

**A  
BILL**

*to provide for the surrender of illicit arms and improvement and control of the law and order situation, in the Province of the Khyber Pakhtunkhwa.*

**Preamble.**---WHEREAS it is expedient in the public interest to provide for the surrender of illicit arms, improvement and control of law and order situation, in the Province of the Khyber Pakhtunkhwa and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Surrender of Illicit Arms Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

**2. Definitions.**---(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Government" means the Government of the Khyber Pakhtunkhwa;
- (b) "illicit arms" includes-
  - (i) cannon as defined in the Khyber Pakhtunkhwa Arms Act, 2013 (Khyber Pakhtunkhwa Act No. XXIII of 2013), excluding sub-machine guns and their silencers and revolvers or pistols of over 0.46 inches bore;
  - (ii) all types of explosive substances as defined in the Khyber Pakhtunkhwa Explosives Act, 2013 (Khyber Pakhtunkhwa Act No. XXIV of 2013) and the Khyber Pakhtunkhwa Explosive Substances Act, 2013 (Khyber Pakhtunkhwa Act No. XXV of 2013), including mines of all types;
  - (iii) all types of containers, grenades, bombs and shells that discharge poisonous or noxious gases or other chemicals or substances which cause damage to human body;
  - (iv) fire-arms comprising automatic weapons (other than machine guns) including sub-machine guns, automatic rifles and machine pistols; and
  - (v) rifles, carbines, muskets, short guns, revolvers, pistols and appliances the object of which is the silencing of fire-arms and all other fire-arms not included in sub-clause (iv),

which are held or possessed in contravention of the provisions of the Khyber Pakhtunkhwa Arms Act, 2013, (Khyber Pakhtunkhwa Act No. XXIII of 2013), the Khyber Pakhtunkhwa Explosives Act, 2013 (Khyber Pakhtunkhwa Act No. XXIV of 2013), the Khyber Pakhtunkhwa Explosive Substances Act, 2013, (Khyber Pakhtunkhwa Act No. XXV of 2013), or any other law for the time being in force;

- (c) “prescribed” means prescribed by rules;
- (d) “Province” means the Province of the Khyber Pakhtunkhwa; and
- (e) “rules” means rules made under this Act.

(2) Government may, by notification in the official Gazette, declare any article, substance, arms, ammunition or military stores not specified hereinbefore which is held or possessed in contravention of any law as illicit arms ammunition or explosives for the purpose of this Act.

**3. Act not to derogate from other laws.**---The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceedings which may be instituted against him under such law.

**4. Surrender of illicit arms.**---(1) All persons in possession or control of any illicit arms shall surrender such arms within such time as is notified by the Government to the Deputy Commissioner, Additional Deputy Commissioner, Assistant Commissioner, Additional Assistant Commissioner or officer-in-charge of a police station within whose Jurisdiction such persons ordinarily reside or to such other authority as may be specified by the Government by notification in the official Gazette.

(2) The authority receiving any illicit arms shall issue a receipt for the same.

**5. Surrender of arms, etc., by persons on visit abroad.**---A person on alawful visit abroad at the commencement of this Act shall, within the time notified under section 4, of his return to the Province, through an authorized route or port of entry, surrender and deposit all illicit arms in his possession or control to one of the authorities specified in section 4.

**6. Publicity for surrender of illicit arms.**---(1) Government shall give wide publicity to the provisions of this Act on the media, including television, radio, national and regional press, in Urdu, English and regional languages or by any other mode as may be prescribed.

(2) There shall be publicly displayed a count-down of every expired day of the period allowed for surrender of illicit arms under this Act and the number of days left for such surrender.

**7. Punishments.**---(1) Whoever, contravenes the provisions of section 4 or section 5 shall,-

- (a) in respect of illicit arms defined in sub-clauses (i) to (iii) of clause (b) of sub-section (1), of section 2, be punished with imprisonment for life and forfeiture of property, both movable and immovable;

- (b) in respect of illicit arms defined in sub-clause (iv) of clause (b) of sub-section (1) of section 2, be punished with imprisonment for life or with imprisonment for a term which shall not be less than ten years having regard to the antecedents of the accused; and
- (c) in respect of illicit arms defined in sub-clause (v) of clause (b) of sub-section (1) of section 2, be punished with imprisonment for a term which may extend to fourteen years but shall not be less than three years, having regard to the antecedents of the accused.

