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WCO Programme Global Shield (PGS) – E-book No. 08

[Training Material for Departmental Use]

E-BOOK

On

Import/Export

Of

Detonators

Import/Export of Detonators

Note:

1. In this E-book, attempts have been made to explain about *Compulsory compliance requirements prescribed for Import/Export of Detonators*. It is expected that it will help departmental officers in their day-to-day work.
2. Though all efforts have been made to make this document error free, but it is possible that some errors might have crept into the document. If you notice any errors, the same may be brought to the notice of the NACEN, RTI, Kanpur on the Email address: rtinacenkanpur@yahoo.co.in. This may not be a perfect E-book. If you have any suggestion to improve this book, you are requested to forward the same to us.
3. This e-book is one of the several e-books dealing with different aspects of WCO Programme Global Shield (PGS). The Programme Global Shield (PGS) is a long term law enforcement initiative of WCO alongwith its partner organizations, namely, United Nations Office on Drug and Crime (UNODC), International Police Organization (INTERPOL) and member countries. This Programme is aimed at combating the illicit diversion and trafficking of high risk precursor chemicals, which are commonly used by criminal elements/terrorist organizations to make Improvised Explosive Devices (IEDs).
4. It is acknowledged here that in preparing this e-book, the WCO training material as well as material from other sources including that available freely on internet have been used. Wherever possible, the source of material has been indicated in this e-book. It might be possible that for some material, we may not have specifically mentioned such source. This e-book is meant for education and training of Customs officers in India and is for non-commercial use. While it is not our intention to infringe any copyrights, if anybody has any issue with regard to any of the material used in this e-book, the same may kindly be brought to our notice on the email addresses mentioned above.
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Sd/-

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Abbreviations & Glossary

CAS No:	Chemical Abstract Service Number <i>[CAS numbers are used to provide a unique, unmistakable identifier for chemical substances and provide an unambiguous way to identify a chemical substance. A CAS No. is separated by hyphens into three parts-the first consisting from two to seven digits, the second consisting of two digits, and the third consisting of a single digit serving as a check digit].</i>
CBEC:	Central Board of Excise and Customs
CCR:	Compulsory Compliance Requirement
DGFT:	Director General of Foreign Trade
DIPP:	Department of Industrial Policy and Promotion
FT (D &R) Act:	Foreign Trade (Development & Regulation) Act, 1992
HS Code:	Harmonized Commodity Description and Coding System <i>[It is an internationally standardized system of names and numbers for classifying traded products. It has been developed and maintained by the WCO. It is based on HS Convention.]</i>
IED:	Improvised Explosive Devices
IMDG:	International Maritime Dangerous Goods.
ITC (HS):	Indian Trade Classification based on Harmonised System
MSDS:	Material Safety Data Sheet (MSDS) <i>[It is documents provided by the manufacturer that contain information on physical and chemical properties of material, potential hazards of the material, and how to work safely with hazardous substances. They also contain information on the use, storage, handling, and emergency procedures related to hazards of the material. All MSDSs contain eight (8) sections, but most of them contain additional sections]</i>
NISG:	National Institute of Smart Governance
PESO:	Petroleum and Explosive Safety Organisation.

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[It is a department of the Government of India entrusted with responsibility of controlling and administering usage of explosives in India. It is headed by the Chief Controller of explosives and is headquartered at Nagpur].

PGS: Programme Global Shield (WCO Programme for prevention of smuggling and diversion of Precursor Chemicals, commonly used for manufacture of IEDs)

UN Code: United Nation Number

[UN numbers, or UN IDs, are four-digit numbers that identify hazardous substances and articles (such as explosives, flammable liquids, toxic substances, etc.).

UNCETDG: United Nations Committee of Experts on the Transport of Dangerous Goods

WCO: World Custom Organisation

1. Introduction

1.1 Under the Programme Global Shield, 14 explosive precursor chemicals, that can be used to manufacture IEDs, are subject to monitoring. Over the last four years, the number of IED blasts and losses of life on account of such IED blasts indicate that the threat of IEDs has not diminished. It has been noticed that commercially manufactured detonators are used by organised or unorganised criminal groups or extremists for manufacture of an IED. Therefore, not only controls are required on 14 precursor chemicals commonly used for manufacture IEDs, the same are also required on detonator to effectively combat the menace of IEDs.

