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PART-IV

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH AUGUST, 2023.**

NO.PAS/LEGIS-B-15/2019-The Sindh Explosive Bill, 2019 having been passed by the Provincial Assembly of Sindh on 14th July, 2023 and assented to by the Governor of Sindh on 04th August, 2023 is hereby published as an Act of the Legislature of Sindh.

THE SINDH EXPLOSIVE ACT, 2019

SINDH ACT NO. XXVIII OF 2023.

**AN
ACT**

to regulate the manufacture, possession, use, sale, transport and import of explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport and import of explosives and to provide for matters ancillary thereto. **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Explosives Act, 2019.
- (2) It shall extend to the whole of the Province of Sindh.

**Short title,
extent and
commencement.**

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context -

(I) "carriage" means the carriage of explosives by way of wagon, cart, truck, vehicle or other means of conveying explosives or passengers by land, in whatever manner;

(II) "Department" means the Home Department, Government of Sindh;

(III) "explosive" means and includes -

(a) gunpowder, nitroglycerine, nitroglycol, gun cotton, dinitro-toluenec, trinitro toluene, picric acid, dinitro-phenol, trinitro resorcinol (styphnic acid), cyclotrimethylene trinitramine, penta erythritoltetranitrate, tetryl, nitroguanidine, lead azide, lead styphnate, fulminate of mercury or any other metal, diazo dinitro phenol, nitro compounds or in the form of water gel or slurry, 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) composition or mixture of substances, which will produce, upon release of its potential energy, a sudden outburst of gases and thereby exerting high pressures on its surroundings;

(c) mixture of substances used for signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation;

(d) any material for making explosive substance, an apparatus, machine or implement; and

(e) such other substances as Government may, by notification in the official Gazette, specify as explosives for the purposes of this sub-section;

(IV) "export" means the selling or trading the explosives out of the country by land, sea or air;

(V) "Government" means Government of Sindh;

(VI) "import" means the import of explosives by way of buy or bring into the jurisdiction of Sindh by land, air or river;

- (VII) "manufacture" means the preparation of explosive or any component parts of an explosive, the admixtures or other treatment, and includes the breaking up or unmaking of any explosive, or making fit for use of any damaged explosive of the processing of any substance causing an explosion, implosion or disintegration and the process of remaking, altering or repairing any explosive;
- (VIII) "master" in relation to -
- (a) any vessel or ship means any person (other than a pilot), a harbour master, assistant harbour master or berthing master, for the time being, having the charge or control of such vessel or aircraft, as the case may be;
 - (b) in relation to any vessel or ship means any person (other than a pilot), a 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;
 - (c) in relation to any boat belonging to a ship, means the master of that ship; and
 - (d) in relation to aircraft means captain of the aircraft;
- (IX) "prescribed" means prescribed by rules;
- (X) "rules" means rules made under this Act; and
- (XI) "vessel" includes a craft for travelling on water, now usually one larger than an ordinary rowboat, a ship or boat, an airship, used in navigation, whether propelled by oars or otherwise.
3. Any person who unlawfully and maliciously causes by any explosive an explosion of 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 death or imprisonment for life.
- Punishment for causing explosion likely to endanger life or property.**
4. Any person who unlawfully and maliciously -
- Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.**
- (a) does any act with intent to cause by an explosive, or conspires to cause by an explosive, an explosion within the territorial limits of the Province of Sindh which is 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 with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury property, 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 imprisonment for life or any shorter term which shall not be less than fourteen years.

5. Any person who makes or knowingly has in his possession or under his control any explosive, 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 imprisonment for a term which shall not be less than fourteen years but may extend to imprisonment for life.
- Punishment for making or possessing explosives under suspicious circumstances.**
6. (1) 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.
- Power to make rules as to licensing of the manufacture, possession, use, sale, transport, import and export of explosives.**
- (2) Rules under this section may provide for all or any of the following matters, that is to say:-
- (a) the authority by which licenses may be granted;
 - (b) the grant and refusal of licences and the licensing authority to impose conditions;
 - (c) fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses;
 - (d) the manner in which applications for licenses must be made, and the matters to be specified in such applications;
 - (e) the form in which, and the conditions on and subject to which, licenses must be granted;
 - (f) the period for which licenses are to remain in force;
 - (g) the variation, suspension and revocation of licenses;

- (h) the exemption absolutely or subject to conditions of any explosives from the operation of the rules;
- (i) the appeals by the persons aggrieved against the orders of licensing authority;
- (j) the authority to which appeals may be preferred and the procedure to be followed by such authority;
- (k) the total quantity of explosives that a licensee may possess in a given period of time; and
- (l) 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 explosive, a fine which may extend to ten million rupees;
- (b) in the case of a person so possessing, selling, using or transporting an explosive, a fine which may extend to five million rupees;
- (c) in any other case, a fine which may extend to two million rupees.

