

THE EXPLOSIVES ACT, 1884

SUMMARY

The Explosives Act, 1884 is a crucial piece of Indian legislation that governs the manufacture, possession, use, sale, transportation, import, and export of explosives in India. The Act lays down the guidelines for the safe handling, storage, and transportation of explosives, and also establishes a licensing regime for persons dealing in explosives. It provides for the appointment of Inspectors of Explosives who have the power to inspect premises where explosives are manufactured, stored, transported, or used. The Act also prescribes penalties for offenses related to explosives, which range from fines to imprisonment. The main objective of the Explosives Act, 1884 is to prevent accidents and promote public safety in the handling and use of explosives.

TABLE OF CONTENTS

Section 1: Short Title

Section 2: Commencement

Section 3: Repealed

Section 4: Definitions

Section 5: Power To Make Rules As To Licensing Of The Manufacture, Possession, Use, Sale, Transport And Importation Of Explosives

Section 5A: Persons Already In Business In Respect Of Certain Explosives To Carry On Such Business Without Licence For A Certain Period

Section 6: Power For Central Government To Prohibit The Manufacture, Possession Or Importation Of Specially Dangerous Explosives

Section 6A: Prohibition Of Manufacture, Possession, Sale Or Transport Of Explosives By Young Persons And Certain Other Persons

Section 6B: Grant Of Licences

Section 6C: Refusal Of Licences

Section 6D: Licensing Authority Competent To Impose Conditions In Addition To Prescribed Conditions

Section 6E: Variation, Suspension And Revocation Of Licences

Section 6F: Appeals

Section 7: Power To Make Rules Conferring Powers Of Inspection, Search, Seizure, Detention And Removal

Section 8: Notice Of Accidents

Section 9: Inquiry Into Accidents

Section 9A: Inquiry Into More Serious Accidents

Section 9B: Punishment For Certain Offences

Section 9C: Offences By Companies

Section 10: Forfeiture Of Explosives

Section 11: Distress Of Aircraft Or Vessel

Section 12: Abetment And Attempts

Section 13: Power To Arrest Without Warrant Persons Committing Dangerous Offences

Section 14: Saving And Power To Exempt

Section 15: Saving Of Arms Act, 1959

Section 16: Saving As To Liability Under Other Law

Section 17: Extension Of Definition Of “Explosive” To Other Explosive Substances

Section 17A: Power To Delegate

Section 18: Procedure For Making, Publication And Confirmation Of Rules

Section 1: Short Title

(1) This Act may be called the Explosives Act, 1884;

(2) Local extent- It extends to the whole of India

Simplified

(1) The name of this law is the Explosives Act, 1884.

(2) Where it applies- This law is valid throughout all of India.

Section 2: Commencement

(1) This Act shall come into force on such day, as the Central Government, by notification in the Official Gazette, appoints.

Simplified

This law will start to apply on a date that the Central Government decides. The government will announce this date in an official public document called the Official Gazette.

Section 3: Repealed

Repeal of portions of Act 12 of 1875

Rep by the Indian Ports Act, 1889 (10 of 1889), s 2 and the Second Schedule

Simplified

The parts of the law from 1875, referred to as Act 12 of 1875, that dealt with explosives have been removed and are no longer in effect.

This change was made by a law passed in 1889, known as the Indian Ports Act (Act number 10 of 1889), specifically in section 2 and the Second Schedule of that Act

Section 4: Definitions

4 Definitions In this Act, unless the context otherwise requires, -

(a) "aircraft" means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface, and includes balloons, whether fixed or free, airships, kites, gliders and flying machines;

(b) "carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled,

(c) "District Magistrate", in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of Police thereof and includes -

(i) any such Deputy Commissioner of Police, exercising jurisdiction over the whole or any part of such area, as may be specified by the State Government in this behalf in relation to such area or part; and

(ii) an Additional District Magistrate;

(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-trimethylene-trinitramine, 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;

(e) "export" means taking out of India to a place outside India by land, sea or air;

(f) "import" means to bring into India from a place outside India by land, sea or air;

(g) "master", -

(i) in relation to any vessel or aircraft means any person, other than a pilot, harbour master, assistant harbour master or berthing master, having for the time being the charge or control of such vessel or aircraft, as the case may be; and

(ii) in relation to any boat belonging to a ship, means the master of that ship;

(h) "manufacture" in relation to an explosive includes the process of -

(i) dividing the explosive into its component parts or otherwise breaking up or unmaking the explosive, or making fit for use any damaged explosive; and

(ii) re-making, altering or repairing the explosive;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "vessel" includes any ship, boat, sailing vessel, or other description of vessel used in navigation whether propelled by oars or otherwise and anything made

for the conveyance, mainly by water, of human beings or of goods and a caisson.

Simplified

Simplified Definitions from The Explosives Act, 1884

Aircraft: Any flying machine like airplanes, helicopters, balloons, gliders, and kites.

Carriage: Any vehicle used for moving goods or people on land, no matter how it's powered.

District Magistrate: The police chief for an area, or their deputies, or an additional district magistrate.

Explosive: Any substance, like gunpowder or fireworks, designed to explode or create special effects.

Export: Sending something from India to another country by land, sea, or air.

Import: Bringing something into India from another country by land, sea, or air.

Master: The person in charge of a vessel or aircraft, or the captain of a ship in charge of its boats.

Manufacture (of explosives): Making, breaking up, fixing, or changing explosives.

Prescribed: Set out by rules under this Act.

Vessel: Any type of boat or ship that moves on water, whether it's rowed or powered in another way.

Explanation using Example

An example of the application of Section 4 of The Explosives Act, 1884, could involve a scenario where a local fireworks manufacturer is required to obtain a license for the production and storage of fireworks. As defined in the Act, fireworks are considered an "explosive". Therefore, the manufacturer must adhere to the regulations prescribed under the Act for manufacturing, which includes the process of making, altering, or repairing the explosive items. Additionally, if the manufacturer plans to export the fireworks to another country, they must follow the legal procedures for "export" as defined, which

involves taking the goods out of India by land, sea, or air. Should the fireworks be transported to a retail location within India, the mode of "carriage" must also comply with safety regulations pertaining to the conveyance of explosives.

