

THE EXPLOSIVES ACT, 1884

(IV OF 1884)

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| CONTENTS |
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1. Short title.
Local extent.
2. Commencement.
3. *[Repealed]*.
4. Definitions.
5. Power to make rules as to licensing of the manufacture, possession, use, sale, transport, import and export of explosives
6. Power of the Government to prohibit the manufacture, possession, use, sale, transport, import or export of specially dangerous explosives
- 6A. Prohibition of manufacture, possession sale to use, transport, import and export of explosives by young persons and certain other persons
7. Power to make rules conferring powers of inspection, search, seizure, detention and removal.
8. Notice of accidents.
9. Inquiry into accidents.
- 9A. Inquiry into more serious accidents.
- 9B. Offences by companies.
10. Forfeiture of explosives.
11. Distress of aircraft or vessel.
12. Abetment and attempts.
13. Power to arrest without warrant persons committing dangerous offence.
14. Saving and power to exempt.
15. *[Omitted]*.
16. Saving as to liability under other law.

17. Extension of definition of “explosive” to other explosive substances.
18. Procedure for making publication and confirmation of rules.
19. Transportation of explosives by air.
20. Removal of difficulties.

TEXT

¹THE ²[* * * *] EXPLOSIVES ACT, 1884

(IV of 1884)

[1st March, 1884]

An

Act

to regulate the manufacture, possession, use, sale, transport and importation of e-Explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport and importation of explosives;

It is hereby enacted as follows:—

1. Short title.— (1) This Act may be called the ³[* * * *] Explosives Act, 1884; and

Local extent.—⁴[(2) It extends to the whole of ⁵[the Punjab] .]

2. Commencement.— (1) This Act shall come into force on such day⁶ as the ⁷[Government], by notification in the ⁸[Official Gazette], appoints.

¹ For Statement of Objects and Reasons, see Gazette of India, 1883, Pt V, p.22; for Proceedings in Council, see *ibid*, 1882, p.1856 and *ibid*, 1883, Supplement, p.43, and *ibid*, 1884, Supplement, p.377.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014).

² Omitted the word "Indian" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

³ Omitted the word "Indian" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

⁴ Substituted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f. 14.10.1955, s.3 and 2nd Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which had earlier been substituted for the words "the whole of British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3(2) and 4 and published in the Gazette of Pakistan, pages 223-283.

⁵ Substituted for the word "Pakistan" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.3; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

⁶ The 1st of July 1887—see Gazette of India, 1887, Pt I, p.307.

⁷ Substituted for the words "Federal Government" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words "Central Government" by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Table of General Adaptations; and published in the Gazette of Pakistan (Extraordinary), pages 435-467, which had earlier been substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁸ Substituted for the words "Gazette of India" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁹[(2) * * *]

¹⁰[3.Repeal of portions of Act XII of 1875.– * * * * *]

4. Definitions.– In this Act, unless there is something repugnant in the subject or context,–

¹¹[(1) "explosives"–

(a) means gunpowder, nitroglycerine, nitroglycol, gun cotton, dinitro-toluence, trinitro toluene, picric acid, dinitro-phenol, trinitro resorcinol (styphnic acid), cyclotrimethylence trinitramine, penta erythritol-tetranitrate, tetryl, nitroguanidine, lead azide, lead styphynate, fulminate of mercury or any other metal, diazo dinitro phenol, coloured fires or any other substances whether a single chemical compound or a mixture of substances, whether solid or liquid or gaseous, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(b) includes,–

(i) chemical compounds, compositions or mixtures of which will produce, upon release of its potential energy, a sudden outburst of gases, thereby exerting high pressures on its surroundings. Explosives may be solid, liquid or gas, nitro compounds or in the form of water gel or slurry;

(ii) for signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosives as defined in this clause; and

(iii) such other substance as the ¹²[Government] may, by notification in the official Gazette, specify for the purposes of this subsection ¹³[;]

¹⁴[(2) "manufacturer" includes the preparation of explosive or any component parts of an explosive, the admixtures or other treatment of the same, the breaking up or unmaking of any explosive, or making fit for use any damage explosive of the processing of any substance or matter with a view to causing an explosion, implosion or disintegration, and the process of remaking, altering or repairing any explosive;]

⁹ Repealed by the Amending Act, 1891 (XII of 1891), s.2 and the Schedule; and published in the Gazette of India, dated 21.3.1891.