1.2 As such, WCO has recently added the **safety fuses, detonating fuses, percussion or detonating caps, igniters and electric detonators** to the list of items to be monitored under the Programme Global Shield. With addition of commercially manufactured detonators to the control list, the Customs administrations can now focus on preventing the cross-border diversion and trafficking of these items.

1.3 Customs Officers, by knowing the legal provisions applicable to import and export of detonators enforced by Customs authorities at Border, and also knowing the other important requirements such as labeling and marking, transportation, storage and manufacturing etc., can effectively thwart any attempt of illegal import or export or smuggling of detonators. If they look at the documents carefully which are required under applicable laws for the purpose of marking or transportation, they can prevent any attempt to smuggle the detonators by mis-declaring the same. They have an important role to play in preventing diversion or smuggling of detonators. By doing their job effectively and efficiently, they can save precious lives of the innocent people and damage to property. Further, knowing about Safety Data Sheets and information available on such sheets and hazard classification and communication system will also enable officers to not only be safe while doing examination and sampling, but also to help in detecting any mis-declaration of the goods imported or being exported.

1.4 In India, legal provisions to deal with manufacture, import, export, sale, use, storage, transportation etc. of explosives are contained in the **Explosives Act, 1884**, the **Explosives Rules, 2008**. While the Explosive Act, 1884 strictly deals with the regulations of the storage, manufacture, possession, use, sale and transportation of explosives used for the industrial purpose, **the Explosives Substance Act, 1908** prescribes punitive provisions for causing explosion or attempt to cause explosion or for making or keeping explosives with intent to endanger life & property.

2. Summary of Legal provisions applicable to Import/Export of Detonators

Table I

Sr. No.	Act/Section/Rules/ Notification/Circular	Subject
1.	Explosive Act, 1884 [Administrative Ministry: Ministry of Commerce & Industry, Department of Industrial Policy & Promotion]	This Act regulates manufacture, possession, use, sale, transport, import and export of Explosives. The term “explosive’ has been defined under 4(d) of the Act.
2.	The Explosive Rules, 2008 as amended.	These rules have been issued under Section 5 and 7 of the Explosive Act, 1884. The Explosives Rules, 2008 relate to grant of approval and licences for manufacture of explosives, authorization of explosives, storage of explosives, import/export of explosives, transport of explosives by road and packaging for explosives etc. prescribing safe procedures and methods for manufacture of various types of explosives including the tools, equipments and machineries.
3.	ITC (HS)-Schedule I- Chapter 36, HS Code 36.03	It provides that import of Detonator is restricted for import/export and require license for Import/Export.
4.	Explosives Substance Act, 1908	It provides punitive action for causing explosion or attempt to cause explosion or for making or keeping explosive with intent to endanger life & property.

3. Uses, HS/UN Codes for Detonators

3.1 **The detonators are commonly & legally used in commercial mining, excavation, and demolition, etc.**

3.2 The Chapter 36 of the HS deals with products namely, explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations. **The HS 3603.00 covers the items namely, Safety fuses, detonating fuses, percussion or detonating caps, igniters and electric detonators.** Few pictures of detonators are given below:-





3.3 Under ITC (HS), all the items falling under Chapter 36 are restricted for import and require import license from the office of Directorate General of Foreign Trade. However, import of items classified under HS Code 36.01, 36.02, 36.03 and HS Code no. 36050090 is permitted to the Government Departments and Public Sector Undertakings on the recommendation of the Controller of Explosives, Government of India.