Section 5: Power To Make Rules As To Licensing Of The Manufacture, Possession, Use, Sale, Transport And Importation Of Explosives

(1) The Central Government may, for any part of India, make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a licence granted as provided by those rules, the manufacture, possession, use, sale, transport, import and export of explosives, or any specified class of explosives.

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say:

(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 licenses;

(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 on and subject to which, licenses must be granted;

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

(ee) the authority to which appeals may be preferred under section 6F, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and the circumstances under which such fees may be refunded;

(eea) the total quantity of explosives that a licensee can purchase in a given period of time;

(eeb) the fees to be charged by the Chief Controller of Explosives or any officer authorised by him in this behalf, for services rendered in connection with the manufacture, transport, import or export of explosives;

(f) the exemption absolutely or subject to conditions of any explosives or any person or class of persons from the operation of the rules.

Simplified

Simplified Explanation of The Explosives Act, 1884 - Section 5

(1) The government can create rules for any part of India that align with this law. These rules can control or forbid making, having, using, selling, moving, bringing in, or sending out explosives without a permit. The rules will define how to get and use these permits.

(2) The rules may cover topics like:

(a) Who can give out permits;

(b) How much it costs to get a permit, and any other fees applicants might have to pay;

(c) How to apply for permits and what information needs to be included;

(d) What permits look like and the rules for using them;

(e) How long permits last;

(ee) Who can hear appeals if someone doesn't agree with a decision, how these appeals work, how long you have to appeal, how much it costs, and when you might get your money back;

(eea) How much explosives a permit holder can buy within a certain time;

(eeb) What fees the Chief Controller of Explosives or their authorized officers can charge for services related to making, moving, bringing in, or sending out explosives;

(f) When certain explosives, people, or groups might not have to follow these rules.

Explanation using Example

Imagine a scenario where a construction company, BuildWell Constructions, plans to use explosives for a controlled demolition of a building. Before they can proceed, they must adhere to the guidelines set by Section 5 of The Explosives Act, 1884.

Under this law, BuildWell Constructions would need to:

Apply for a licence from the designated authority to manufacture, possess, and use the explosives for the demolition.

Pay the required fees for the licence and any additional expenses as per the rules.

Ensure their application specifies the type and quantity of explosives needed, as well as details about the demolition process.

Receive a licence that stipulates the conditions they must follow, including safety protocols and handling procedures.

Be aware of the licence's validity period to ensure the demolition is completed within that time frame.

Understand that if their licence application is denied, they have the right to appeal to the specified authority within a set period.

By following these rules, BuildWell Constructions can legally and safely carry out the demolition, ensuring compliance with The Explosives Act, 1884.

Section 5A: Persons Already In Business In Respect Of Certain Explosives To Carry On Such Business Without Licence For A Certain Period

Notwithstanding anything in section 5 or in the rules made thereunder where, immediately before the commencement of the Indian Explosives (Amendment) Act, 1978 (32 of 1978), any person was carrying on the business of manufacture, sale, transport, import or export of any explosive for which no licence was required under this Act before its amendment by the Indian Explosives (Amendment) Act, 1978, then, such person shall be entitled to continue to carry on such business without licence in respect of such explosive:

for a period of three months from the date of such commencement; or

if before the expiry of the said period of three months, such person has made an application for grant of licence under this Act for such business in such explosive, until the final disposal of his application, whichever is later.

Simplified

Even though the rules in Section 5 or any related rules say you need a license, if you were already in the business of making, selling, moving, bringing in, or sending out any explosive that didn't need a license before the Indian Explosives (Amendment) Act, 1978 was introduced, you can keep doing your business without a license for:

three months after the new law starts, or

if you apply for a new license within those three months, you can continue until a decision is made on your application, whichever comes later.

Explanation using Example

Imagine a company, XYZ Pvt. Ltd., which specializes in the manufacture and sale of industrial-grade fireworks. Prior to the enactment of the Indian Explosives (Amendment) Act, 1978, XYZ Pvt. Ltd. was operating without the need for a licence, as the explosives they dealt with were not covered under the licensing requirements of the original Explosives Act, 1884.

However, once the Amendment Act of 1978 came into force, the category of explosives that XYZ Pvt. Ltd. manufactured now required a licence. According to Section 5A of The Explosives Act, 1884, XYZ Pvt. Ltd. would be able to continue its operations for a period of three months from the commencement of the Amendment Act without a licence. If within these three months, the company applies for the necessary licence, they are entitled to continue their business operations until a final decision is made on their application.

In this scenario, XYZ Pvt. Ltd. takes advantage of this provision and submits an application for a licence two months after the Amendment Act comes into force. This allows them to legally continue their manufacturing and sales operations while the licensing authority reviews their application and makes a final decision.

Section 6: Power For Central Government To Prohibit The Manufacture, Possession Or Importation Of Specially Dangerous Explosives

(1) Notwithstanding anything in the rules under the last foregoing section, the Central Government may, from time to time, by notification in the Official Gazette, -

(a) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Central Government, it is expedient for the public safety to issue the notification.

(2) The Customs Act, 1962 (52 of 1962) shall have effect in relation to any explosive with regard to the importation of which a notification has been issued under this section and the vessel, carriage or aircraft containing such explosive as that Act has in relation to any article the importation of which is prohibited

or regulated thereunder and the vessel, carriage or aircraft containing such article.

Simplified

Simplified Explanation

(1) Even if there are existing rules, the Central Government has the power to announce officially in the Official Gazette that:

(a) They can completely ban or set specific conditions on making, having, or bringing into the country any explosive that is considered extremely dangerous. This is done if the Central Government believes it is necessary to protect the public.

