

THE EXPLOSIVE SUBSTANCES ACT, 1908

¹ACT No. VI OF 1908

[8th 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, and extent.—(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

¹For Statement of Objects and Reasons, *see* Gazette of India, 1908, Pt. V, p. 170, and for Proceedings in Council, *see ibid.*, Pt. VI, p. 128.

This Act has been declared to be in force in Baluchistan by notification under section 5 of the Scheduled Districts Act, 1874 (14 of 1874), *see* Gazette of India, 1931, Pt. II-A, p. 358 ;

It has been applied to—

(1) Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., *see* N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950).

It has also been extended to the 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 the 1st June, 1951, *see* N.W.F.P. Gazette, Extraordinary, dated the 1st June, 1951.

It has also been extended to the Leased Areas of Baluchistan *see* the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950), and applied in the Federated Areas of Baluchistan, *see* Gazette of India, 1937, Pt. I, p. 1499.

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 the original sub-section (2). as amended by A. O., 1949.

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 ¹[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 ²[Pakistan] of a nature likely to endanger life or to cause serious injury to property; or
- (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 ²[Pakistan], or to enable any other person by means thereof to endanger life or cause serious injury to 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 circumstance. 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. For feature 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].

¹Subs. by the Explosive Substances (Amdt.) Act, 1975 (40 of 1975), s. 21, for “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”.

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 “the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, for “British India”.

³Subs. by the Explosive Substances (Amdt.) Act, 1975 (40 of 1975), s. 3 for “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”.

⁴Subs. *ibid.*, s. 4, for “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”.

⁵Section 5A Ins. *ibid.*, s. 5.

⁶The words “the L. G. or” omitted by A. O., 1937.

⁷Subs. by A. O., 1964, Art. 2 and Sch., for “Central Government” which had been subs. by A.O., 1937, for “G.G. in C.”.