
THE EXPLOSIVES
ACT 1884
(IV OF 1884)

PREFACE TO THE FIRST EDITION

The Explosives Rules 1940 were framed under the Explosives Act, 1884 which has been adapted in Pakistan by the Adaptation of Central Acts and Ordinances Order, 1949, published in the Ministry of Law and Labour Notification No. G.G.O. 4, dated 25-3-1949.

The present edition of the Explosives Rules has been revised and amended to suit the requirements of Pakistan.

Schedule No. VII has been introduced. It prescribes general rules to be observed in Explosives magazines. It is hoped that the revised edition will give adequate guidance to the people engaged in the importation, transport and storage of explosives.

KARACHI:
The 31st August, 1953.

H.K.GHORI.

PREFACE TO THE SECOND EDITION

Copies of the first edition of the Explosives Rules, 1940 being out of stock, it has become necessary to reprint the rules. The present edition has been revised and brought upto date.

There was no Index so far in these rules. For facility of reference, an Index has been added to this Edition.

KARACHI:
The 15th August, 1966.

DR.M.TUFAIL CHAUDHARY
Chief Inspector of Explosive

PREFACE TO THE THIRD EDITION

Second edition of Explosives Rules, 1940 was printed in 1966 and in course of time a number of amendments were enacted in these rules. In order to meet the growing public demand for copies of these rules present edition has been brought out. This edition has been revised and brought up to date by the inclusion of all amendments made in these rules since it was last published.

It is hoped that the revised edition will be found useful both for the guidance of public as well as for the assistance of officials, who are connected with the administration of the Explosives Act, 1884 and the rules framed thereunder.

KARACHI:
The 25th April, 2008.

(MUHAMMAD JAVAID)
Chief Inspector of Explosives

ACT NO. IV OF 1884

(26th February, 1884)

An Act to regulate the manufacture, possession, use, sale, transport, export and importation of Explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport, export and importation of explosives; It is hereby enacted as follows: -

1. **Short title** (1) This Act may be called the ¹[*] Explosives Act, 1884 ; and
²[(2) It extends to whole of Pakistan.]
2. **Commencement** (1) This Act shall come into force on such day³ as the ⁴ [Central Government], by notification in the ⁵ [Official Gazette] appoints;
⁶ [*****]
3. (Repeal of portions of Act XII of 1875) Rep. by the Indian Ports Act, 1889 (X of 1889), s.2 and Sch. II.
4. **Definition** In this Act, unless there is something repugnant in the subject or context,---
⁷ [(1) "*explosives*"
 - (a) means gunpowder, nitroglycerine, nitroglycol, gun cotton, dinitrotoluene, trinitrotoluene, picric acid, dinitro-phenol, trinitro-resorcinol (styphnic acid), cyclo trimethylene trinitramine, penta erythritol tetranitrate, tetryl, nitroguanidine, lead azide, lead styphnate, 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 pyrotechnic effect; and
 - (b) includes,-
 - (i) chemical compounds, compositions or mixtures of which will produce, upon release of its potential energy, a sudden out burst 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) fog 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 Federal Government may, by notification in the official Gazette, specify for the purposes of this sub-section].

- (2) "*manufacture*" includes the preparation of explosives or any component parts of an explosives, the admixture or other treatment of the same, the breaking up or un-making of any explosives, or making fit for use any damaged explosives or 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 explosives;
- (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;
- (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;";
- (6) "*import*" means to bring into Pakistan by sea, air or land;
- (7) "*aircraft*" means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface, and includes balloons, whether fixed or free, airships, kites, gliders and flying machines, for this ordinance aircraft means cargo aircraft;
- (8) "*export*" means taking out of Pakistan to a place out side Pakistan by land, sea or air;
- (9) "*prescribed*" means prescribed by rules; and
- (10) "*rules*" means any rules made under the Act."

5. Powers to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

- (1). The Federal Government, in consultation with the Provincial Governments, may for any part of Pakistan make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by those rules, the manufacture, possession, use, sale, transport, import and 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;
- (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 application 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;
- (f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules;
- (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) Rules made under this section may impose penalties on all persons manufacturing, possessing, using, selling, transporting, 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, exporting or manufacturing an explosives, a fine which may extend to thirty thousand rupees;
- (b) in the case of a person so possessing, using or transporting an explosives, a fine which may extend to ten thousand rupees;
- (c) in the case of a person so selling an explosives, a fine which may extend to five thousand rupees; and
- (d) in any other case, two thousand rupees.