(2) When the Central Government issues such a notice about an explosive, the Customs Act of 1962 will apply. This means the rules for importing banned or regulated items will also apply to the explosive, and to any ship, train, or plane carrying it.

Explanation using Example

Imagine a company that wants to import a new type of explosive material for industrial demolition. However, this explosive is deemed highly unstable and poses a significant risk to public safety. The Central Government, upon reviewing the characteristics of this explosive, decides to use its power under Section 6 of The Explosives Act, 1884.

The government issues a notification in the Official Gazette stating that the importation of this particular explosive is prohibited due to its dangerous nature. Consequently, when the company's shipment arrives at the port, customs officials, acting in accordance with the Customs Act, 1962, as referenced in Section 6(2), deny entry of the explosive material into the country. The vessel carrying the shipment is subjected to the same regulations as if it were carrying any other prohibited goods under the Customs Act.

Section 6A: Prohibition Of Manufacture, Possession, Sale Or Transport Of Explosives By Young Persons And Certain Other Persons

Notwithstanding anything in the foregoing provisions of this Act, -no person, - who has not completed the age of eighteen years, or who has been sentenced on conviction of any offence involving violence or moral turpitude for a term not less than six months, at any time during a period of five years after the

expiration of the sentence, or who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) a bond for keeping the peace or for good behaviour, at any time during the term of the bond., or whose licence under this Act has been cancelled, whether before or after the commencement of the Indian Explosives (Amendment) Act, 1978 (32 of 1978), for contravention of the provisions of this Act or of the rules made thereunder, at any time during a period of five years from the date of cancellation of such licence, shall, manufacture, sell, transport, import or export any explosive, or possess any such explosive as the Central Government may, having regard to the nature thereof, by notification in the Official Gazette, specify; no person shall sell, deliver or despatch any explosive to a person whom he knows or has reason to believe at the time of such sale, delivery or despatch, - to be prohibited under clause (a) to manufacture, sell, transport, import, export or possess such explosive, or to be of unsound mind.

Simplified

Simplified Explanation of Section 6A of The Explosives Act, 1884

This section says that despite what is stated earlier in the Act:

Who cannot deal with explosives:

Anyone under 18 years old,

Anyone who has been convicted of a violent crime or a crime of serious dishonesty and was sentenced to at least six months in jail, for five years after their sentence ends,

Anyone who has been required by the court to promise to behave well, for as long as the promise lasts,

Anyone whose license to handle explosives has been taken away for breaking the rules, for five years from when the license was canceled.

What they cannot do:

Make, sell, move, bring in or send out any explosives,

Have any explosives that the government says are too dangerous to be handled by these people.

Who cannot be given explosives:

Anyone who is not allowed to deal with explosives as described above,

Anyone who is not mentally stable.

Explanation using Example

Imagine a scenario where a 17-year-old individual attempts to purchase fireworks for a festival. According to Section 6A of The Explosives Act, 1884, this person, being under the age of eighteen, is legally prohibited from doing so. If a seller knowingly sells the fireworks to this underage individual, the seller would be in violation of the Act because they are not allowed to sell explosives to someone who is clearly prohibited from possessing them under clause (a).

Section 6B: Grant Of Licences

(1) Where a person makes an application for a licence under section 5, the authority prescribed in the rules made under that section for the grant of licences (hereinafter referred to in this Act as the licensing authority), after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing either grant the licence or refuse to grant the same.

(2) The licensing authority shall grant a licence:

(a) where it is required for the purpose of the manufacture of explosives if the licensing authority is satisfied that the person by whom the licence is required:

(i) possesses technical know-how and experience in the manufacture of explosives; or

(ii) has in his employment or undertakes to employ a person or persons possessing such technical know-how and experience; or

(b) where it is required for any other purpose, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

Simplified

Simplified Explanation of Section 6B: Grant of Licenses

(1) When someone applies for a license to handle explosives, as mentioned in section 5, the responsible authority (called the licensing authority) will check if necessary. After that, they will decide in writing to either give the license or not, as long as the decision fits with the rest of the law.

(2) The licensing authority will give out a license:

- (a) For making explosives, if it believes that the applicant knows how to do it safely and has experience, or promises to hire someone who does.
- (b) For any other reason, if it believes that the applicant has a valid reason to need the license.

Explanation using Example

Imagine a company, ABC Explosives Pvt. Ltd., plans to start manufacturing industrial-grade explosives for mining operations. To legally proceed, they must apply for a licence under section 5 of The Explosives Act, 1884. The company submits their application to the designated licensing authority.

The licensing authority conducts an inquiry to determine if the company meets the criteria outlined in section 6B. They assess whether ABC Explosives Pvt. Ltd. has the necessary technical know-how and experience in the explosives manufacturing sector, or if they have committed to hiring experts in this field. After reviewing the application and confirming that the company meets these conditions, the licensing authority grants the licence, allowing ABC Explosives Pvt. Ltd. to manufacture explosives in compliance with the Act.

Section 6C: Refusal Of Licences

(1) Notwithstanding anything contained in section 6B, the licensing authority shall refuse to grant a licence:

- (a) where such licence is required in respect of any prohibited explosive; or
- (b) where such licence is required by a person whom the licensing authority has reason to believe:
 - (i) to be prohibited by this Act or by any other law for the time being in force to manufacture, possess, sell, transport, import or export any explosive; or
 - (ii) to be of unsound mind; or
 - (iii) to be for any reason unfit for a licence under this Act; or
- (c) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) Where the licensing authority refuses to grant a licence to any person, it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing

authority is of opinion that it will not be in the public interest to furnish such statement.

Simplified

Simple Explanation of Section 6C of The Explosives Act, 1884: Refusal of Licenses

The authorities have the right to deny a license for explosives if:

- (a) The explosive is banned by law;
- (b) The person applying for the license:
 - (i) Is not allowed by this or any other law to deal with explosives;
 - (ii) Is not mentally stable;
 - (iii) Is not suitable to hold a license for any reason;
- (c) It's necessary to keep the peace or ensure public safety to deny the license.