¹⁰ Repealed by the Indian Ports Act, 1889 (X of 1889); Act X of 1889 was subsequently repealed by the Ports Act 1908 (XV of 1908).

¹¹ Substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.3; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

¹² Substituted for the words "Federal Government" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894,

¹³ Misprinted in the Gazette as "full-stop".

¹⁴ Substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.3; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

- (3) “vessel” includes every ship, boat and other vessel used in navigation, whether propelled by oars or otherwise;
- (4) “carriage” includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled ¹⁵[;]
- ¹⁶[(5) “master”,—

 - (a) in relation to any vessel or ship means any person, other than a pilot, harbour master, assistant harbour master or berthing master, having for the time being the charge or control of such vessel or aircraft, as the case may be;
 - (b) in relation to any boat belonging to a ship, means the master of that ship; and
 - (c) in relation to aircraft means captain of the aircraft;]

- ¹⁷[(6) “import” means to bring into the Punjab by land, air or river;]
- ¹⁸(7) “Government” means Government of the Punjab ¹⁹[;]
- ²⁰[(8) “export” means taking out of Pakistan to a place outside Pakistan by land, sea or air;
- (9) “prescribed” means prescribed by rules; and
- (10) “rules” means any rules made under the Act.]

5. Power to make rules as to licensing of the manufacture, possession, use, sale, transport ²¹[, import and export] of explosives.— ²²[(1) The Government may, for whole or any part of the Province, make rules to regulate, prohibit, manufacture, possess, use, transport, import or export of explosives or any specified class of explosives.]

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say:-

- (a) the authority by which licenses may be granted;

¹⁵ Misprinted in the Gazette as “colon”.

¹⁶ Substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.3; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

¹⁷ Substituted by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.4; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

¹⁸ Substituted by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.4; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which were earlier substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.3; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

¹⁹ Misprinted in the Gazette as “full-stop”.

²⁰ Added by the Explosives (Amendment) Ordinance 2002 (CV of 2002) by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.3; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²¹ Substituted for the words “and importation” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²² Substituted by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.5; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

- (b) the fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses;
- (c) the manner in which applications for licenses must be made, and the matters to be specified in such applications;
- (d) the form in which, and the conditions on and subject to which, licenses must be granted;
- (e) the period for which licenses are to remain in force; ²³[* * *]
- (f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules ²⁴[;]
- ²⁵[(g) the authority to which appeals may be preferred and the procedure to be followed by such authority;
- (h) the total quantity of explosives that a licensee may possess in a given period of time; and
- (i) the import and export of explosives by land, sea or air.]
- (3) ²⁶[Rules made under this section may] impose penalties on all persons manufacturing, possessing, using, selling, transporting ²⁷[,exporting] or importing explosives in breach of the rules, or otherwise contravening the rules:

Provided that the maximum penalty which may be imposed by any such rules shall not exceed-

- (a) in the case of a person so importing ²⁸[, exporting] or manufacturing an explosive, a fine which may extend to ²⁹[thirty] thousand rupees;
- (b) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to ³⁰[ten] thousand rupees;
- (c) in the case of a person so selling an explosive, a fine which may extend to ³¹[five thousand] rupees; and

²³ Omitted the word "and" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²⁴ Substituted for the "full-stop" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²⁵ Added by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²⁶ Substituted for the words "The authority making rules under this section may by the rules" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and the first Schedule.

²⁷ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²⁸ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

²⁹ Substituted for the word "three" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

³⁰ Substituted for the word "one" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

³¹ Substituted for the words "five hundred" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

(d) in any other case, two ³²[thousand] rupees.

³³**6. Power of the ³⁴[Government] to prohibit the manufacture, possession, use, sale, transport, import or export of specially dangerous explosives.**– (1) Notwithstanding anything contained in this Act, the ³⁵[Government] may from time to time, by notification in the official Gazette, prohibit, either absolutely or subject to conditions, the manufacture, possession, use, sale, transport, import or export of any explosive which is of so dangerous a character that, in the opinion of the ³⁶[Government], it is expedient for the public safety to issue such notification.

