



THE ARMS ACT, 1878



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THE ARMS ACT, 1878

¹ACT No. XI OF 1878

[15th 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:—

¹For the Statement of Objects and Reasons, see Gazette of India, 1877, Pt. V, p. 650; for discussions in Council, see *ibid.*, 1877, Supplement, pp. 3016 and 3030; *ibid.*, 1878, Supplement, pp. 435 and 453.

The functions of the Central Government under certain provisions of this Act, subject to certain conditions, were entrusted to-

- (a) Provincial Governments with their consent, for a period of three years (with effect from the 1st April, 1951), see Gaz. of P., 1951, Pt. I, p. 181; and
- (b) The Chief Commissioner of Karachi, for the period 28th April, 1952 to 31st March, 1957, see Gaz. of P., 1954, Pt. I, p. 136.

The Act has been applied to—

(i) Balochistan by Regulation III of 1940 with certain restrictions and modifications.

(ii) Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

(iii) Excluded Area of Upper Tanawal other than Phulera by the N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from 1st June, 1951; see N.W.F.P. Gazette, Ext., dated 1st June, 1951; and

(iv) The Leased Areas of Balochistan, see the Leased Areas (Laws) Order, 1950, (G.G.O. 3 of 1950); and applied in the Federated Areas of Balochistan; see Gazette of India, 1937, Pt. I, p. 1499.

It has been extended to the Balochistan States Union by the Balochistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

A license granted under the Explosives Act, 1884 (4 of 1884), for the manufacture, possession, sale, transport or importation of an explosive may be given the effect of a like license granted under the Arms Act, 1878 (11 of 1878), see Act 4 of 1884, s. 15.

As to further law relating to unlawful manufacture and possession of explosive substances, see the Explosive Substances Act, 1908 (6 of 1908), ss. 4 (b) and 5.

This Act has been repealed in its application to the Province of West Pakistan except certain provisions by West Pakistan Ordinance 20 of 1965, s. 29 (with effect from the 8th June, 1965).

The Act has been amended in the N.W.F.P. by the Indian Arms (N.W.F.P. Amdt.) Act, 1934 (N.W.F.P. 1 of 1934) and Sindh Act 10 of 1953, s. 12.

I.—PRELIMINARY

1. Short title Local extent. This Act may be called the ^{1*} Arms Act, 1878; and it extends to ²[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 armament or equipment, or
- (b) the manufacture, conversion, ³[import or export] of arms, ammunition or military stores by order of ⁴[the ⁵[Federal Government] or any Provincial Government], or by a public servant or ⁶[a member of the forces constituted by the Pakistan Territorial Force Act, 1950 ([L of 1950](#))] in the course of his duty as such public servant or ⁷[member].

2. Commencement. This Act shall come into force on such day ⁸as the ⁹[Federal Government] by notification in the ¹⁰[official Gazette] appoints.

3. [Repeal of enactments.] *Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.*

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

“cannon” includes also all howitzers, mortars, wall-pieces, mitrailleuses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same:

¹¹[“appropriate Government” means—

¹The word “Indian” omitted by A. O., 1949, Sch.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “all the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “the whole of British India”.

³Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and IIInd Sch., for “sale, import, export, transport, bearing or possession”.

⁴Subs. by A.O., 1949, Sch., for “any Govt. in British India”, which had been subs. by A. O., 1937, for “the Govt.”.

⁵Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

⁶Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for “a member of either of the forces constituted by the Indian Territorial Force Act, 1920 or the Auxiliary Force Act, 1920”, which had been subs. for “a Volunteer enrolled under the Indian Volunteers Act, 1869” by the Auxiliary Force Act, 1920 (49 of 1920), s. 35.

⁷Subs. *ibid.*, for “Volunteer”.

⁸1st October 1878-see. Gazette of India, 1878, Pt., I, p. 389.

⁹Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was subs. by A. O., 1937, for “G.G. in C”.

¹⁰Subs. by A. O., 1937, for “Gazette of India”.

¹¹Subs. by F.A.O., 1975, Art. 2 and Sch. for the definition. This definition was ins. by A. O., 1964, Art 2 and Sch.

- (a) in relation 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 especially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flint, gun-wads, percussion-caps, fuses and friction-tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre:

“military stores” , in any section of this Act as applied to any part of ¹[Pakistan], means any military stores to which the ²[Federal Government] may from time to time, by notification in the ³[official Gazette], specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the ²[Federal 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

⁴[**5. Unlicensed manufacture or conversion prohibited.** No person shall manufacture or convert any arms, ammunition or military stores except under a license and in the manner and to the extent permitted thereby.]

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “British India.”

²Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was subs. by A. O., 1937, for “G. G. in C.”

³Subs. by A. O., 1937 for “Gazette of India”.

⁴Subs. by the Federal Laws (Revision and Declaration) Ordinance 1981 (27 of 1981), s. 3 and 2nd Sch. for the original section 5.