If a license is denied, the authority must write down why and give the applicant a summary if asked, unless sharing this information is deemed against the public interest.

Explanation using Example

An example of the application of Section 6C of The Explosives Act, 1884 could be as follows:

Imagine a local fireworks manufacturer, Mr. Sharma, applies for a licence to produce and sell a new type of firework. The licensing authority, upon reviewing the application, realizes that the firework falls under the category of a prohibited explosive due to its unusually high risk of causing uncontrolled explosions. According to Section 6C(1)(a), the licensing authority is bound to refuse Mr. Sharma's licence application because the explosive is prohibited.

Furthermore, suppose the authority has credible information that Mr. Sharma has previously been convicted of illegally trading explosives. This gives the authority reason to believe, as per Section 6C(1)(b)(i), that Mr. Sharma is prohibited by law to deal with explosives and thus must refuse the licence application on these grounds as well.

After the refusal, the licensing authority is required to record the reasons for the refusal and, if Mr. Sharma requests it, provide him with a written statement of the reasons, unless disclosing such information is deemed against the public interest, as per Section 6C(2).

Section 6D: Licensing Authority Competent To Impose Conditions In Addition To Prescribed Conditions

A licence granted under section 6B may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

Simplified

Simplified Explanation of Section 6D of The Explosives Act, 1884

When someone gets a license to handle explosives, the authority that gives out the license can add extra rules or conditions they think are needed for that specific case, on top of the usual rules already set.

Explanation using Example

Imagine a company, "XYZ Explosives Ltd.," applies for a licence to store explosives in a new warehouse located near a residential area. The licensing authority, under Section 6B, is responsible for granting the licence and may include standard conditions such as maintaining a certain distance from inhabited buildings, having appropriate fire safety measures, and ensuring secure storage facilities.

However, due to the proximity of the warehouse to the residential area, the licensing authority, applying Section 6D of The Explosives Act, 1884, decides that additional conditions are necessary for public safety. These conditions could include enhanced security surveillance, stricter inventory checks, and mandatory safety drills for the warehouse staff. By imposing these additional conditions, the authority ensures that the company takes extra precautions to prevent any potential mishaps due to the sensitive nature of the explosives and the warehouse's location.

Section 6E: Variation, Suspension And Revocation Of Licences

(1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for

that purpose require the holder of licence by notice in writing to deliver up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may, by order in writing, suspend a licence for such period as it thinks fit or revoke a licence, -

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force to manufacture, possess, sell, transport, import or export any explosive, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for the licence; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying the conditions of a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke a licence: Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(7) An order of suspension or revocation under sub-section (6) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(8) The Central Government may, by order in the Official Gazette, suspend or revoke, or direct any licensing authority to suspend or revoke, all or any licences granted under this Act throughout India or any part thereof.

(9) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.

Simplified

Simplifying the Terms for Changing, Pausing, or Canceling Licenses

(1) The authority that gives out licenses can change the rules for a license (except for the rules that are set and can't be changed). They can ask the license owner in writing to give back the license within a certain time to make these changes.

(2) If a license owner asks for it, the licensing authority can also change the rules of their license (but not the rules that are set and can't be changed).

(3) The licensing authority can write an order to stop (suspend) a license for a time they choose or to cancel (revoke) a license if:

(a) They find out the license owner is not allowed to have or work with explosives, is mentally unstable, or in any other way not suitable to have a license according to this law or any other current laws;

(b) They think it's necessary to stop or cancel the license to keep the peace or for the safety of the public;

(c) The license was given because important information was hidden or false information was provided;

(d) The license owner didn't follow the rules of the license;

(e) The license owner didn't give back their license when asked by a notice under point (1).

(4) The licensing authority can cancel a license if the owner asks for it.

(5) When the licensing authority changes the rules of a license or stops or cancels a license, they have to write down why they did it and give a summary to the owner if asked, unless they think it's not in the public's best interest to share this information.

(6) If a court finds a license owner guilty of breaking this law or its rules, the court can also stop or cancel the license. But if the guilty verdict is overturned later, the stopping or cancellation of the license won't count anymore.

(7) A higher court can also order a license to be stopped or canceled when reviewing a case.

(8) The Central Government has the power to stop or cancel all or any licenses in the whole country or in a specific part by announcing it in an official publication.

(9) If a license is stopped or canceled, the owner must quickly give it back to the authority that stopped or canceled it or to any other authority named in the stopping or canceling order.

Explanation using Example

Imagine a scenario where a local fireworks manufacturer has been granted a licence to produce and sell fireworks. One day, an inspection by the licensing authority reveals that the manufacturer has been violating safety protocols by storing large quantities of explosives in an unsafe manner, which is a condition specified in their licence.

The licensing authority decides to act under Section 6E of The Explosives Act, 1884. They issue a written notice to the manufacturer, stating that due to the contravention of licence conditions, specifically related to safety storage protocols (referencing subsection 3(d)), the licence is being suspended for a period they deem fit to ensure public safety (referencing subsection 3(b)).

The manufacturer is required to surrender the licence and cease operations until the suspension is lifted and they can demonstrate compliance with all the safety conditions of their licence. The authority records the reasons for the suspension in writing and informs the manufacturer that they can request a brief statement of reasons, unless disclosing such information is not in the public interest (referencing subsection 5).

Section 6F: Appeals

Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed: Provided that no appeal shall lie against an order made by, or under the direction of, the Central Government.

No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (36 of 1963), with respect to the computation of periods of limitation thereunder.

Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed: Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

Simplified

Understanding Appeals in The Explosives Act, 1884

If you are unhappy because the licensing authority denied your application for a licence, changed the terms of your licence, suspended it, or took it away, you can appeal to a higher authority (called the appellate authority) within a certain time frame. However, you can't appeal if the decision was made by the Central Government or under its direction.

Your appeal won't be considered if it's filed after the time limit has passed. But if you can prove that you had a good reason for not appealing on time, your late appeal might still be accepted.

