JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 2459 of 2018

MUHAMMAD NAWAZ KHOKHAR ETC

Vs

GOVERNMENT OF PAKISTAN, MINISTRY OF INTERIOR, THROUGH SECRETARY, ISLAMABAD ETC

Petitioners by : Ch. Khanzada Advocate for the Petitioner.

Respondents by : Mr. Azmat Bashir Tarar, AAG.
Syed Abdul Manan, Deputy Secretary and Zahid Hussain, Superintendent, Ministry of Interior.

Date of hearing : 26.02.2025

MUHAMMAD AZAM KHAN, J.

1. The instant Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 **("Constitution")**, was initially filed by Muhammad Nawaz Khokhar (Late) **("Deceased/Petitioner")**. During the pendency of the instant Petition, the Deceased/Petitioner passed away, and his legal heirs were impleaded as Petitioners Nos. 1-A to 1-D **("Petitioners")**.

2. Through the instant Writ Petition, the Petitioners seek issuance of direction to the Respondents to process the request for issuance of duplicate Arms License No.16164/87 dated 08.03.1987 booklet No.025987.

3. The brief facts of the case in hand as per Memo of the Writ Petition are that the Deceased/Petitioner was an Advocate of the High Court and a member of the Islamabad Bar Association. He also served as a member of the National Assembly of Pakistan on three occasions. Additionally, he held the position of Deputy Speaker of the National Assembly and served the nation as a Federal Minister. For his personal security and protection, he was granted licenses for ammunition within the non-prohibitory bore category, the details of which are as follows: -

i. License No.34534/07 dated 10.01.2007 booklet No.175281
ii. License No.34535/07 dated 10.01.2007 booklet No.175282

He was also granted license of ammunition falling in prohibitory bore bearing License No.16164/87 dated 08.03.1987 booklet No.025987 which was lost in F-8

Markaz Islamabad on 10.05.2015. He reported the matter to the local police of P.S Margalla Islamabad and a rapt vide diary No.84 dated 21.05.2015 was recorded. In order to avoid any legal complication and to avoid from facing any untoward situation by law enforcement agencies, he also moved an application to the Respondents for the issuance of duplicate license. In response to his application, through Letter dated 19.08.2015, Ministry of Interior requested him to submit certain documents to proceed further in the case upon which he submitted the required documents. He repeatedly visited the office of the Respondents for issuance of duplicate Arms License but he was informed that his application is in process.

4. The learned counsel appearing on behalf of the Petitioners argued that the Respondents have no legal justification to withhold/delay the issuance of duplicate Arms License to the Petitioners and non-issuance of the same is causing inconvenience and complication to them; that the Respondents are under obligation to issue duplicate Arms License to the Petitioners but their request for issuance of duplicate license is lying in dormant; that treatment in accordance with law is an alienable fundamental right of the Petitioners but they are being victimized without any legal justification on the behest of his political opponents; that the Petitioners have no other adequate, efficacious and speedy remedy available except to invoke the extraordinary Constitutional jurisdiction of this Court. Lastly, the learned counsel requested the acceptance of the present Writ Petition and sought a direction to the Respondents to issue a duplicate license bearing License No.16164/87, dated 08.03.1987, Booklet No.025987.

5. On the other hand, the learned Assistant Attorney General (AAG) argued that the Deceased/Petitioner bought his Prohibited Bore weapon No.37758 (7.62 mm K.K) from a private firm M/s Ghulam M. Dossul & Co. Arms & Ammunition Dealer, Saddar Karachi; that Ministry of Commerce was requested to clarify whether any private firm possesses license to import Prohibited Bore Weapons to which it was replied that no arms dealer has been issued import authorization of such Weapons; that the weapons were purchased from an unauthorized dealer, hence, the request of the Petitioners for duplicate Arms License was declined.

6. I have heard arguments of learned counsels for the parties and perused the record with their able assistance.

7. The Report/para-wise comments on behalf of the Respondents have been filed by Dr. Mudassar Rehman, Section Officer (Arms), Ministry of Interior to this Court which reveals as under:-

> ***"1.*** *Rule 41 of Pakistan Arms Rules 2023 deals with* ***cancellation of non-computerized arms licenses*** *and states that "all manual arms licenses issued by the Interior Division and provincial governments and not computerized till commencement of these rules shall stand cancelled except those issued to: -*
>
> *a. Members of Senate, National Assembly, Provincial Assembly and legislative Assemblies of Azad Jammu and Kashmir and Gilgit-Baltistan; and*
>
> *b. Officers of BPS 19-22 of the Federal Government a such other categories notified by the Interior Division with the approval of the Minister-in-charge for interior.*
>
> *(2) The Secretary of the Interior Division may authorize an officer of the Interior Division not below the level of Joint Secretary to allow computerization of post 2002 arms license booklet on presentation of relevant documents.*
>
> ***2.*** *The said Arms license copy no.16164/87 dated 08/03/1987 booklet no.025987 (Prohibited Bore) was issued on 08/03/1987 even before 2002. The applicant wants duplicate license but the license was never registered with NADRA and at this stage the said license cannot be processed in the light of Rule 41 of Pakistan Arms Rules."*

8. Rule 41 of the Pakistan Arms Rules says that "all manual arms licenses issued by the Interior Division and provincial governments and not computerized till commencement of these rules shall stand cancelled except those issued to members of Senate, National Assembly, Provincial Assembly and Legislative Assemblies of Azad Jammu & Kashmir and Gilgit Baltistan". The Petitioners' father was issued Arms License on 08.03.1987 and as revealed from the copy of License annexed with this Writ Petition, the profession of predecessor of the Petitioners namely Muhammad Nawaz Khokhar is mentioned as Member of National Assembly **("MNA")**. This means that the said License was issued on 08.03.1987 to the Deceased/Petitioner who was MNA at that time. As per Rule 41 of the Pakistan Arms Rules, all manual arms licenses that were not computerized by the time these rules came into effect are considered canceled. However, this rule is not applicable if a license is issued to a MNA. The predecessor in interest of the Petitioners seems to be MNA at that time as is evident from the copy of the License No.16164/87 dated 08.03.1987, hence, his license will not be treated as cancelled.

9. The original copy of the License No.16164/87 has been lost and now the Petitioners want to get issue duplicate of the same, for which they are legally

entitled as per the Pakistan Arms Rules. Hence, in the given circumstances, the instant Writ Petition is **allowed** and the Respondents are directed to issue duplicate copy of License No.16164/87 to the Petitioners after observing all the required codal formalities under Rules 14 and 33 of the Pakistan Arms Rules, 2023.

(MUHAMMAD AZAM KHAN)
JUDGE

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