

[AS PASSED BY THE SENATE]

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BILL

further to amend the Pakistan Arms Ordinance, 1965 to the extent of Islamabad Capital Territory

WHEREAS it is expedient further to amend the Pakistan Arms Ordinance, 1965 (W.P. Ord. XX of 1965), to the extent of Islamabad Capital Territory for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Pakistan Arms (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 11A, W.P. Ordinance No. XX of 1965.- In the Pakistan Arms Ordinance, 1965 (W.P. Ordinance No. XX of 1965), in section 11A, after sub-section (4), the following new sub-sections shall be added, namely:-

“(5) The Federal Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance to be exercised by any authority or officer sub-ordinate to it, subject to such extent, limitations and conditions as are specified in the notification.

(6) All prohibited bore and non-prohibited bore arms licences issued, cancelled, suspended or modified, actions done, powers exercised, appointments made, persons authorized, agreements made, prior to commencement of the Pakistan Arms (Amendment) Act, 2020, shall be deemed to have validly been issued, cancelled, suspended, modified, done, exercised, made and authorized under this Ordinance.”.

STATEMENT OF OBJECTS AND REASONS

Under Section 11(A) (2) and (3) of Pakistan Arms Ordinance, 1965, Federal Government is the Authority to issue Arms Licences in Prohibited Bore (PB) and Non-Prohibited Bore (NPB) category. As per Arms Policy, 2012, Prime Minister is the Authority for PB, while Minister for Interior / Secretary is the authority for NPB Arms Licences. Supreme Court vide its judgement dated 18-08-2016 in Mustafa Impex case declared Federal Government as Cabinet. Hence, in accordance with aforementioned Sections of Pakistan Arms Ordinance, 1965 the powers to issue licences rest with the Cabinet. However, issuance of Arms Licences continued as per Arms Policy, 2012, even after the above said judgement of Supreme Court.

2. Further, the Cabinet in its meeting held on 8th September, 2017, in case No. 479/19/2017-C, decided that all Ministries and Divisions should in consultation with Law and Justice Division, make amendments in the respective Acts/Rules and replace the words "Federal Government" with appropriate authority (ies). Also, the cases of Arms Licences do not fall in the category which should be brought before the Cabinet as per Rule 16 of Rules of Business, 1973. The large number of such cases of routine nature may not be a burden on the Cabinet.

3. Therefore, the Bill in consultation with Ministry of Law and Justice is hereby submitted to amend the Pakistan Arms Ordinance, 1965, that Federal Government (Cabinet) may delegate any of its powers under this Ordinance to any of its sub-ordinate authority or officer and to validate the issuance of arms licences, in accordance with section 11-A of the Pakistan Arms Ordinance, 1965.

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