The time you have to file an appeal is calculated the same way deadlines are determined under the Limitation Act of 1963.

When you file an appeal, you need to do it in writing, using a petition that explains why you're appealing. If you were given reasons for the original decision, include those. You also have to pay a fee.

The appellate authority has to follow certain rules when looking at your appeal. They must give you a fair chance to be heard before making a decision.

While your appeal is being considered, the original decision stays in effect unless the appellate authority decides to put it on hold or change it.

Once the appellate authority makes a decision on your appeal, whether they agree with, change, or overturn the original decision, that decision is final and can't be challenged further.

Explanation using Example

An example of the application of Section 6F of The Explosives Act, 1884, might involve a fireworks manufacturer who has been denied a licence to operate by the licensing authority due to safety concerns. The manufacturer believes that the concerns are unfounded and that they have met all the safety regulations required for the licence. According to Section 6F, the manufacturer has the right to appeal this decision to a higher authority, referred to as the appellate authority, within a prescribed period.

For instance, if the manufacturer is informed of the licence refusal on April 1st, and the prescribed period for filing an appeal is 30 days, they must submit their appeal by May 1st. If they miss the deadline, they can still appeal if they can prove to the appellate authority that there was a sufficient cause for the delay, such as a medical emergency.

The appeal must be in writing, include a fee, and provide a statement of reasons for the appeal. The appellate authority is required to give the manufacturer an opportunity to be heard before making a final decision. If the authority upholds the appeal, the manufacturer may then be granted the licence or have the suspension or revocation of an existing licence reversed.

Section 7: Power To Make Rules Conferring Powers Of Inspection, Search, Seizure, Detention And Removal

(1) The Central Government may make rules consistent with this Act authorising any officer, either by name or in virtue of his office-

(a) to enter, inspect and examine any place, aircraft, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported, imported or exported 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, transported, imported or exported in contravention of this Act or of the rules made under this Act;

(b) to search for explosives therein;

(c) to take samples of any explosive found therein on payment of the value thereof; and

(d) to seize, detain and remove any explosive or ingredient thereof found therein and, if necessary, also destroy such explosive or ingredient.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorised by rules under this section.

Simplified

(1) The government can create rules that allow certain officials to do the following, as long as these rules don't conflict with this law:

(a) Go into and check any place, including aircraft, vehicles, or ships, where explosives are being made, kept, used, sold, moved, brought into or out of the country legally with a permit, or where the official thinks explosives might be handled illegally.

(b) Look for explosives in these places.

(c) Take samples of any explosives they find, as long as they pay for them.

(d) Take away any explosives or their ingredients found in these places and, if it's necessary, destroy them.

(2) When these officials search a place, they must follow the search rules set out in the Code of Criminal Procedure of 1973, as long as those rules are relevant to the situation.

Explanation using Example

Imagine a company that operates a fireworks manufacturing facility. One day, an inspector from the Central Government arrives at the facility. The inspector has been authorised under the rules made in accordance with Section 7 of The Explosives Act, 1884.

The inspector exercises his powers by:

Entering the premises and examining the areas where explosives are being manufactured.

Searching for any explosives that may not be accounted for by the facility's records.

Taking samples of the fireworks being produced to ensure they meet safety standards, while compensating the company for the samples taken.

Discovering a batch of fireworks that do not comply with safety regulations and seizing that batch to prevent it from reaching the market.

The company must comply with the inspector's actions, which are backed by the legal authority of The Explosives Act and are conducted in a manner consistent with the procedures outlined in the Code of Criminal Procedure, 1973.

Section 8: Notice Of Accidents

(1) Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any aircraft, carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the aircraft or vessel, or the person in charge of the carriage, as the case may be, shall within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the Chief Controller of Explosives and to the officer in charge of the nearest police station.

Simplified

If there's an explosion or fire involving explosives that causes, or usually would cause, death or serious injury to people or damage to property, the person

running the place or in charge of the aircraft, vehicle, or ship involved must quickly report the incident. They must tell both the Chief Controller of Explosives and the nearest police station about what happened and any deaths or injuries, following specific rules about how and when to report.

Explanation using Example

Imagine a scenario where a small fireworks manufacturing unit experiences an unexpected explosion during the mixing of chemicals, which results in a fire. The blast causes damage to the facility and serious injuries to several workers. Under Section 8 of The Explosives Act, 1884, the owner of the manufacturing unit is legally required to report this incident promptly to the Chief Controller of Explosives and also to the officer in charge of the nearest police station, detailing the accident, the extent of damage, and the injuries sustained by the workers.

Section 9: Inquiry Into Accidents

(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, aircraft, carriage or vessel under the control of any of Armed Forces of the Union, an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an Inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1973 (2 of 1974), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances.

(4) The Central Government may make rules -

(a) to regulate the procedure at inquiries under this section;

(b) to enable the Chief Controller of Explosives to be present or represented at any such inquiry;

(c) to permit the Chief Controller of Explosives or his representative to examine any witnesses at the inquiry;

(d) to provide that where the Chief Controller of Explosives is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;

(e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

Simplified

Simplified Explanation of Section 9: Inquiry into Accidents

1. Who conducts the inquiry?

If an accident involving explosives happens within the Armed Forces, the respective naval, military, or air force authority will investigate. For other accidents, the District Magistrate will investigate if there's been a loss of life, or they might choose to do so in other cases, or ask a lower-ranking Magistrate to do it.

2. What powers does the investigator have?

The investigator has the same powers as a Magistrate looking into a criminal offense. They can also use certain powers given to officers for these types of inquiries, if needed.

3. Reporting the findings

After the investigation, the investigator must report the findings, including the causes and circumstances of the accident, to the Central Government.

4. Government rules for the inquiry

The Central Government can set rules for:

How the inquiry is conducted;

Allowing the Chief Controller of Explosives to attend or send a representative;

Letting this Chief Controller or their rep question witnesses;

Ensuring the Chief Controller gets a report of the inquiry if they or their rep weren't there;

How and when to notify about the accident as mentioned in section 8.