(2) Any illicit arms in respect of which a person is convicted and sentenced under sub-section (1) shall stand forfeited to the Government.

(3) Any conveyance used for the transportation of any illicit arms shall also be liable to confiscation.

**Explanation.**---In this section, “conveyance” includes a vessel, aircraft, vehicle or animal.

**8. Indemnity.**---A person surrendering or depositing illicit arms under section 4 or section 5 shall stand indemnified against any legal or penal action for having previously possessed such illicit arms:

Provided that any person who had committed any offence with such arms shall not be exempted from criminal liability for any such offence.

**9. Search for illicit arms, etc.**---(1) On the expiry of the period for surrender of illicit arms allowed under section 4, a campaign for the recovery of illicit arms shall be launched in a coordinated manner by the Government and all other agencies of the State which may be called upon, shall act in aid of the Government.

(2) Search for illicit arms, ammunition or explosives shall be carried out, as nearly as may be, in accordance with Chapter-V of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided that, where in case of an extreme urgency a departure from the provisions of the Code is made, the District Superintendent of Police or any other officer authorizing the search shall record reasons for such departure.

**10. Reward for successful recovery.**---Any person providing information for successful recovery of illicit arms may, in the prescribed manner, be appropriately rewarded by the Government to whom such information is provided, keeping in view the number of illicit arms recovered on the basis of such information.

**11. Scrutiny of licences, etc.**---(1) Whenever the Government deems fit, it may, notwithstanding anything contained in the Khyber Pakhtunkhwa Arms Act, 2013 (Khyber Pakhtunkhwa Act No. XXIII of 2013), the Khyber Pakhtunkhwa Explosive Act, 2013 (Khyber Pakhtunkhwa Act No. XXIV of 2013), the Explosives Substances Act, 2013 (Khyber Pakhtunkhwa Act No. XXV of 2013), or any other law, for the time being in force, by notification in the official Gazette, direct every person possessing or keeping in his control any arms, ammunition or explosives under any licence issued by any authority appointed under any law for the time being in force, to present such licence to the authority specified in the notification, by the Government, for scrutiny.

(2) Where, on scrutiny of a licence, the authority referred to in, sub-section (1) is satisfied that it was not in the public interest or conducive for maintenance of law and order or the public peace to allow retention of the licence or any arms, ammunition or explosives, it may, after providing an opportunity of being heard, cancel the licence issued to a person to possess or keep any arms, ammunition or explosives.

(3) Where a licence is cancelled under sub-section (2), the person possessing or keeping any arms, ammunition or explosives shall deposit such arms, ammunition or explosives with the authority specified by the Government.

**12. Punishment for failure to present licence for scrutiny.**---Whoever fails to present his licence for possessing or keeping any arms, ammunition or explosives as required under section 11 shall be punished with imprisonment which may extend to ten years but shall not be less than three years and confiscation of such arms, ammunition or explosives.

**13. Exemption.**---Nothing contained in this Act shall apply to a person who is exempted by virtue of the provisions of the Khyber Pakhtunkhwa Arms Act, 2013 (Khyber Pakhtunkhwa Act No. XXIII of 2013), and the rules, made thereunder from holding a licence for possessing any arms and ammunition, including those of prohibited bore, by virtue of his office or otherwise.

**14. Power to make rules.**---The Government may make rules for carrying out the purposes of this Act.

**15. Removal of difficulties.**---If any difficulty arises in giving effect to any provision of this Act, the Government may make such order or direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

**16. Repeal and savings.**---(1) The Surrender of Illicit Arms Act, 1991 (Act No. XXI of 1991), to the extent of the Province of the Khyber Pakhtunkhwa is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

### **STATEMENT OF OBJECTS AND REASONS**

It is desirable to provide for the surrender of illicit arms, improvement and control of law and order situation, in wake of 18<sup>th</sup> Amendment to the Constitution of the Islamic Republic of Pakistan has been devolved to the Provinces and the Provinces are required to provincialize the laws. Hence, this Bill.

**MINISTER-IN-CHARGE.**