

**THE
BANGLADESH CODE
VOLUME – VI**

THE EXPLOSIVE SUBSTANCES ACT, 1908

ACT NO. VI OF 1908

[8th June, 1908]

***An Act further to amend the law relating to explosive substances.**

WHEREAS it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows:—

1. (1) This Act may be called the Explosive Substances Act, 1908.

Short title and extent

(2) It extends to the whole of Bangladesh.

2. In this Act the expression “explosive substance” shall be deemed to include any materials 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 with any explosive substance; also any part of any such apparatus, machine or implement.

Definition of “explosive substance”

¹[3. Any person who unlawfully or maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to person or property shall, whether any injury to person or property has been actually caused or not, be punishable with death, or with imprisonment for life, to which fine may be added, or with imprisonment for a term which may extend to ten years and shall not be less than five years, to which fine may be added.

Punishment for causing explosion likely to endanger life, person or property

* Throughout this Act, except otherwise provided, the word “Bangladesh” was substituted, for the word “Pakistan” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ Sections 3 and 3A were substituted, for section 3 by section 2 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

Punishment for causing explosion with intent to commit offence

3A. Any person who causes by any explosion substance an explosion with intent to commit or, to enable any other person to commit, an offence punishable under any law for the time being in force shall, whether any offence has been actually committed or not, be punishable with imprisonment for a term which may extend to seven years and shall not be less than three years, to which fine may be added.]

Punishment for attempt to cause explosive or for making or keeping explosive with intent to endanger life or property

4. Any person who ¹[unlawfully or maliciously]—

- (a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in Bangladesh of a nature likely to endanger life or to cause serious ²[injury to person or 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 ³[injury to person or property] in Bangladesh, or to enable any other person by means thereof to endanger life or cause serious ⁴[injury to person or property] in Bangladesh;

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 ⁵[imprisonment for a term which may extend to twenty years and shall not be less than three years], to which fine may be added.

¹ The words “unlawfully or maliciously” were substituted, for the words “unlawfully and maliciously” by section 3 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

² The words “injury to person or property” were substituted, for the words “injury to property” by section 3 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

³ The words “injury to person or property” were substituted, for the words “injury to property” by section 3 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

⁴ The words “injury to person or property” were substituted, for the words “injury to property” by section 3 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

⁵ The words “imprisonment for a term which may extend to twenty years and shall not be less than three years” were substituted, for the words and comma “transportation for a term which may extent to twenty years to which fine may be added, or with imprisonment for a term which may extend to seven years” by section 3 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

¹[5. Any person who explodes or makes or knowingly has in his possession or under his control any explosive substances, under such circumstances as to give rise to a reasonable suspicion that he has exploded it for committing an offence or 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 exploded it or 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 and shall not be less than two years to which fine may be added.]

Punishment for exploding, making or possessing explosives under suspicious circumstances

5A and 5B. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act 1973, (Act No. VIII of 1973).]

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

Punishment of abettors

²[6A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or in any other law for the time being in force, an investigation of an offence under this Act shall be completed—

Time limit for completion of investigation

- (a) within fifteen working days from the date of arrest of the accused, where the accused is arrested at the time of commission of the offence by the police or by any other person and handed over to the police; or
- (b) within sixty working days, from the date of receipt of information regarding the commission of the offence or from the date of receipt of an order of any magistrate for investigation of such offence when the accused is not arrested at the time of commission of the offence.

(2) Where an investigation is not completed within the period specified in sub-section (1), the investigation officer may,

¹ Section 5 was substituted, for section 5 by section 4 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).

² Section 6A was inserted by section 2 of the Explosive Substances (Amendment) Act, 2002 (Act No. XXXI of 2002).

after recording the reasons in writing, complete the investigation within a further period of seven working days and shall report it in writing to his controlling officer and also to the magistrate concerned.

(3) Where an investigation is not completed within the extended period specified under sub-section (2), the investigation officer shall, within twenty four hours of the expiry of that period, report it in writing, stating reasons therefore, to his controlling officer and also to the magistrate concerned.

(4) Upon receipt of a report under sub-section (3), the controlling officer or, when the investigation was ordered by a magistrate, the magistrate concerned, may transfer the responsibility for investigation to some other officer and, where the responsibility for investigation is so transferred, the officer who received the responsibility shall complete the investigation—

- (a) within seven working days from the date of receipt of the order of transfer, where the accused is arrested at the time of commission of the offence by the police or by any other person and handed over to the police; or
- (b) within thirty working days from the date of receipt of the order of transfer in any other case.

(5) Where an investigation is not completed within the period specified under sub-section (4), the investigation officer shall, within twenty four hours of the expiry of that period, report it in writing, stating reasons therefor, to his controlling officer and also to the magistrate concerned.

(6) Where, after examination of the report submitted under sub-sections (2) and (4), the controlling officer or when the investigation was ordered by a magistrate, the magistrate concerned finds that the investigation officer is liable for the non-completion of investigation within the specified period, such liability shall be deemed to be inefficiency of that officer and such inefficiency shall be recorded in his annual confidential report, and in appropriate case departmental action may be taken against him under the service rules applicable to him.]

7. [Omitted by section 5 of the Explosive Substances (Amendment) Act, 1987 (Act No. XXI of 1987).]

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