7. Notwithstanding anything contained in section 6 or in the rules, where, immediately before the commencement of this Act, any person was carrying on the business or manufacture, sale, transport, import or export of any explosive for which no license was required or license granted under any law, for the time being in force, shall continue to carry on business for a period of three months from the date of commencement of this Act:

Persons already in business in respect of certain explosives to carry on such business without license for a certain period.

Provided that if before the expiry of the period of three months, such person has made an application for grant or renewal of the license, as the case may be, under this Act or rules for such licenses in such explosives, the licensing authority may dispose of such application in accordance with the provisions of this Act and rules.

8. (1) Notwithstanding anything contained in this Act, 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 in a character that, in the opinion of Government, 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, 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 carrying 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 one hundred 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 shall be punishable with fine which may extend to two hundred thousand rupees.
9. (1) Notwithstanding anything contained in this Act -
- (a) no person -
- (i) who has not completed the age of twenty one year; or
- (ii) who has been sentenced or convicted 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 sell, transport, import or export any explosive or possess any such explosive as
- Power of the Government to prohibit the manufacture, possession, use, sale, transport, import or export of specially dangerous explosives.**
- Prohibition of manufacture, possession, sale or use, transport, import and export of explosives by young persons and certain other persons.**

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 contravenes the provisions of sub-section (1), shall be punishable with a fine which may extend to one million rupees.

10. (1) 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 rules made 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 explosive found therein or payment of the value thereof; and

(d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

- (2) The provisions of the 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.

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

11. (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 prescribed, give notice thereof and of the attendant loss of human life or personal injury, if any, to the Secretary of Department and to the officer in charge of the nearest police-station.

Notice of Accidents

(2) Whoever in contravention of sub-section (1) fails to give notice of any accident, shall be punishable with fine which may extend to fifty thousand rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three years and with fine not less than fifty thousand rupees and more than one hundred thousand rupees, or with both.

12 (1). Where any accident such as referred to in section-11 occurs except in connection with an 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 Sessions Judge concerned in the cases attended by loss of human life, or may, in any other case, hold or direct to a Judicial Magistrate subordinate to him to hold such an inquiry.

Inquiry into Accidents

(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 powers conferred on any officer by rules under section-10 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 Government stating the causes of the accident and its circumstances.

(4) Government may make rules –

- (a) to regulate the procedure of inquiries under this Section;
- (b) to enable the Secretary of Department to be present or represented at any such inquiry;
- (c) to permit the Secretary of Department or his representative to examine any witnesses of the inquiry;
- (d) to provide that where the Secretary of 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-11 shall be given;

13. (1) Government may, where it is of opinion, whether or not it has received the report of any inquiry under section-12, that an inquiry of more formal character should be held into the causes of any accident such as referred to in section-11, appoint the Secretary of 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.

Inquiry into more serious Accidents

(2) Where Government orders an inquiry under this section, it may also direct that any inquiry under section-12 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(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 Pakistan Penal Code (XLV of 1860)

(4) Any person holding an inquiry under this section may exercise such powers conferred on any officer by rules under section-10 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 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 Government shall cause every report so made to be published at such time and in such manner as it may think fit.

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

14. (1) Where an offence under this Act has been committed by company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: **Offences by Companies**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the same has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, a manager, secretary or other officer, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section, "Company" means body corporate and includes a firm or other association of individuals, institution and "Director" in relation to a firm, means a partner in the firm.

15. (1) Where a person is convicted of an offence punishable under this Act or the rules, the Court before which he is convicted, may direct that the explosives or explosive substance, or ingredient of the 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. **Forfeiture and disposal of explosives or explosive substance**

(2) The explosives and explosive substance seized and taken into custody under this Act, the Court may during pending trial, either on an application or of its own motion and under its supervision and control obtain and prepare such number of samples of the property as it may deem fit for safe custody and production before it or any other Court and cause destruction of the remaining portion of the property under a certificate issued by it in that behalf:

Provided that such samples shall be deemed to be whole of the property in an inquiry or proceeding in relation to such offence before any authority or court.

16. 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 — **Distress of aircraft or vessel.**

- (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.

17. Whosoever abets, within the meaning of the Pakistan Penal Code, the commission of an offence punishable under this Act or the rules, 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. * **Abetment and attempts**

18. Whosoever is found committing any act for which he is punishable under this Act or the rules, 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 Judicial Magistrate. **Power to arrest without warrant persons committing dangerous offences.**

19. (1) Nothing in this Act, except sections 11, 12 and 13, shall apply to the manufacture, possession, use, transport, import and export of any explosive -- **Saving and power to exempt.**

(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) 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.

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

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

21. 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. **Extension of definition of "explosive" to other explosive substances.**

22. (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. **Procedure for making publication and confirmation of rules.**

(2) The publication shall be made in such manner as 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.

23. 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 Air Transport Association (IATA) and Civil Aviation Authority of Pakistan (CAA). **Transportation of explosives by air.**

24. The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law, for the time being in force. **Over-riding effect.**

25. If any difficulty arises in giving effect to any provision of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purposes of removing the difficulty. **Removal of difficulties.**

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH