

THE EXPLOSIVE SUBSTANCES ACT, 1908
(VI of 1908)

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TEXT

THE EXPLOSIVE SUBSTANCES ACT, 1908
¹(VI of 1908)

[8th June, 1908]

An
Act

further to amend the law relating to explosive substances

Preamble.— whereas it is necessary further to amend the law relating to explosive substances; it is here by enacted as follows:

1. Short title, and extent.— 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 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 and explosion of 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”]

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:

(i) Chittagong Hill-tracts by S.2 of Bengal Reg. 1 of 1943.

(ii) 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 extended to the Lease Areas of Baluchistan , see the Lease Area (Laws) order, 1950 (G.G.O. 3 of 1950), and applied in the federated Areas of Baluchistan , see Gazette of India, 1937. I, p. 1499.

Subs by the Central Laws (Statue reforms) Ordinance, 1960 (21 of 1960), S.3 and 2nd sch. (with effect from the 14th October, 1955), for the original sub-section as amended by A.O., 1949. 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 [Pakistan] of 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 the endanger life, or cause serious injury to property in [Pakistan];

¹ For 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

² Subs. By Act XL of 1975

³ Subs. By Ord. 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 been subs y A.O., 1949, for “British India”

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 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 imprisonment for a term which may extend to ⁴[fourteen years].

⁵[**5-A. 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 material, 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 [Provincial Government.]

⁴ S. 5-A added by Act XL of 1975

⁵ Subs. By A.O ., 1964, Art 2 and sch., for “Central Government” which had been subs. By A.O., 1937 for “G.G. in c”

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