

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

KERKEKEKK

“MUZAFFARABAD”

Dated: 05.07.2024

No. LD/Legis.-Act/55-69/2024. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 2274 day of June, 2024 and received the assent of the President on the 3'¢ day of July, 2024, is hereby

published for general information.

[Act III of 2024]

Act

to regulate the possession, use, sale, transport and to prohibit

manufacture of explosives

Whereas, it is expedient to regulate the possession, use, sale, transport

and to prohibit manufacture of explosives;

It is hereby enacted as follows:-

1. Short title, extent and Commencement.- (1) This Act may be called

the Azad Jammu and Kashmir Explosives Act, 2024.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) “Carriage” includes any carriage, wagon, cart, truck, vehicle or

other means of transporting explosive;

(b) “Chief Inspector” means Director Industries and Commerce or any other officer of the Industries Department holding ex-officio charge of the post or designated to act as Chief Inspector by the

order of the Government;

(c) “Department” means Industries, Commerce, Labour Welfare, Weights & Measures, Mineral Resources, Sericulture and

Printing Press Department;

(4) "Deputy Chief Inspector" means Deputy Director Industries and Commerce Department;

(e) "Explosive"

(i) Means gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury, petrochemical or any other metals, colored fires and all other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by

explosion or a pyrotechnic effect and includes,-

(ii) fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above

defined;

(f) "Government" means the Azad Government of the State of

Jammu and Kashmir;

(g) "Inspector" means Assistant Director Industries and Commerce Department;

(h) "Manufacture" means and includes the process of dividing into its component parts, or otherwise breaking up any explosive, or the process of making or re-making, making fit for use any

damaged explosive and altering or repairing any explosive;

(i) "Rules" means any rules made under this Act;

Regulation and Prohibition.- (1) All Licenses EL-01, EL-02, EL-03, EL-04, EL-05, EL-06, EL-07, EL-08, EL-09, EL-10 and EL-11 which have already been issued by Chief Inspector, Deputy Chief Inspector and Inspector of Explosive or District Authority shall stand cancelled forthwith.

(2) The possession and sale of Explosive will only be authorized to Department Magazine.

(3) The use and transportation of the Explosive purchased from Department Magazine shall only be allowed to EL-03, EL-04 and EL-06

license holders.

(4) Explosive procured for the purpose of developmental projects/ mining etc., can be stored at the site by the licensee possessive

EL-03 and EL-04 for a period prescribed therein.

(5) Licenses shall be issued to the applicants on the recommendation

of District Intelligence Committee.

(6) No person shall be allowed to manufacture any kind of Explosive.

Power to make rules.- (1) The Government, may for whole any part of

Azad Jammu and Kashmir make rules, consistent with this Act to regulate or prohibit, the manufacture, possession, use, sale and

transportation of explosives.

(2) Rules under this Act, may provide for all or any of the following:-

{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 purchase of explosive;

(c) the manner in which applications for licenses must be made, and the matters to be specified in such applications;

(d) the form in which, and the conditions under which

licenses may be granted;

(e) the period for which licenses are to remain in force;

(f) the qualification of the person authorized to carry out on site blasting;

(g) disposal of all in stock explosives from the Licensee, whose

license has been canceled under this Act; and

(h) the absolute or conditional exemption to Armed Forces or Law Enforcement Agencies from the operation of these

Rules.

(3) Rules made under this Section may impose penalties on all

persons or entities manufacturing, possessing, using, selling and

transporting explosives in breach of this Act and the rules made under

this Act, which shall not exceed,-

(a) one million rupees in case of manufacturing of any

explosive;

(b) five lac rupees in case of unauthorized possession, use,

sale or transportation of any explosive; and

(c) two lac rupees in any other case such as abetment or

facilitation etc.

(4) In case of repetition of an offence after getting penalty under clause (a), (b) and (c) of sub-section (3), the person involved in repetition of such offence shall also be punished with imprisonment which may

extend up to six months.

(5) Persons and entities falling under sub-section (3) of Section 4, may also be proceeded under the Azad Jammu and Kashmir Anti-Terrorism Act, 2014.

Power to make rules conferring powers of inspection, search, seizure, removal, destruction and detention.- (1) The Government

may make rules consistent with this Act authorizing any officer of

department, either by name or designation to,-

(a) enter, inspect and examine any place, carriage or vessel in which an explosive is being possessed, used and transported 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 and

transported in contravention to this Act and rules made

thereunder;

(b) search for explosives therein; and

(c) seize, detain, remove and if necessary, destroy any

explosive found therein.

(2) The provisions of the Code of Criminal Procedure relating to searches shall be applicable, in addition to the searches authorized under this Act or the rules made thereunder.

Reporting of accidents.- (1) A report regarding any incident during manufacture, possession, use or transportation shall be furnished immediately to the Chief Inspector and to the officer in-charge of the nearest Police Station by the Licensee. Failing to report shall be punished with a fine not exceeding five lac rupees.

(2) If accident resulted into loss of human life then, Licensee shall be proceeded in a manner as provided in Azad Penal Code for murder by mistake of act or by mistake of fact.

Inquiry into accidents.- (1) Where any accident such as referred to in Section 6 occurs, in or about, or in connection with any place, carriage or vessel under the control of any of the armed forces, an inquiry into the causes of the accident shall be held by the military authorities concerned.

(2) Where any accident occurs other than the conditions referred in sub-section (1), having loss of human life and/or property, the District Magistrate shall hold, or direct a Magistrate subordinate to him to hold an inquiry into such accident.

(3) Where no loss of human life is involved, the inquiry into the accident shall be made by Chief Inspector or any other officer of the Department exercising powers of Magistrate.

(4) The person holding an inquiry under this Section shall submit a report regarding accident to the Government through proper channel stating the causes, facts, findings and recommendations.

(5) The Government may appoint any expert(s) possessing legal or special knowledge to assist in such inquiry.

(6) The Government may make rules to,-
(a) regulate the procedure of inquiries under this Section;

(b) determine the manner for holding the inquiry by Chief Inspector;

(c) enable the Chief Inspector or his representative to examined witnesses during the inquiry; and

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(4) prescribe the manner and time within which inquiry

reports referred in sub-section (4) shall be submitted.

Abetment and attempts.. Whoever abets or attempts in the

commission of an offence or omission a legal obligation, shall be punishable under this Act, or the rules made thereunder, within the meaning of Azad Penal Code.

Power to arrest without warrant.- Whoever is found committing any

act for which he is punishable under this Act or the rules made thereunder, and which tends to cause explosion or fire in or about any place where an explosive is manufactured, stored or transported in any carriage, may be apprehended without a warrant by a Police Officer, Chief Inspector or any officer of the Department so authorized. Where an arrest is made, shall be reported to Magistrate within twenty four

hours.

Saving and exemption.- Nothing in this Act, except Sections 6 and 7, shall apply to the manufacture, possession, use, sale and transport of any explosive by,-

(a) any of the armed forces of Pakistan in accordance with rules or regulations made by the Government; and
(b) any person employed under the Government in execution

of this Act.

Procedure for making publication and confirmation of rules.- The

rules made under this Act shall not take effect until published in the Official Gazette.

Repeal and Savings.- (1) The Explosive Act, 1884, adapted by virtue of the Azad Jammu and Kashmir adaptation of laws Act, 1959 and Rules made thereunder are hereby repealed.

(2) Nothing in this Act shall effect the provision of the Azad Jammu and Kashmir Arms and Ammunition Act, 2016.

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Section Officer (Legislation)

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