



KHYBER PAKHTUNKHWA

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 9th May, 2013.

No. ALD-II/LEGIS: 1(7)2013/LD/6138.— The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

THE KHYBER PAKHTUNKHWA SURRENDER OF ILLICIT ARMS ORDINANCE, 2013.

(KHYBER PAKHTUNKHWA ORD. NO. VI OF 2013)

AN ORDINANCE

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;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Khyber Pakhtunkhwa is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Khyber Pakhtunkhwa Surrender of Illicit Arms Ordinance, 2013.

(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 Ordinance, unless there is anything repugnant in the subject or context,-

(a) "Government" means Government of the Khyber Pakhtunkhwa;

(b) "illicit arms" includes-

- (i) cannon as defined in the Khyber Pakhtunkhwa Arms Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. III 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 Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. IV of 2013), and the Khyber Pakhtunkhwa Explosive Substances Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. V 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, shotguns, 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 Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. III of 2013), the Khyber Pakhtunkhwa Explosives Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. IV of 2013), the Khyber Pakhtunkhwa Explosive Substances Ordinance, 2013 (Khyber Pakhtunkhwa Ord. No. V 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" mean rules made under this Ordinance.

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

3. **Ordinance not to derogate from other laws.**---The provisions of this Ordinance 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 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 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 a lawful visit abroad at the commencement of this Ordinance 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 Ordinance 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 Ordinance 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 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 Government and all other agencies of the State which may be called upon, shall act in aid of Government.

