Government" means---

(a) in relating to military stores; and import, export and inter-provincial trade or transport, the Federal Government; and

(b) in relation to other matters, the Provincial Government: ".]

"arms" includes fire-arms, bayonets, swords, daggers, spears, spearheads and bows and arrows, also cannon and parts of arms and machinery for manufacturing arms:

"ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flint, gun wads, percussion cape, fuses and friction-tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpeter:

"military stores", in any section of this Act as applied to any part of Pakistan, means any military stores to which the Central Government may from time to time, by notification in the official Gazette, specially extend such section in such part, and includes also all lead, sui hur, saltpeter and other material to which the Central Government may from time to time so extend such section:

"license" means a license granted under this Act, and "licensed" means holding such license

II.---MANUFACTURE, CONVERSION AND SALE

5. **Uncensored manufacture, conversion and sale prohibited.**---No person shall manufacture, convert or sell, keep offer to expose, for sale, any arms, ammunition or military stores, except under a licence and in the manner and to the extent permitted thereby.

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 other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer-in-charge of the nearest police-station notice of the sale and of the purchaser's name and address.

6. **Uncensored importation and exportation prohibited.**---No person shall bring or take by sea or by land or out of Pakistan any arms, ammunition or military stores except under a licence and in the manner and to the extent permitted by such licence.

Importation and exportation of arms and ammunition for private use.---Nothing in the first clause of this section extends to arms (other than cannon) or ammunition imported exported in reasonable quantities for his own private use by any person lawfully entitled to possess such arms of ammunition; but the Collector of Customs or any other officer empowered by the Central Government in this behalf by name or in virtue of his office may at any time detain such arms or ammunition until he receives the orders of the Central Government thereon.

Explanation. ---Arms, ammunition and military stores taken from one part of Pakistan to ;mother by sea or across intervening territory not being part of Pakistan are taken out of and brought into Pakistan within the meaning of this section.

7. **Sanction of Central Government required to ware housing of arms etc.**--- Notwithstanding anything contained in the Sea Customs Act, 1878 no arms ammunition or military stores shall be deposited in any ware-house licensed made section 16 of that Act without the Sanction of the central Government.

8. **[Levy of duties on arms, etc., imported by sea.] Rep. by tlte Amending Act, /891 (XU of 1891).**

9. **[Power to impose duty on import by land] Rep. by the Amending Act, 1891 (XU of 1891).**

10. **Power to prohibit transport.**---The appropriate Government may, from time 'to time, by notification in the official Gazetted,---

(a) regulate or prohibit the transport of any description of arms, ammunition or military stores over he whole of Pakistan or any part thereof, either altogether or except under a lience and to the extent the manner permitted by such licence, and

(b) cancel any such notification.

Explanation---Transshipment of arms.---Arms, ammunition or military stores transhipped at a port i'n Pakistan are transported within the meaning of this section.

7. Subs. by P.O.4 of 1975. Federal Adaptation of Laws Order, 1975 267.]

11. Power to establish searching stations.---- The Central Government may, at any places along the in boundary-line between Pakistan and foreign territory and at such distance within such line as it deems expedient, establish, searching posts at which all vessels, carts and baggage-animals, and all boxes, bales and packages in transit, may be stopped and searched for arms ammunition and military stores any officer empowered by the Central Government in this behalf by name or in virtue of his office,

12. Arrest of persons conveying arms, under suspicious circumstances.---When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a license or not, in such manner or under such circumstances as to afford just ground of suspicion that the same are being carried 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.

Procedure where arrest by person not Magistrate a Police officer.---An person so apprehended and any arms, ammunition or military stores so taken by a person not being a Magistrate or Police-officer, shall be delivered as soon as possible to a Police-officer.

All persons apprehended by, or delivered to, a Police-office, and all arms and ammunition seized by or delivered to, any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

IV.---GOING ARMED AND POSSESSING ARMS ETC.

13. Prohibition of going without license.---No. person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police Officer or other person empowered by the appropriate Government in this behalf by name or by virtue of his office.

14. Unlicensed possession of fire-arms, etc.----No person shall have in his possession or under his control any cannon or fire-arms, or any ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

15. Possession of arms of any description without license prohibited in certain places--In any place to which section 32, clause 2, of Act No. XXXI of 1860 applies at the time this Act comes into force or to which the appropriate Government may by notification in the official Gazette specially extend this section, no. person shall have in his possession any arms of any description, except under a license and in manner and to the extent permitted thereby.

16. In certain cases arms to be deposited at police-stations 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 license or of an exemption or by the issue of a notification under section 15 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 and subject to such conditions as the appropriate Government may by rule prescribe, with a licensed dealer.

(2) When arms, ammunition or military stores have been deposited under sub-section (1) or before the first day of January, 1920, under the provisions of any law for the time being in force, the depositor shall, at any time before the expiry of such period as the appropriate Government may by rule prescribe, be entitled---

(a) to receive back anything so deposited the possession of which by him has become lawful, and

(b) to dispose, or authorize the disposal, of anything so deposited by sale or otherwise to any person whose possession of the same would be lawful; and receive to proceeds of any such sale:

Provided that nothing in this sub-section shall be deemed to authorize the return or disposal of anything the confiscation of which has been directed under section 24.

