

C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

**PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON HOME
REGARDING THE EXPLOSIVE SUBSTANCES (PUNJAB
AMENDMENT) BILL 2018 (BILL NO.14 OF 2018)**

The Explosive Substances (Punjab Amendment) Bill 2018 (Bill No.14 of 2018) was referred to the Standing Committee on Home on 27 April 2018. The Committee considered the Bill in its meeting held on 2 May 2018.

2. The following were present:-

- | | | |
|----|---|----------|
| 1. | Makdum Syed Muhammad Masood Alam, MPA (PP-285) | Chairman |
| 2. | Ch Razaqat Hussain Gujjar, Advocate, MPA (PP-102) | Member |
| 3. | Major (Retd) Moeen Nawaz Warraich, MPA (PP-109) | Member |
| 4. | Haji Malik Umar Farooq, MPA (PP-7) | Member |
| 5. | Mrs Kanwal Nauman, MPA (W-321) | Member |

3. Dr Muhammad Shoaib Akbar, Special Secretary, Home Department, and Mr Mohsin Bukhari, Deputy Director, Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Dr Muhammad Shoaib Akbar, Special Secretary, Home Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary further to amend the Explosive Substances Act, 1908 (VI of 1908) for the reason that Section 7 of the Explosive Substances Act 1908 (VI of 1908) provided that no court would proceed to the trial of any person for an offence against that Act except with the consent of the Provincial Government. The trial of the cases was sometimes delayed because sanction was neither accorded nor refused in a reasonable time. Pursuant to the recommendations of the Law and Justice Commission of Pakistan, it was proposed to amend section 7 to insert a proviso stipulating that if sanction of the provincial government was neither received nor refused within 60 days, such sanction would be deemed to have been duly accorded. The proposed amendment would expedite the disposal of cases under 1908 Act. He requested the Committee that the Bill as introduced in the House may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative as well as Law and Parliamentary Affairs Departments and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendment:-

Contd...P/2

AMENDMENT IN THE BILL

LONG TITLE

before the word "to" occurring at the beginning, the word "further" be added.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

(MAKDUM SYED MUHAMMAD MASOOD ALAM)

Lahore
2 May 2018

Chairman
Standing Committee on Home

Lahore
2 May 2018


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE - A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 14 of 2018

**THE EXPLOSIVE SUBSTANCES (PUNJAB AMENDMENT)
BILL 2018**

A
BILL

to amend the Explosive Substances Act, 1908.

It is necessary further to amend the Explosive Substances Act, 1908 (*VI of 1908*) for purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Explosive Substances (Punjab Amendment) Act 2018.

(2) It shall come into force at once.

2. Amendment in section 7 of Act VI of 1908.— In the Explosive Substances Act, 1908 (*VI of 1908*), in its application to Province of the Punjab, in section 7, for the full stop at the end, a colon shall be substituted and thereafter the following Proviso shall be added:

“Provided that the consent to proceed to the trial of an offence under section 3 or section 4 of the Act shall be deemed to have been given if the Provincial Government does not convey its decision to the court within sixty days of the report forwarded to it under section 173 of the Code of Criminal Procedure, 1898 (*V of 1898*).”.

STATEMENT OF OBJECTS AND REASONS

Section 7 of the Explosive Substances Act 1908 (*VI of 1908*) provides that no court shall proceed to the trial of any person for an offence against this Act except with the consent of the Provincial Government. The trial of the cases is sometimes delayed because sanction is neither accorded nor refused in a reasonable time. Pursuant to the recommendations of the Law and Justice Commission of Pakistan, it is proposed to amend section 7 to insert a proviso stipulating that if sanction of the provincial government is neither received nor refused within 60 days, such sanction shall be deemed to have been duly accorded. The proposed amendment shall expedite the disposal of cases under 1908 Act; Hence this Bill.

MINISTER INCHARGE

Lahore:
27 April 2018

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE- B

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HOME)**

A
BILL

further to amend the Explosive Substances Act, 1908.

It is necessary further to amend the Explosive Substances Act, 1908 (*VI of 1908*) for purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Explosive Substances (Punjab Amendment) Act 2018.

(2) It shall come into force at once.

2. Amendment in section 7 of Act VI of 1908.— In the Explosive Substances Act, 1908 (*VI of 1908*), in its application to Province of the Punjab, in section 7, for the full stop at the end, a colon shall be substituted and thereafter the following Proviso shall be added:

“Provided that the consent to proceed to the trial of an offence under section 3 or section 4 of the Act shall be deemed to have been given if the Provincial Government does not convey its decision to the court within sixty days of the report forwarded to it under section 173 of the Code of Criminal Procedure, 1898 (*V of 1898*).”