UN Code for Detonators

3.4 Detonators are classified as explosives and are considered to be dangerous for the purposes of Transportation. UN Committee of Experts on the transport of Dangerous Goods (UNCETDG) has included detonators, both electrical and non-electrical in the list of dangerous goods. The UN codes assigned to detonators are given in Table-2 below:-

Table-2

UN Number	Class	Proper Shipping Name
UN 0029	1.1 B	Detonators, non-electric for blasting
UN 0030	1.1 B	Detonators, electric for blasting.
UN 0255	1.4 B	Detonators, electric for blasting.
UN 0267	1.4 B	Detonators, non-electric for blasting.
UN 0455	1.4S	Detonators, non-electric, for blasting
UN 0456	1.4S	Detonators, electric, for blasting
UN 0360	1.1B	Detonator assemblies, non-electric for blasting
UN 0361	1.4B	Detonator assemblies, non-electric for blasting

Other Important Control on Movement of Explosives

3.5 Petroleum and Explosive Safety Organisation (PESO) has introduced online transaction of explosives which enables State authorities to view movement of explosives carried by vehicles. Moreover, National Institute of Smart Government (NISG) under guidance of Department of Industrial Policy & Promotion (DIPP) is developing software for effective tracking of explosives from production units to the end users particularly those explosives which are used in mines.

4. Important Legal Provisions applicable to Detonators

4.1 Under the Explosive Act, 1884, items, namely, the Fuses, percussions caps, **detonator** are covered under the definition of term “*explosive*”. As per the definition contained under Section 2(d) of the Explosive Act, 1884, the term “*explosive*” is defined as under:-

(d) "**explosive**" means gunpowder, nitroglycerine, nitroglycol, gun-cotton, di-nitro-toluene, tri-nitro-toluene, picric acid, di-nitro-phenol, tri-nitro-resorcinol (styphnic acid), cyclo-trimethylenetri-nitramine, penta-erythritol-tetranitrate, tetryl, nitro-guanidine, lead azide, lead styphynate, fulminate of mercury or any other metal, diazo-di-nitro-phenol, coloured fires or any other substance 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 pyrotechnic effect; and includes fog-signals, fireworks, **fuses**, rockets, **percussion-caps**, **detonators**, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as defined in this clause;

4.2 The terms “**detonating Fuse**” and “**detonator**” have been defined under the Explosive Rules, 2008 and reads as under:-

(17) “**detonating fuse**” means a cord containing a centre-core of high explosive authorised by the Chief Controller which is used for initiating high explosives charges and to transmit explosion from one explosive charge to another;

(18) “**detonator**” means a tubular device —

(a) one end of which is closed and the other—

(i) left open for the insertion of safety fuse for the purpose of initiating explosion within the tube; or

(ii) fitted with wires or other device for that purpose and sealed;

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- (b) which is loaded with a charge of initiating explosives, the charge being so designed as to produce an explosion that would communicate to the other tube similarly constructed and charged or other explosive charge and includes cord relay connector;

Import Restricted under ITC (HS)

4.3 Under ITC (HS), Schedule I, the goods falling under HS Code 3603, as given in Table-3 below along with licensing policy, are restricted for Import.

Table 3

3603	Safety fuses; detonating fuses; percussion or detonating caps; igniters; electric detonators	
3603 00 10	Safety fuses:	
3603 00 11	For Mine blasting	Restricted
3603 00 19	Other	Restricted
3603 00 20	Detonating fuses Percussion and detonating caps:	Restricted
3603 00 31	Non-ordnance	Restricted
3603 00 39	Other Igniters:	Restricted
3603 00 41	Non-ordnance	Restricted
3603 00 49	Other Electric Detonators:	Restricted
3603 00 51	Containing explosives electrically ignited, non-ordnance	Restricted
3603 00 59	Other	Restricted

Import Licensing Notes:

- (1) **Import of items classified under Exim Head 36.01, 36.02, 36.03 and Exim Code No. 36050090 may be permitted to Government Departments and Public Sector Undertakings on the recommendation of the Controller of Explosives, Government of India.**

4.4 All explosives including detonator are subject to strict control under the Explosive Rules, 2008. Controls prescribed under Explosive Rules, 2008 over manufacturing, import, export and transport are explained in the following paragraphs.

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4.5 Rule 7 of the Explosive Rules, 2008, which deals with control over manufacture, import, export, transport, possession for sale or use of explosives, provides that no person is allowed to manufacture, import, export, transport, possess for sale or use an explosive without authorization or license as per the provisions of the Explosive Rules, 2008.

