

**A
BILL**
*to provide for regulation of explosive substances
in the Province of the Khyber Pakhtunkhwa.*

Preamble.---WHEREAS it is expedient to provide for regulation of explosive substances in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Explosive Substances Act, 2013.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

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

(a) “explosive substance” means and includes any material 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 any explosive substance, also any part of any such apparatus, machine or implement; and

(b) “Government” means the Government of the Khyber Pakhtunkhwa.

3. Punishment for causing explosion likely to endanger life or property.---Any person who unlawfully and maliciously causes by any explosive substance and 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 punishable with death or imprisonment for life.

4. Punishment for attempt to cause explosion or for making or keeping explosive with intent to endanger life or property.---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 of a nature 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 substance with intent by means thereof to endanger life, or cause serious injury to 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 punishable with imprisonment for life and shall not be less than seven years.

5. Punishment for making or possessing explosives under suspicious circumstances.---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 imprisonment for a term which may extend to fourteen years.

6. Forfeiture of property.---A Court convicting a person for an offence under this Act shall direct that the whole of his property shall stand forfeited to Government.

7. Punishment of abettors.---Any person who by the supply of or solicitation for money, the providing of premises, the supply of material, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to the commission of any offence under this Act shall be punishable with the punishment provided for the offence.

8. Restriction on trial of offences.---No Court shall proceed to the trial of any person for an offence under this Act except with the consent of Government or an officer authorized in this behalf by Government.

9. Repeal and savings.---(1) The Explosive Substances Act, 1908 (Act VI of 1908), to the extent of the Province of the Khyber Pakhtunkhwa, is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

MINISTER-IN-CHARGE

Certified that the Khyber Pakhtunkhwa Explosive Substances Bill, 2013 was passed by the Provincial Assembly in its meeting held on 11th September, 2013.