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THE EXPLOSIVE SUBSTANCES ACT, 1908

(VI of 1908)

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TEXT

¹THE EXPLOSIVE SUBSTANCES ACT, 1908

(VI of 1908)

[8 June 1908]

An

Act

further to amend the law relating to explosive substances.

WHEREAS it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows:

1. Short title, extent and application.— (1) This Act may be called the Explosive Substances Act, 1908.

²[(2) It extends to the whole of Pakistan.]

2. Definition of “explosive substance”.— In this Act the expression “explosive substance” shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement, or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

3. Punishment for causing explosion likely to endanger life or property.— Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with ³[death or imprisonment for life].

4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.— Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in ⁴[Pakistan] of a nature likely to endanger life or to cause serious injury to property; or

¹This Act was published in the Gazette of India, Part IV, dated: 13 June 1908, pp. 169-170. For Statement of Objects and Reasons, see *ibid.*, p. 170, and for Proceedings in Council, see *ibid.*, Part VI, pp. 128-140.

²Substituted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); assented to by the President on 7 June 1960; and, was published in the Gazette of Pakistan (Extraordinary), dated: 9 June 1960, pp. 725-845, s. 3 read with the Second Schedule: it came into force on 14 October 1955. It was earlier amended by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), published in the Gazette of Pakistan (Extraordinary), dated: 28 March 1949, pp. 223-283, Article 3 read with the Schedule.

³Substituted for the expression “transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added” by the Explosive Substances (Amendment) Act, 1975 (XL of 1975); assented to by the President on 19 April 1975; and, was published in the Gazette of Pakistan (Extraordinary), dated: 23 April 1975, pp. 123-124, s. 2.

⁴Substituted for the words “the Provinces and the Capital of the Federation” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); assented to by the President on 7 June 1960; and, was published in the Gazette of Pakistan (Extraordinary), dated: 9 June 1960, pp. 725-845, s. 3 read with the Second Schedule: it came into force on 14 October 1955. They were earlier substituted for the words “British India” by the Adaptation of Central Acts and Ordinances Order, 1949

- (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in ¹[Pakistan], or to enable any other person by means thereof to endanger life or cause serious injury property in ²[Pakistan];

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with ³[imprisonment for life or any shorter term which shall not be less than seven years].

5. Punishment for making or possessing explosives under suspicious circumstances.— Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with ⁴[imprisonment for a term which may extend to fourteen years].

⁵**[5A. Forfeiture of property.**— A Court convicting a person for an offence against this Act shall direct that the whole of his property shall stand forfeited to Government.]

6. Punishment of abettors.— Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

7. Restriction on trial of offences.— No Court shall proceed to the trial of any person for an offence against this Act except with the consent of ⁶[* * * *] the ⁷[Provincial Government] ⁸[:]

¹[Provided that the consent to proceed to the trial of an offence under section 3 or section 4 of the Act, shall be deemed to have been given if the Provincial

(G.G.O. No. 4 of 1949), published in the Gazette of Pakistan (Extraordinary), dated: 28 March 1949, pp. 223-283, Article 3(2) read with Article 4.

¹*Ibid.*

²*Ibid.*

³Substituted for the expression “transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added” by the Explosive Substances (Amendment) Act, 1975 (XL of 1975); assented to by the President on 19 April 1975; and, was published in the Gazette of Pakistan (Extraordinary), dated: 23 April 1975, pp. 123-124, s. 3.

⁴Substituted *ibid.*, for the expression “transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added”, s. 4.

⁵Inserted *ibid.*, s. 5.

⁶The words “the Local Government or” were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937, published in the Gazette of India (Extraordinary), dated: 1 April 1937, pp. 75-344, Article 3 read with the First Schedule.

⁷Substituted for the words “Central Government” by the Central Adaptation of Laws Order, 1964 (P.O. No. 1 of 1964); made by the President on 27 May 1964; and, was published in the Gazette of Pakistan (Extraordinary), dated: 28 May 1964, pp. 251-c to 251-aap, Article 2 read with the Schedule. They were earlier substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, published in the Gazette of India (Extraordinary), dated: 1 April 1937, pp. 75-344, Article 4 read with the Table of General Adaptation.

⁸Substituted for the “full-stop” by the Explosive Substances (Punjab Amendment) Act 2018 (XXV of 2018), published in the Punjab Gazette (Extraordinary), dated: 24 May 2018, p. 8165, s. 2.

Government does not convey its decision to the court within sixty days of the report forwarded to it under section 173 of the Code of Criminal Procedure, 1898 (V of 1898).]

¹Added *ibid.*