

# The Explosive Substances' Act, 1908

ACT No. VI of 1908

(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.)

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

[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.

(Subs. 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.)[(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 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.

**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 (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 had been Subs. By A.O., 1949 for "British India". ) [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 (Subs. 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".) [Pakistan], or to enable any other person by means thereof to endanger life or cause serious injury to property in (Subs. 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".) [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 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.

**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 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.

(For ss. 5A and 5B applicable to Bengal only, see the Bengal Criminal Law (Arms and Explosives) Act, 1932 (Ben. 21 of 1932), s. 5, and the Bengal Criminal Law Arndt. Act, 1934 (Ben. 7 of 1934), s. 5, respectively. These two sections provide for enhanced punishment in certain cases.)

5-A. -----

**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 (The words "the L. G. or" omitted by A. O., 1937.)\* \* \* the (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.".)[Provincial Government].

8. -----