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

(4) (a) The appropriate Government may make rules consistent with this Act for carrying into effect the provisions of this section.

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

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

V.---LICENCES

17. Power to make rule as to licenses.----The appropriate 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 license shall be granted; and may by such rules among other matters---

(a) fix the period for which such license shall continue in force;

(b) fix a fee payable by stamp or otherwise in respect of any such license granted in a place to which section 32, clause 2, of Act XXXI of 1860 applies at the time this Act comes into force or in respect of any such license other than a license for possession granted in any other place;

(c) direct that the holder of any such license other than a license for possession shall keep a record or account, in such form as the appropriate Government may prescribe, of anything done under such license and exhibit such record or account when called upon by an officer of Government to do so ;

(d) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 5 or section 6 ;

(e) 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

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

18. Canceling and suspension of license.----Ali license 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 by any Magistrate of a district, within the local limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such officer, authority Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or
- (b) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Act, or against the rules made under this Act; and the appropriate Government may by a notification in the official Gazette cancel or suspend all any licenses throughout Pakistan or the Province, as the case may be, or any part thereof.

- VI---PENAL TIES

19. For breach of sections, 5, 6, 10, 13 to 17.---Whoever commits any of the following offences (namely) :---

- (a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5 ;
- (b) fails to give notice as required by the same section;
- (c) imports or exports any arms, ammunition or military stores in contravention of the provisions of section 6;
- (d) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 10;
- (e) goes armed in contravention of the provision of section 13;
- (f) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 14 or section 15;
- (g) intentionally makes any false entry in a record or account which, by a rule made under section 17, clause (c), he is required to keep;
- (h) intentionally falls to exhibit anything which by a rule made under section 17, clause (c) he is required to exhibit, or
- (i) falls to deposit arms, ammunition or military stores, as required by section 14 or section 16;

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

20. For secret branches of sections 5 to 10, 14 and 15.---Whoever does any act mentioned in clause (p), (c), (d), or (j) of section 19, such manner as to indicate an intention that such act may not be known to any public servant as defined in the Pakistan Penal Code, or to any person employed upon a railway or to the servant of any public carrier,

For concealing arms, etc. and whoever, on any search being made under section 25. conceals or attempts to conceal any arms, ammunition or military stores, shall be punished with imprisonment for a term which any extend to seven years, or with fine, or with both,

21. For breach of license. Whoever, in violation of a condition subject to which a license 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 19 or section 20, be punished with imprisonment for a

term which may extend to six months, or with fine which may extend to five hundred or with both.

22. **For knowingly purchasing arms, etc.** from unlicensed person, for delivering arms etc., to person not authorized to possess them.---Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same; or delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. **Penalty for breach of rule.**---Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. **Power to confiscate.**--- When any person is convicted of an 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 convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage-animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

VII.---MISCELLANEOUS

25. **Search and seizure by Magistrate.**---Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose, or 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, 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 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 a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of a Magistrate, or by, or in the presence of, some officer specially empowered in this behalf by name or in virtue of his office by the appropriate Government.

26. **Seizure and detention by appropriate Government.**---The appropriate 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 licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

27. **Power to exempt.**--- The appropriate Government may from time to time, by notification published in the official Gazette,---

(a) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of Pakistan, or of the Province as the case may be, from the operation of any prohibition or direction contained in this Act; and

(b) cancel any such notification, and again subject the persons or thing; or the part of Pakistan for Province comprised therein to the operation of such prohibition or direction.

28. Information to be given regarding offences.---Every person aware of the commission of any offence punishable under this Act, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police-officer or Magistrate, and 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 regarding any box, package or bale 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.

29. Sanction required to certain proceedings under section 19, clause (f).---Where an offence punishable under section 19, clause (f), has been committed within three months from the date on which this Act comes into force in any province, district or place to which section 32, clause 2, of Act XXXI of 1860 applies at such date, or where such an offence has been committed in any part of Pakistan not being such a district, province or place, no proceeding shall be instituted against any person in respect of such offence without the provisions sanction of Magistrate of the district.

30. Searches in the case of offences against section 19, clause (f), how conducted.---Where a search is to be made under the Code of Criminal Procedure in the course of any proceedings instituted in respect of an offence punishable under section 19, clause (f), such search shall notwithstanding anything contained in the said Code be made in the presence of some officer specially appointed by name or in virtue of his office by the appropriate Government in this behalf, and not otherwise.

31. 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 made under it, 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.

32. Power to take census of fire-arms.---The appropriate Government may from time to time, by notification in the official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such censuses. 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.

Any person refusing or neglecting to produce any such arms when so required shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

33. Notice and limitation of proceedings.---No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Act without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

THE FIRST SCHEDULE. [Enactments repealed] Rep. by the Repealing Act, 1939 (1 of 1938), S. 2 and Sch.

THE SECOND SECHEDULE. [Arms, etc. liable to Duty.] Rep, by the Amending Act. /89/ (XI! of 1891).