(2) The Customs Act, 1969 (IV of 1969), shall have effect in relation to any explosive with regard to the importation of which a notification has been issued under sub-section (1), and the vessel, carriage or aircraft containing such explosive, as the said Act, have has in relation to any article the importation of which is prohibited or regulated thereunder, and shall apply accordingly to the vessel, carriage or aircraft containing such article.

(3) Any person manufacturing, possessing, using, selling, transporting, importing or exporting any explosive in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to thirty thousand rupees, and, in the case of importation by water, the owner and master of the vessel and in the case of importation by air, the owner and the master of the aircraft, in which the explosive is imported shall, in the absence of reasonable excuse, each be punishable with fine which may extend to thirty thousand rupees.]

³⁷**6A. Prohibition of manufacture, possession, sale or use, transport, import and export of explosives by young persons and certain other persons.**– (1) Notwithstanding anything contained in this Act–

(a) any person–

- (i) who has not completed the age of eighteen years; or
- (ii) who has been sentenced on conviction of any offence involving violence or moral turpitude for a term of not less than six months at any time during a period of five years after the expiration of the sentence; or

³² Substituted for the word "hundred" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.4; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

³³ Substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.5; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

³⁴ Substituted for the words "Federal Government" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

³⁵ Substituted for the words "Federal Government" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

³⁶ Substituted for the words "Federal Government" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

³⁷ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.6; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

- (iii) who has been ordered to execute under the Code of Criminal Procedure, 1898 (Act V of 1898), a bond for keeping the peace or for good behavior, at anytime during the terms of the bond; or
- (iv) whose licence under this Act has been cancelled, for contravention of the provisions of this Act or of the rules made thereunder, at any time during a period of five years from the date of cancellation of such licence ;

shall not–

- (i) manufacture, sell, transport, import or export any explosive; or
 - (ii) possess or use any such explosive as the ³⁸[Government] may, having regard to the nature thereof, by notification in the official Gazette, specify; and
- (b) no person shall sell, deliver or dispatch any explosive to a person whom he knows or has reason to believe at the time of such sale, delivery or dispatch–
- (i) to be prohibited under clause (a) to manufacture, sell, use, transport, import, export, or possess such explosive; or
 - (ii) to be of unsound mind or having physical disability.
- (2) Whoever–
- (a) manufactures, possesses, sells, uses, transports, imports or exports any explosive in contravention of the provisions of clause (a) of sub-section (1); or
 - (b) sells, delivers or dispatches any explosive in contravention of the provisions of clause (b) of sub-section (1),

shall be punishable with a fine not exceeding thirty thousand rupees.]

7. Power to make rules conferring powers of inspection, search, seizure, detention and removal.– (1) The ³⁹[Government] ⁴⁰[* * *], may make rules consistent with this Act authorizing any officer, either by name or in virtue of his office—

- (a) to enter, inspect and examine any place, carriage ⁴¹[,aircraft] or vessel in which an explosive is being manufactured, possessed, used, sold,

³⁸ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

³⁹ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap, which had earlier been substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁴⁰ Omitted the words “or the Local Government with the previous sanction of the Governor-General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and the first Schedule.

⁴¹ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

transported ⁴²[, exported] or imported under a license granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported ⁴³[, exported] or imported in contravention of this Act or of the rules made under this Act;

- (b) to search for explosives therein;
- (c) to take samples of any explosive found therein on payment of the value thereof; and
- (d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

(2) The provisions of the ⁴⁴[Code of Criminal Procedure, 1898 (Act V of 1898)] relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

8. Notice of accidents.— ⁴⁵[(1)] Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage ⁴⁶[, aircraft] or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel ⁴⁷[or aircraft], or the person in charge of the carriage, as the case may be, shall ⁴⁸[within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the ⁴⁹[Secretary to the Government, Home Department] and] to the officer in charge of the nearest police-station.

⁴² Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁴³ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁴⁴ Substituted for the words "Code of Criminal Procedure" by the Federal Laws (Revision and Declaration) Ordinance, 1981(XXVII of 1981),w.e.f.8.7.1981, s.3 and the second Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 345-475.

⁴⁵ Re-numbered by the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.2; and published in the Gazette of India (Extraordinary), pages 467-468.

⁴⁶ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.8; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁴⁷ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.8; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁴⁸ Substituted for the words "forthwith give notice thereof" by the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.2; and published in the Gazette of India (Extraordinary), pages 467-468).

