

[AS PASSED BY THE SENATE]

A

BILL

further to amend the Explosives Act, 1884

WHEREAS it is expedient further to amend the Explosives Act, 1884 (IV of 1884), in the manner and for the purposes hereinafter appearing;

AND WHEREAS the Provincial Assemblies of the Baluchistan, the Khyber Pakhtunkhwa, the Punjab and the Sindh have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that *Majlis-e-Shoora* (Parliament) may by law regulate matters relating to explosives;

It is hereby enacted as follows: -

1. Short title and commencement.— (1) This Act shall be called the Explosives (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of section 4, Act IV of 1884. — (1) In the Explosives Act, 1884 (IV of 1884), hereinafter referred to as “the said Act”, in section 4,—

(a) in clause (1), in sub-clause (b), in paragraph (i), after the word “slurry”, the word “emulsion” shall be inserted;

(b) after clause (1), amended as aforesaid, the following new clauses shall be added, namely:—

(1A) “illegal activities” means any actions involving the manufacturing, storage, possession, procurement, sale, transport, import, export or use of explosives without any licence under this Act and rules made thereunder;

(1B) “deliberate explosion” means incidents of any intentional acts or attempt thereof whether successful or failed involving the use, attempted use or preparation of improvised explosive devices attacks, using improvise explosive device pre-cursors, which may include chemical, explosive, technical or physical materials;

- (1C) “major violations” means actions that cause significant risks to public life and their safety in terms of terrorism, involving unlawful trade or violate core provisions of this Act and rules made thereunder and includes unauthorized manufacturing of explosives, large scale possession without licence, smuggling or supplying explosives to criminals or any other person without having valid licence;
- (1D) “malicious intent” means a deliberate, willful or premeditated act to cause harm, endanger public life and their safety or violate the law with knowledge of its illegality and potential consequences and includes manufacturing explosives for terrorism, selling explosives to banned groups or proscribed organizations or intentionally bypassing explosives protocols;” and

(c) after clause (2), the following new clauses shall be added, namely:—

“(2A) “minor violations” means procedural or technical violations by a licensee that do not directly endanger public life and their safety or do not involve in unlawful trade and includes failure to maintain records, operation on expired licences or minor storage non-compliance, cash payment or excess transportation;

(2B)“non-malicious intent”means unintentional violations arising from negligence, lack of awareness or accidental circumstances without deliberate and harmful purpose and include administrative errors in licensing paperwork, accidental possession due to oversight or minor safety lapses;”.

3. Amendment of section 5, Act IV of 1884.— In the said Act, in section 5, sub- section (3) shall be omitted.

4. Insertion of sections 5A and 5B, Act IV of 1884.— In the said Act, after section 5, amended as aforesaid, the following new sections shall be inserted, namely:—

“5A. Offences of minor and major violations.— (1) Where a licensee commits no minor violations which are non-malicious, he shall be liable to an administrative penalty not exceeding half a million rupees.

(2) Where a licensee commits minor violations which are malicious, he shall be liable to an administrative penalty not exceeding one million rupees.

(3) Where a licensee commits major violations which are non-malicious, he shall be liable to imprisonment not exceeding three years or a fine not exceeding ten million rupees or both.

(4) Where a licensee commits major violations which are malicious, he shall be liable to imprisonment not exceeding seven years or a fine not exceeding twenty million rupees or both.

(5) Whoever commits any act involving the manufacturing, storage, possession, procurement, sale, transport, import, export or use of explosives without any licence under this Act and rules made thereunder shall be liable to the punishments provided for in the Explosive Substances Act, 1908 (VI of 1908).

5B. Trial of offences.— The offences under this Act and under the Explosive Substances Act, 1908 (VI of 1908) shall be tried by the Anti-terrorism Court established under the Anti-terrorism Act, 1997 (XXVII of 1997)."

5. Amendment of section 6, Act IV of 1884.— In the said Act, in section 6, in sub-section (3), for the words "thirty thousand", wherever occurring, the words "two million" shall be substituted.

6. Amendment of section 6A, Act IV of 1884.— In the said Act, in section 6A, in sub-section (2), for the words "not exceeding thirty thousand", the words "which may extend to two million" shall be substituted.

7. Insertion of section 6B, Act IV of 1884.— In the said Act, after section 6A, amended as aforesaid, the following new section 6B shall be inserted, namely:—

"6B. Jurisdiction.— (1) The administrative penalties under sub-sections (1) and (2) of section 5A shall be imposed by the Department of Explosives in the prescribed manner.

(2) The Anti-terrorism Court established under the Anti-terrorism Act, 1997 (XXVII of 1997) shall have jurisdiction to try the offences under sub-sections (3) and (4) of section 5A.

(3) Any person aggrieved by the decision of Anti-terrorist Court under sub-section (2) may prefer an appeal before the concerned High Court within thirty days from the date of communication of such decision or order.”.

8. **Amendment of section 8, Act IV of 1884.**— (I) In the said Act, in section 8, in sub- section (2), for the words “five thousand”, the words “half a million” shall be substituted.

9. **Insertion of section 9C, Act IV of 1884.**— In the said Act, after section 9B, the following new section 9C shall be inserted, namely:—

“9C. **Assistance by organizations, etc.**— (1) In performance of his functions, the Director General Explosives may by an order in writing—

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rules made thereunder;
- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry or investigation under this Act;
- (c) examine any person acquainted with the facts; or
- (d) seek expert opinion by co-opting any person in service of the Federal or Provincial Government or any body under control of such Government.

2) The information, expert opinion or assistance sought by the Director General Explosives under sub-section (1) shall be provided by the person from whom such information, expert opinion or assistance is sought.”.

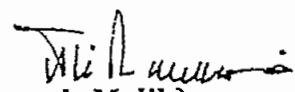
10. **General amendment, Act IV of 1884.**— In the said Act, for the words “Chief Inspector of Explosives in Pakistan”, wherever occurring, the words “Director General Explosives” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Bill to amend the Explosives Act, 1884

1. Transfer of the subject "Explosives" from Provinces to Federation and to amend the Explosives Act, 1884.
2. Development of new technology results in addition of new kind of explosives, hence Inserted the word "emulsion" in the Act.
3. Amendment of Section 4 of the Act, 1884 by adding new clauses regarding illegal activities, deliberate explosion, major/minor violations, and malicious intent to curb the pilferage of explosives in the supply chain to the end user level and proposing penalties and punishments to the license holders and illegal persons
4. Addition of new Section after Section 5 of the Act, 1884 regarding offences of minor and major violations and trial of offences.
5. Amendment of Section 6 of the Act, 1884 regarding enhancement of penalties from Rupees thirty thousand to Rupees two million to curtail illegal practices.
6. Insertion of Section 6B in the Act, 1884 regarding imposition of penalties by the Explosives Department in the prescribed manner.
7. Amendment of Section 8 of the Act, 1884 regarding enhancement of penalties from Rupees five thousand to Rupees five hundred thousand to curtail illegal practices.
8. Inserted new sub section for jurisdiction to trial the offences under the act and to provide right of appeal in the Hight Court. The additions have been proposed considering the severity of the offences.
9. Inserted new sub section to co-opt the members of intelligence agencies and technical personnel for efficient inquiries.
10. Replace the word "Chief Inspector of Explosives in Pakistan" with "Director General Explosives" in the Act, as the post of Chief Inspector has already been redesignated /upgraded to Director General.

The bill is designed to achieve the aforesaid purpose.


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