4.6 Rule 10 of the Explosive Rules, 2008, which deals with General restrictions on manufacture, import or export are as under:-

(1) Restriction on manufacture—

- (a) No explosives shall be manufactured at any place except at a licensed factory with manufacturing process duly approved by the licensing authority.
- (b) No person shall manufacture any plastic explosive without adding marking agent as per the International Civil Aviation Organisation Resolution A27-8 based on United Nations Security Council Resolution 635 of 14.06.1989 and United Nation General Assembly Resolution 44/29 of 04.12.1989;

(2) Restriction on import or export —

- (a) No person shall import or export any explosive except under and in accordance with the conditions of licence granted under these rules.
- (b) No explosive shall be imported or exported except at its ports notified by the Central Government.
- (c) No licence shall be granted for import or export of any explosives unless—

- (i) the explosive is an authorised explosive;

Note: The term “authorized explosive “authorised explosive” means an explosive included in the list of authorised explosives referred to in rule 6 and published by the Central Government from time to time in the Official Gazette. The rule 6 provides that no person is allowed to manufacture, import, export, transport, possess, sell or use any explosive unless it has been declared as an authorised explosive, by an order issued by the Chief Controller and published by the Central Government in the Official Gazette.

- (ii) the explosive, if of the Class 3 (nitrocompound class) or Class 4 (chlorate mixture) is certified in Form CE 1 by the testing officer to have passed the tests specified in Schedule III;
- (iii) the explosive is certified to have passed such analysis or examination, if any, as the Commissioner of Customs in consultation with the Chief Controller, by order in writing, may require in order to determine its composition or condition.
- (iv) plastic explosives are added with marking agent as per International Civil Aviation Organisation Resolution A 27-8” based on United

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Nations Security Council Resolution 635 of 14th June, 1989 and United Nation General Assembly Resolution 44/29 of 4th December, 1989;

- (v) **the exporter shall submit Form AE-7 duly filled in and signed, indicating therein clearly the purpose and intent of export, the UN classification and UN Number, the Material Safety Data Sheet for the explosives intended to be exported, means of transport, detailed address of importer.**

4.7 Rule 15 of the explosive Rules, 2008 specifically prescribes as to how the package containing the explosive should be marked and the details required to be mentioned on the outer package. The Rule 15 provides as under:-

15. Marking on explosives and packages.—

(1) Marking on packages –

- (i) *The outer package shall be marked in conspicuous indelible character, by means of a stamping, embossing or painting with—*
- (a) *the word “EXPLOSIVES”;*
 - (b) *the name of authorised explosive;*
 - (c) *the number if any of the Class and the Division including sub-division to which it belongs;*
 - (d) *the safety distance category of explosive;*
 - (e) *the name of the manufacturer;*
 - (f) *identification number of the package;*
 - (g) *the net weight of explosives;*
 - (h) *gross weight of the package;*
 - (i) *date of manufacture and batch number;*
 - (j) *UN Classification and UN Identification number (for export packages);*
 - (k) *in case of plastic explosives, the words “marking agent added as per International Civil Aviation Organisation Resolution A 27-8” referred in sub-clause (iv) of clause (c) under sub-rule (2) of rule 10; and*
 - (l) *a paper slip containing the above details shall be kept inside the package:*
Provided that in the case of safety fuse or fireworks, clauses (a) and (l) may be omitted and the words “safety fuse” or “Fireworks” shall be marked.
- (ii) *In case of fireworks, the names of the items, for example – a morces, paper caps, serpents eggs etc. as appropriate shall be marked.*

- (iii) Every manufacturer shall on the box of each fire cracker shall mention details of its chemical content, sound level and that it satisfies requirements as laid down by the Chief Controller. Firecracker meant for export shall have a different colour packing from those intended to be sold in India and a clear print indicating that they are not to be sold in India.

4.8 Rules 43 to 46 of the Explosive Rules, 2008 contain **special provisions for Import or Export of Explosives**. The provisions of Rule 43 to 46 are reproduced below:-

43. Import or export by land.-

No licence for import or export of explosives by land shall be granted without the previous sanction of the Central Government in each case, wherein the Central Government may impose conditions and restrictions in consultation with the Chief Controller.