Explanation using Example

Imagine a fireworks factory that supplies fireworks to local vendors. One day, due to improper handling of the materials, an explosion occurs resulting in the tragic loss of lives of several factory workers. As the accident happened in a civilian setting and not in a military or other armed forces area, the District Magistrate steps in to investigate the incident as mandated by Section 9 of The Explosives Act, 1884.

The District Magistrate exercises the powers similar to those of a Magistrate inquiring into a criminal offense, as per the Code of Criminal Procedure, to gather evidence and understand the causes of the accident. The inquiry might involve questioning the factory management, inspecting safety records, and examining the site of the accident.

After conducting a thorough investigation, the District Magistrate compiles a report detailing the causes and circumstances of the explosion and submits this report to the Central Government. The report could lead to recommendations for improved safety measures or even legal action against those found negligent.

Section 9A: Inquiry Into More Serious Accidents

The Central Government may, where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry or more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the Chief Controller of Explosives or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

Where the Central Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be

legally bound so to do within the meaning of section 176 of the Indian Penal Code (45 of 1890).

Any person holding an inquiry under this section may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Central Government shall cause every report so made to be published at such time and in such manner as it may think fit.

The Central Government may make rules for regulating the procedure at inquiries under this section.

Simplified

Simplified Explanation of Section 9A: Inquiry into More Serious Accidents

If the Central Government thinks a detailed investigation is needed for a serious accident involving explosives, it can assign the Chief Controller of Explosives or another qualified person to conduct the investigation. It may also appoint experts to help with the investigation.

If the Central Government starts a detailed investigation under this section, it can stop any ongoing investigation under section 9.

The appointed investigator has the same authority as a civil court to make people attend hearings and to require the submission of documents and objects. Anyone asked for information must provide it, as if legally required to do so.

The investigator can use the powers given to officials by the rules under section 7 if needed for the investigation.

After the investigation, the investigator must report the causes and details of the accident to the Central Government, including any comments they or the experts have. The government will then publish the report when and how it sees fit.

The Central Government is allowed to create rules on how these detailed investigations should be conducted.

Explanation using Example

Imagine a factory where explosives are manufactured experiences a devastating explosion, resulting in significant property damage and loss of life. The local authorities conduct a preliminary inquiry under Section 9 of The Explosives Act, 1884, but due to the severity and complexity of the accident, the Central Government decides that a more formal investigation is necessary to understand the causes and prevent future incidents.

Under Section 9A of The Explosives Act, 1884, the Central Government appoints the Chief Controller of Explosives to lead a comprehensive inquiry. Additionally, experts in chemical engineering and safety protocols are appointed as assessors to provide specialized knowledge. The inquiry team exercises their powers similar to a Civil Court to gather evidence, including summoning witnesses and demanding the production of documents from the factory.

After a thorough investigation, the inquiry officer compiles a detailed report outlining the causes of the explosion, such as improper storage of materials or failure to comply with safety standards. The report includes recommendations to enhance safety measures. The Central Government then publishes the findings to inform industry practices and regulatory measures, aiming to prevent such accidents in the future.

Section 9B: Punishment For Certain Offences

(1) Whoever, in contravention of rules made under section 5 or of the conditions of a licence granted under the said rules -

(a) manufactures, imports or exports any explosive shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;

(b) possesses, uses, sells or transports any explosive shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both; and

(c) in any other case, with fine which may extend to one thousand rupees.

(2) Whoever in contravention of a notification issued under section 6 manufactures, possesses or imports any explosive shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both; and in the case of

importation by water, the owner and master of the vessel or in the case of importation by air, the owner, and the master of the aircraft, in which the explosive is imported shall, in the absence of reasonable excuse, each be punishable with fine which may extend to five thousand rupees.

(3) Whoever, -

(a) manufactures, sells, transports, imports, exports or possesses any explosive in contravention of the provisions of clause (a) of section 6A; or

(b) sells, delivers or despatches any explosive in contravention of the provisions of clause (b) of that section, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both; or

(c) in contravention of the provisions of section 8 fails to give notice of any accident shall be punishable, -

(i) with fine which may extend to five hundred rupees, or

(ii) if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months or with fine or with both.

Simplified

Simplified Explanation of Punishments for Explosives Offenses

If you break the rules about making, importing, or using explosives, or you don't follow the conditions of your explosives license:

If you make, bring in, or send out explosives, you could go to jail for up to three years, be fined up to 5,000 rupees, or both.

If you have, use, sell, or move explosives, you could face jail time up to two years, be fined up to 3,000 rupees, or both.

For any other rule-breaking, you could be fined up to 1,000 rupees.

If you ignore a government notice about making, having, or bringing in explosives:

You could be jailed for up to three years, fined up to 5,000 rupees, or both.

If you bring explosives into the country by water, the ship's owner and captain, or by air, the aircraft's owner and captain, could each be fined up to 5,000 rupees, unless they have a good reason for breaking the rule.

If you don't follow specific rules about explosives:

If you make, sell, move, bring in, send out, or have explosives, you could be jailed for up to three years, be fined, or both.

If you sell, give, or send explosives to someone else illegally, the same punishments apply.

If you don't report an accident involving explosives, you could be fined up to 500 rupees, or if the accident caused someone to die, you could face jail time up to three months, be fined, or both.

Explanation using Example

Imagine a factory owner, Mr. Kumar, who has a license to manufacture industrial-grade explosives for mining operations. Despite the conditions of his license specifying a maximum quantity of explosives that can be stored on-site, Mr. Kumar decides to exceed this limit to meet a sudden spike in demand.

During a routine inspection, authorities discover that Mr. Kumar has stored twice the permitted amount of explosives. Since this storage is in contravention of the conditions of his license (as per Section 5 rules), Mr. Kumar faces legal action under Section 9B of The Explosives Act, 1884.

As per the provisions of Section 9B(1)(b), Mr. Kumar could be penalized with imprisonment for a term which may extend to two years, or with a fine which may extend to three thousand rupees, or with both, for possessing explosives beyond the licensed quantity.