6. Power of the Federal Government to prohibit the manufacture, possession, use, sale, transport, import or export of specially dangerous explosives.-

- (1) Notwithstanding anything contained in this Act, the Federal 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 explosives which is of so dangerous a character that, in the opinion of the Federal 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 explosives with regard to the importation of which a notification has been issued under sub-section (1), and the vessel, carriage or aircraft containing such explosives, 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 explosives 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 explosives is imported shall, in the absence of reasonable excuse, each be punishable with fine which may extend to thirty thousand rupees.

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
 - (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 any time during the terms of the bond; or
 - (iv) whose license 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 license;
- shall not-
- (i) manufacture, sell, transport, import or export any explosives, or
 - (ii) possess or use any such explosives as the Federal 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 explosives to a person whom he knows or reasons 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 explosives; or
 - (ii) to be of unsound mind or having physical disability.

- (2). Whoever-

- (a) manufactures, possesses, sells, transports, uses, imports or exports any explosives in contravention of the provisions of clause (a) of sub-section (1); or
- (b) sells, delivers or dispatches any explosives in contravention of the provisions of the clause (b) of sub-section (1), shall be punishable with a fine not exceeding thirty thousand rupees.

7. Powers to make rules conferring powers of inspection, search, seizure, detention and removal.

- (1). The Federal Government 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, aircraft or vessel in which an explosive is being manufactured, possessed, used, sold, transported, 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, 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 explosives found therein on payment of the value thereof; and
 - (d) to seize, detain, remove and, if necessary, destroy any explosives found therein.
- (2). The provisions of Code of Criminal Procedure 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.

- (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, 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 or aircraft, or the person in charge of the carriage, as the case may be, shall 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 Chief Inspector of Explosives in Pakistan and to the officer in charge of the nearest police station.
- (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 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.

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, aircraft or vessel under the control of any of 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 shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate sub-ordinate 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 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 Federal Government stating the causes of the accident and its circumstances.
- (4). The Federal Government may make rules—
 - (a) to regulate the procedure at inquiries under this section;
 - (b) to enable the Chief Inspector of Explosives in Pakistan to be present or represented at any such inquiry;
 - (c) to permit the Chief Inspector of Explosives in Pakistan or his representative to examine any witnesses at the inquiry;
 - (d) to provide that where the Chief Inspector of Explosives in Pakistan 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 Federal 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 Chief Inspector of Explosives in Pakistan 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 Federal Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.
- (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, 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 to so do within the meaning of the section 176 of the Pakistan Penal Code.

- (4). Any person holding an inquiry under this section may exercise such of the powers conferred to 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 Federal 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 Federal Government shall cause every report so made to be published at such time and in such manner as it may think fit.
- (6). The Federal Government may make rules for regulating the procedure at inquiries under this section.

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 explosives, or ingredient of explosives, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

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 Pakistan Penal Code, 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, 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 or the officer-in-charge of the airport, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

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, import and export of an explosive---

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

(b) by any person employed under the Federal Government or any Provincial Government in execution of this Act.

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

15. Saving of Arms Act, 1878.

Nothing in this Act shall effect the provisions of the Arms Act, 1878:

Provided that an authority granting a license under this Act for the manufacture, possession, sale, transport, import and export of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written the license that it shall have the effect of a like license granted under the said Arms Act.

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 Federal Government may, from time to time, by notification in official Gazette, declare that any substance which appears to the Federal Government to be specially dangerous to the 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 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 it were included in the definition of the term "explosive" in this Act.

18. Procedure for making publication and confirmation of rules.

- (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 effected thereby.
- (2). The publication shall be made in such manner as the Federal Government, from time to time, by notification in the official gazette prescribes.
- (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 until it has been published in the official Gazette.
- (6). The publication in the 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.

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

20. Removal of difficulties.

If any difficulty arises in giving effect to any provision of this Ordinance, the Federal 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.