44. Compliance of port rules.-

The provision of rules regulating to handling of explosives at the notified ports issued under the Act and respective port rules and bye-laws shall be observed.

45. Import of explosives.—

(1) Declaration by importer –

A person holding an import licence granted under these rules shall furnish a declaration to the Chief Controller—

(a) in Form RE-8 under Part 5 of Schedule V as soon as ship carrying explosives sails from the port of loading;

(b) in Form RE-9 under Part 5 of Schedule V as soon as any shipment of explosives is cleared from the port of import.

(2) Declaration by master of ship or by the ship's agent –

(a) The master of every ship carrying explosives or the agent for such ship shall give the Conservator of the port not less than forty eight hours' notice of its intended arrival at the port.

(b) The master of every ship carrying explosives shall deliver to the pilot before entering any port, a written declaration in Form CE-2 under his signature:

Provided that if in anticipation of a ship's arrival, the agent for such ship delivers to the Conservator of the port a written declaration as aforesaid under his signature, no such declaration need to be made by master of the ship.

(c) Every declaration delivered to a pilot under clause (b) of sub-rule (2) shall be made over by him without delay to the Conservator of the port and all declarations received by the Conservator of the port shall be forwarded by him, with all convenient despatch to the Commissioner of Customs.

(3) Sampling procedure from imported explosives—

- (a) *When the master of, or the agent for, a ship has made declaration required by sub-rule (2) as the Commissioner of Customs of the port may authorise in this behalf shall board the vessel and obtain samples of all such explosives intended to land at the port and are required under these rules to be tested, analysed or examined.*
- (b) *The master or the agent, as the case may be, shall deliver to the officer referred to in clause (a), without charges, samples of all the explosives of which samples are required to be taken. One sample consisting of at least two cartridges shall be drawn from a group of cases having the same batch number and same date of manufacture. The samples, if the sampling officer so requires, shall be taken from particular package indicated by him.*
- (c) *If the taking of any samples under clause (a) involves the opening of any case, such case shall, before it is opened, be removed to an isolated position at a safe distance from any place where consignments of explosives are stored.*

(4) Despatch of samples to the testing officer—

- (a) *The officer taking a sample of any explosives under sub-rule (3) shall affix to it the name of the ship, the name of the consignee, name of the explosive and such other distinguishing marks, as he may think necessary and shall forward it to the testing officer without delay.*
- (b) *In the case of a Nitro-compound or a Chlorate mixture, the date and batch number shall also be affixed to the sample.*

(5) Testing of samples—

- (a) *The testing officer shall test, analyse or examine, as the case may be, the samples and shall without delay forward to the Commissioner of Customs a test certificate in CE-1 in duplicate under his signature certifying whether the explosives have passed the prescribed tests, analysis or examination.*
- (b) *The Commissioner of Customs shall, as soon as practicable and ordinarily within twenty four hours after receipt of the report of the testing officer, forward a copy each of the certificate in CE-1 to the Chief Controller and the Controller of the area having jurisdiction.*

(6) Permission to land explosives—

- (a) *No imported explosives shall be permitted to be landed by the Commissioner of Customs except with the prior permission of the Chief Controller or the Controller duly authorised in this behalf who shall issue such permission if the explosives have passed the prescribed tests, analysis or examination and after making such other enquiries as considered necessary.*
- (b) *If the Commissioner of Customs, after receiving the permission under clause (a) and the licence for import of such explosive under these rules and after making*

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such further enquiries as he deems necessary, is satisfied that the explosives can lawfully be imported, he shall permit it to be landed.