⁴⁹ Substituted for the words "Chief Inspector of Explosives in Pakistan" by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words "Chief Inspector of Explosives in India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

⁵⁰[(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with fine which may extend to five ⁵¹[thousand] rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months, or with fine, or with both.]

⁵²**9. Inquiry into accidents.**– (1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, carriage ⁵³[, aircraft] or vessel under the control of any of ⁵⁴[the armed forces of Pakistan], an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate ⁵⁵[* * * *] shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1898 (V of 1898), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the ⁵⁶[Government] stating the causes of the accident and its circumstances.

(4) The ⁵⁷[Government] may make rules–

(a) to regulate the procedure at inquiries under this section;

50 Added by the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.2; and published in the Gazette of India (Extraordinary), pages 467-468.

51 Substituted for the word “hundred” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.8; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

52 Substituted by the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.3; and published in the Gazette of India (Extraordinary), pages 467-468.

53 Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

54 Substituted for the words “His Majesty’s Forces” by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

55 Omitted the words, comma and brackets “(or, in a Presidency-town, the Commissioner of Police)” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

56 Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

57 Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

- (b) to enable the ⁵⁸[Secretary to the Government, Home Department] to be present or represented at any such inquiry;
- (c) to permit the ⁵⁹[Secretary to the Government, Home Department] or his representative to examine any witnesses at the inquiry;
- (d) to provide that where the ⁶⁰[Secretary to the Government, Home Department] is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;
- (e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

9A. Inquiry into more serious accidents.— (1) The ⁶¹[Government] may, where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the ⁶²[Secretary to the Government, Home Department] or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) Where the ⁶³[Government] orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

⁵⁸ Substituted for the words “Chief Inspector of Explosives in Pakistan” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words “Chief Inspector of Explosives in India” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

⁵⁹ Substituted for the words “Chief Inspector of Explosives in Pakistan” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words “Chief Inspector of Explosives in India” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

⁶⁰ Substituted for the words “Chief Inspector of Explosives in Pakistan” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words “Chief Inspector of Explosives in India” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3 and the Schedule; and published in the Gazette of Pakistan, pages 223-283.

⁶¹ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

⁶² Substituted for the words “Chief Inspector of Explosives in Pakistan” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which had earlier been substituted for the words “Chief Inspector of Explosives in India” by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.4 and the third Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 12.5.1951, pages 331-388.

⁶³ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap. █

(3) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908⁶⁴ (V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860)⁶⁵.

(4) Any person holding an inquiry under this section may exercise, such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the ⁶⁶[Government] stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the ⁶⁷[Government] shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The ⁶⁸[Government] may make rules for regulating the procedure at inquiries under this section.]

⁶⁹**[9B. Offences by companies.**— Where the person guilty of an offence under this Act, is a company, corporation, firm or institution, every director, partner and concerned employee of the company, corporation, firm or institution shall, unless he proves that the offence was committed without his knowledge or consent, be guilty of the offence.]

10. Forfeiture of explosives.— When a person is convicted of an offence punishable under this Act or the rules made under this Act, the Court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of

64

65 Now Pakistan Penal Code

66 Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

67 Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

68 Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

69 Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.10; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

⁷⁰**11. Distress of aircraft or vessel.**— Where the owner or master of any aircraft or vessel is adjudged under this Act or the rules, to pay a fine for any offence committed with, or in relation to, that aircraft or vessel, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of,—

- (a) the aircraft and its furniture or so much of the furniture; or
- (b) the vessel and the tackle, apparel and furniture of such vessel or so much of the tackle, apparel and furniture thereof,

as is necessary for the payment of the fine.]

12. Abetment and attempts.— Whoever abets, within the meaning of the Indian Penal Code⁷¹, the commission of an offence punishable under this Act or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

13. Power to arrest without warrant persons committing dangerous offences.— Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, ⁷²[aircraft or vessel], may be apprehended without a warrant by a Police-officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or conservator of the port; ⁷³[or the officer-in-charge of the air port], and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a ⁷⁴[Judicial Magistrate].

⁷⁵**14. Saving and power to exempt.**— (1) Nothing in this Act, except sections 8, 9 and 9A, shall apply to the manufacture, possession, use, transport ⁷⁶[, import and export] of any explosive—

⁷⁰ Substituted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.11; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁷¹ Act XLV of 1860, now Pakistan Penal Code.