Section 9C: Offences By Companies

(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section, -

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Simplified

Offences by Companies Simplified

If a company breaks the law according to The Explosives Act, both the company itself and the people in charge at the time of the offense are considered guilty. This includes anyone responsible for how the company is run. They can be legally charged and punished if found guilty.

However, if a person in charge can prove that they didn't know about the offense and did everything they could to prevent it, they won't be punished.

Even if the person in charge didn't know about the offense, if it's shown that the crime happened because a company director, manager, secretary, or other officer either agreed to it, helped it happen, or ignored it, then that person will also be considered guilty and can face legal action.

Definitions:

Company: This term covers any type of business entity, including partnerships and groups of people.

Director: When talking about a partnership, this term refers to a partner in that partnership.

Explanation using Example

Example Application of Section 9C of The Explosives Act, 1884:

Imagine a scenario where XYZ Explosives Pvt. Ltd. is a company that manufactures and deals in explosives. Due to negligence in following safety protocols, an unauthorized person gains access to the storage facility and steals some explosives. This results in an offence under The Explosives Act, 1884.

Under Section 9C:

The Managing Director and other key personnel in charge at the time of the theft would be considered guilty of the offence, along with the company itself, and could face legal proceedings.

If the Managing Director can prove that he was unaware of the security lapse and had taken all necessary precautions to prevent such an incident, he might not be held liable.

If it is discovered that the theft occurred due to the consent or negligence of a specific manager responsible for security, that manager would also be held accountable and could face punishment.

Section 10: Forfeiture Of Explosives

When a person is convicted of an offence punishable under this Act, or the rules made under this Act, the court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Simplified

If someone is found guilty of breaking the law or the regulations set by The Explosives Act of 1884, the judge can order that the explosive materials, ingredients, or any related substances involved in the crime be taken away. This includes any containers holding these items.

Explanation using Example

Imagine a situation where an individual is found guilty of illegally transporting dynamite without proper authorization, which is a violation under the Explosives Act, 1884. Upon conviction, the court has the authority to order that the dynamite, along with any containers it was found in, be seized and

forfeited to the government. This means the individual would lose any rights to the dynamite and related materials as a consequence of their unlawful actions.

Section 11: Distress Of Aircraft Or Vessel

11 Distress of aircraft or vessel Where the owner or Master of any aircraft or vessel is adjudged under this Act to pay a fine for any offence committed with, or in relation to, that aircraft or vessel, the Court may, in addition to any power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of,

(a) the aircraft and its furniture or so much of the furniture, or

(b) the vessel and the tackle, apparel and furniture of such vessel or so much of the tackle, apparel and furniture thereof, as is necessary for the payment of the fine.

Simplified

Simplified Explanation of Section 11 - Distress of aircraft or vessel:

If the owner or the person in charge (Master) of an airplane or ship is found guilty and fined for breaking the law with their vehicle, the court can force payment of the fine by taking and selling:

(a) The airplane and its interior parts, or as much of it as needed, or

(b) The ship and its equipment, including sails and interior parts, or as much as needed to cover the fine.

Explanation using Example

Imagine a scenario where the owner of a small cargo vessel is found guilty of illegally transporting explosives without proper authorization, violating the Explosives Act, 1884. The court imposes a hefty fine on the owner for this offence. However, the owner fails to pay the fine by the deadline set by the court.

In response, the court exercises its authority under Section 11 of the Explosives Act, 1884. It issues an order to seize and sell certain assets of the vessel. This includes the vessel's tackle, apparel, and furniture, or any part of these items deemed necessary, to cover the amount of the fine. The sale proceeds are then used to satisfy the financial penalty imposed on the owner for the offence related to the vessel's misuse for carrying explosives.

Section 12: Abetment And Attempts

Whoever abets, within the meaning of the Indian Penal Code (45 of 1860), the commission of an offence punishable under this Act, or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Simplified

If someone encourages or helps another person to commit a crime related to explosives, as defined by the Indian Penal Code, or tries to commit such a crime themselves and takes steps towards doing it, they will be punished just as if they had actually committed the crime.

Explanation using Example

Imagine a scenario where John, who works at a fireworks manufacturing plant, is approached by his friend Mike. Mike asks John to provide him with some explosives for a prank he wants to play on another friend. John knows that handling explosives outside the regulations is illegal, but he agrees to help Mike and provides him with the materials needed for the prank. In this situation, even though John didn't directly use the explosives for an illegal act, he abetted Mike by providing the explosives. According to Section 12 of The Explosives Act, 1884, John could be punished just as if he had committed the offence himself because he facilitated the act by supplying the explosives.

Section 13: Power To Arrest Without Warrant Persons Committing Dangerous Offences

Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, aircraft or vessel, may be apprehended without a warrant by a Police - officer, or by the occupier of, or the agent or servant of, or other person authorised by the occupier of, that place, or by any agent or servant of, or other person authorised by, the railway administration or conservator of the port or officer in charge of the air port, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Simplified

If someone is caught in the act of doing something illegal under The Explosives Act, or its rules, especially if it could cause an explosion or fire where explosives are made or kept, or near railways, ports, or on any vehicle, aircraft, or ship, they can be arrested right away without a warrant. This arrest can be made by a police officer, the person who owns the place, the owner's employees or authorized people, railway officials, port authorities, or airport officials. After the arrest, the person should be taken to a Magistrate as soon as possible.

Explanation using Example

Imagine a person is seen tampering with containers labeled as explosives in a warehouse that stores such materials. The individual's actions are causing sparks that could potentially lead to an explosion. Under Section 13 of The Explosives Act, 1884, a police officer, or an authorized individual such as the warehouse manager or a security personnel, has the right to apprehend this person without needing a warrant due to the immediate danger posed by their actions. The apprehended individual would then be promptly taken to a magistrate to face charges for their actions that could have led to a catastrophic event.