(c) *Nothing in this rule shall affect the power of Commissioner of Customs to detain the explosives under any other law for the time being in force.*

(d) *The imported explosives shall be removed from the port premises by the importer as expeditiously as possible.*

(7) Restrictions on airports for import.—

(a) *No explosive shall be imported by air except at the airports authorised for this purpose by the Central Government from time to time.*

(b) *Any explosive not permitted by International Air Transport Authority regulations or by the Director General of Civil Aviation, shall not be imported by air.*

(c) *Any person intending to import explosives by air shall obtain landing permit from the Director General of Civil Aviation and produce a copy thereof to the Chief Controller prior to issue of licence.*

(d) *A person holding a licence for import of explosives by air or his authorised agent shall give a declaration well in advance before bringing the explosives into the airport to the Officer in charge of the airport, the Commissioner of Customs and the Chief Controller giving full particulars of the explosives intended to be imported.*

(e) *Proper arrangements shall be made by the importer to take direct delivery of the imported explosives and remove the same as expeditiously as possible from the airport.*

46. Export of explosives.—

(1) Declaration by exporter or his agent—

(a) *The exporter or his authorized agent shall give the conservator of the port not less than forty eight hours' notice of his intention to bring explosives to port for export and shall not bring the explosives to any part of the port without prior permission in writing from the said officer.*

(b) *The exporter or his authorised agent shall produce before the conservator of a port—*

(i) *licence granted under these rules for export of explosives in question;*

(ii) *a certificate issued by the exporter to the effect that the explosives have been packed and marked in accordance with the UN regulations.*

(c) *The exporter or his authorised agent shall also submit to the Chief Controller, on export of each consignment and within twenty-one days from the date of actual export, copy of bill of lading and return in Form RE-10.*

(2) *Export of explosives by air.—*

- (a) *Explosive of any kind and quantity, which is not included in International Air Transport Authority regulations or not permitted by Director General of Civil Aviation, shall not be exported by air.*
- (b) *A person holding a licence for export of explosives by air or his authorised agent shall give a declaration well in advance before bringing the explosives into the airport to the Officer In charge of the airport or the Commissioner of Customs and the Chief Controller giving full particulars of the explosives intended to be exported.*
- (c) *Explosives meant for export shall be brought to the airport after making proper arrangements and only after the aircraft is ready for loading explosives and explosives so brought to the airport shall be loaded directly into the aircraft.*
- (d) *If for any unforeseen circumstances, explosives brought to the airport cannot be loaded into the aircraft, such explosives shall be stored in an isolated shed under guard as directed by the Officer in charge of the airport and all due precautions against theft, fire or explosion shall be taken.*
- (e) *Any person intending to export explosives by air shall obtain permission from the Director General of Civil Aviation and produce a copy thereof to the Chief Controller prior to grant of export licence.*

5. **Important Websites for Reference and Research**

- (i) Website of Department of Industrial Policy and Promotion (www.dipp.nic.in) for text of the Explosive Act, 1884, Explosive Rules, 2008; and notification issued under the Explosive Act and Rules etc.
- (ii) Website of CBEC (www.cbec.gov.in) for downloading the provisions of Customs Act, 1962, and Rules, Regulations, Circulars and instructions issued by CBEC from time to time.
- (iii) Website of Directorate General of Foreign Trade (www.dgft.gov.in) for provisions of Foreign Trade (Development & Regulation) Act, 1992, Foreign Trade Policy, ITC (HS), notification/circulars/Public Notices issued by DGFT.
- (iv) Website of the Chief Controller of Explosives (www.peso.gov.in) for procedural aspects relating to manufacture, import and export of explosives. PESO stands for Petroleum and Explosive Safety Organization.

6. Text of Relevant Laws/Rules

6.1 Text of the Explosive Act, 1884

[If necessary, may be downloaded from the website of DIPP using the following link:

http://dipp.nic.in/English/acts_rules/Acts/Explosive Act 1884.pdf

6.2 Text of the Explosive Rules, 2008

[If necessary, may be downloaded from the website of DIPP using the following link:

http://dipp.nic.in/English/acts_rules/Acts/ExplosivesRules 2008.pdf

6.3 Text of the Explosive Substance Act, 1908 [6 of 1908]

1. Short title, extent and application.-

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

(2) It extends to the whole of India, and applies also to citizens of India outside India.

2. Definition of "explosive substance".-

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.

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 punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

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 in India 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 in India, or to enable any other person by means thereof to endanger life or cause serious injury to property in India;

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 transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

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 transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added.

6. Punishment of abettors.-

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.

7. Restriction on trial of offences.-

No Court shall proceed to the trial of any person for an offence against this Act except with the consent of the Central Government.