⁷² Substituted for the words "ship or boat" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.12; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁷³ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.12; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁷⁴ Substituted for the word "Magistrate" by the Federal Laws (Revision and Declaration) Ordinance, 1981(XXVII of 1981),w.e.f.8.7.1981, s.3 and the second Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 345-475.

⁷⁵ Substituted by the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.4; and published in the Gazette of India (Extraordinary), pages 467-468.

⁷⁶ Substituted for the words "or importation" by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.13; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁷⁷[(a) by any of the armed forces of Pakistan in accordance with rules and regulations made by the Federal Government; and

(b) by any person employed under the Government for enforcement of this Act.]

(2) The ⁷⁸[Government] may by notification in the official Gazette, exempt, absolutely or subject to any such conditions as it may think fit to impose, any explosive from all or any of the provisions of this Act.]

⁷⁹[15. *Saving of Indian Arms Act, 1878.*—* * * * *]

16. Saving as to liability under other law.— Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules:

Provided that a person shall not be punished twice for the same offence.

17. Extension of definition of “explosive” to other explosive substances.— The ⁸⁰[Government] may, from time to time, by notification in the ⁸¹[official Gazette], declare⁸² that any substance which appears to the ⁸³[Government] to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be

⁷⁷ Substituted by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

⁷⁸ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap.

⁷⁹ Omitted by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.

⁸⁰ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap, which had earlier been substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁸¹ Substituted for the words “Gazette of India” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁸² Picric Acid, with certain exceptions, was declared to be an explosive within the meaning of this Act, see Gazette of India, 1926, Pt I, p.1264.

⁸³ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894, which earlier had been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.7; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712, which had earlier been substituted for the words “Central Government” by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article.2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap, which had earlier been substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term “explosive” in this Act.

18. Procedure for making publication and confirmation of rules.— ⁸⁴(1) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the ⁸⁵[Government], from time to time, by notification in the ⁸⁶[official Gazette] prescribes⁸⁷.

(3) There shall be published with the draft, a notice specifying a date at or after which the draft will be taken into consideration.

(4) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect ⁸⁸[* * *] until it has been published in the ⁸⁹[official Gazette], ⁹⁰[* * *].

(6) The publication in the ⁹¹[official Gazette] of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made, and, if it requires sanction, that it has been duly sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

⁹²**19. Transportation of explosives by air.**— The transportation of explosives by air shall be carried out by cargo and other permissible aircraft and not by passenger aircraft in accordance with the rules and regulations of International Civil Aviation

⁸⁴ Omitted the sub-sections 1 to 4 during the continuance of the Explosives (Amendment) Ordinance, 1945 (XVIII of 1945), w.e.f. 2.6.1945, s.5; and published in the Gazette of India (Extraordinary), pages 467-468, **since repealed by the Federal Laws (Revision and Declaration) Act 1951, (XXV of 1951).**

⁸⁵ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894; the words “Federal Government” had earlier been substituted for the words “appropriate Government” by the Explosives (Amendment) Ordinance 2002 (CV of 2002).

⁸⁶ Substituted for the words “Gazette of India” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁸⁷ For mode prescribed, see Gazette of India, 1927, Pt I, p.769.

⁸⁸ Omitted the words “if it is made by the Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

⁸⁹ Substituted for the words “Gazette of India” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁹⁰ Omitted the words “and if it is made by the Local Government until it has been published in the local official Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

⁹¹ Substituted for the words “Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

⁹² Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.15; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

Organization (ICAO), International Air Transport Association (IATA) and Civil Aviation Authority of Pakistan (CAA).]

⁹³**[20. Removal of difficulties.**– If any difficulty arises in giving effect to any provision of this Ordinance, the ⁹⁴[Government] may, by notification in the official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to it to be appropriate or necessary for the purpose of removing such difficulty.]

⁹³ Inserted by the Explosives (Amendment) Ordinance, 2002 (CV of 2002), w.e.f.29.10.2002, s.15; and published in the Gazette of Pakistan (Extraordinary), pages 1649-1712.

⁹⁴ Substituted for the words “Federal Government” by the Punjab Explosives (Amendment) Act 2014 (XXVII of 2014), w.e.f.17.12.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 1893-1894.