

THE FOURTH SCHEDULE

(See section 155)

ENACTMENTS AMENDED

1	2	3	4
Year	No.	Short title.	Amendment.
1870	VII	The Court-fees Act, 1870.	<p>In article 1 of Schedule I, after the word "plaint" the words "written statement pleading a set-off or counter-claim" and after the word "Act" the words "or of cross-objection" shall be inserted.</p> <p>From article 11 of Schedule II the words "from an order rejecting a plaint or" shall be omitted.</p> <p>For the entry in the first column of Schedule II relating to article 19 the following entry shall be substituted, namely:— "Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908".</p>

THE FIFTH SCHEDULE.—[Enactments repealed.] Rep. by the Second Repealing and Amending Act, 1914 (XVII of 1914), s. 3 and Second Schedule.

THE EXPLOSIVE SUBSTANCES ACT, 1908

[Act 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

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.

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;

explosive substances; It is hereby enacted as follows:—

1.—(1) This Act may be called the Explosive Substances Act, 1908.

Short title, and extent.

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

2. 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.

Definition of "explosive substance".

3. 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.

Punishment for causing explosion likely to endanger life or property.

4. 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

Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.

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. G. O. 3 of 1950), and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

¹ 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 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".

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- (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 '[Pakistan], or to enable any other person by means thereof to endanger life or cause serious injury to property in '[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.

Punishment for making or possessing explosives under suspicious circumstances.

5. 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.²

Punishment of abettors.

6. 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.

Restriction on trial of offences.

7. No Court shall proceed to the trial of any person for an offence against this Act except with the consent of ³* * * the ⁴[Provincial Government].

¹ 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".

² 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 Amdt. Act, 1934 (Ben. 7 of 1934), s. 5, respectively. These two sections provide for enhanced punishment in certain cases.

³ The words "the L. G. or" omitted by A. O., 1937.

⁴ 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.",

SECTION

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