Section 14: Saving And Power To Exempt

Nothing in this Act, except sections 8, 9 and 9A shall apply to the manufacture, possession, use, transport or importation of any explosive:

(a) by any of the Armed Forces of the Union, and ordnance factories or other establishments of such Forces in accordance with rules or regulations made by the Central Government;

(b) by any person employed under the Central Government or under a State Government in execution of this Act.

(2) The Central Government may by notification in the Official Gazette exempt, absolutely or subject to any such conditions as it may think fit to impose, any explosive and any person or class of persons from all or any of the provisions of this Act or the rules made thereunder.

Simplified

Simplified Explanation of Section 14 - Exceptions and Exemptions

General Exceptions: Most of this law does not apply to:

(a) The military forces of India, their ordnance factories, and other related establishments, as long as they follow rules set by the central government.

(b) Anyone working for the central or state government to carry out this law.

Special Exemptions: The central government can announce special exceptions in the government gazette. These can cancel out all or some parts of this law for certain explosives, people, or groups. The government can also add conditions to these exceptions.

Explanation using Example

Imagine a scenario where a military base is conducting routine training exercises involving the use of explosives. Under Section 14 of The Explosives Act, 1884, the activities at the military base, such as the manufacture and use of explosives by the Armed Forces, would not be subject to the same regulations as civilian use. This is because subsection (1)(a) specifically exempts the Armed Forces and related establishments when they follow rules set by the Central Government.

Additionally, if a government agency is conducting a controlled demolition of an unsafe building using explosives, the personnel involved would be exempt from certain provisions of the Act as per subsection (1)(b), as they are individuals employed by the government executing duties under the Act.

Furthermore, suppose a private company has developed a new type of explosive that is deemed to be safer for industrial use. The Central Government could choose to exempt this explosive from certain regulations of the Act, as outlined in subsection (2), by issuing a notification in the Official Gazette. This exemption could be absolute or come with specific conditions to ensure safety.

Section 15: Saving Of Arms Act, 1959

Nothing in this Act shall affect the provisions of the Arms Act, 1959 (4 of 1959) : Provided that an authority granting a license under this Act for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written on the license that it shall have the effect of a like license granted under the said Arms Act, 1959 (4 of 1959).

Simplified

This section of the Explosives Act, 1884, is saying that the Act does not change or override anything in the Arms Act, 1959. However, if the rules allow it, the person or authority giving out a license for making, having, selling, moving, or bringing in explosives can also make that license work like a similar license under the Arms Act, 1959. They do this by writing an order directly on the license.

Explanation using Example

Imagine a fireworks manufacturer who wants to produce and sell fireworks for a festival. Under the Explosives Act, 1884, they would need a license for manufacturing and dealing with explosives. However, fireworks are also considered arms under the Arms Act, 1959, and would typically require a separate license under that Act. In this scenario, the authority granting the explosives license could, if the rules allow, endorse the license to also have the effect of an arms license. This means the manufacturer does not have to obtain two separate licenses, simplifying the legal process and allowing them to legally manufacture and sell fireworks with just one endorsed license.

Section 16: Saving As To Liability Under Other Law

Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules:

Provided that a person shall not be punished twice for the same offence.

Simplified

This section means that if someone does something that is against the Explosives Act or its rules, they can also be charged and punished under a different law if that act or omission is also an offence under that other law. This could result in a more severe punishment than what the Explosives Act suggests.

However, it's important to note that a person cannot be punished more than once for the same wrongdoing.

Explanation using Example

Imagine a situation where a factory owner illegally stores large quantities of explosives. While this action violates the Explosives Act, 1884, it may also contravene environmental regulations and pose a public safety hazard. Consequently, the owner could face prosecution under the Explosives Act and also under environmental protection laws. The penalties might be more severe under the environmental laws than those specified in the Explosives Act.

However, if the owner is convicted and punished under the Explosives Act, they cannot be punished again for the same offense under the environmental laws, thus avoiding double jeopardy.

Section 17: Extension Of Definition Of “Explosive” To Other Explosive Substances

The Central Government may, from time to time, by notification in the Official Gazette, declare that any substance which appears to the Central Government to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act; and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term "explosive" in this Act.

Simplified

The Central Government has the power to announce, through an official public notice, that a particular substance is considered extremely hazardous due to its explosive characteristics or because its production process might cause explosions. Once declared, this substance will be treated as an explosive under the law. This means all rules and regulations of this law will apply to that substance. However, the government may also specify certain exceptions, limitations, or restrictions for that substance in the announcement.

Explanation using Example

Imagine a company that has developed a new chemical compound for industrial use. This compound is not traditionally recognized as an explosive. However, upon further research, the Central Government finds that the compound has highly volatile properties and poses a significant risk of explosion under certain conditions, making it extremely dangerous to both life and property.

In response, the government issues a notification in the Official Gazette, declaring this new compound as an explosive under the Explosives Act, 1884. From this point forward, the production, storage, and transportation of this substance will be subject to the same regulations and restrictions as other recognized explosives. This ensures that adequate safety measures are taken to prevent any potential harm that could arise from its explosive nature.

Section 17A: Power To Delegate

The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under sections 5, 6, 6A, 14 and 17 may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by:

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to the State Government.

Simplified

Simplified Explanation of Section 17A - Power to Delegate

The Central Government has the authority to assign certain responsibilities or powers that it holds under the Explosives Act, 1884 to other officials or authorities. This does not include the powers listed in sections 5, 6, 6A, 14, and 17. The specific details and any conditions about this delegation will be officially announced in the Official Gazette.

These powers can be delegated to:

- (a) An officer or authority that is under the Central Government, or
- (b) A State Government, or an officer or authority that is under the State Government.

Explanation using Example

Imagine a situation where the Central Government decides that the process of granting licenses for the manufacture of fireworks is becoming too centralized and causing delays. To streamline this process, the Central Government uses Section 17A of The Explosives Act, 1884, to delegate its licensing powers to various State Governments.

In this scenario, a notification is published in the Official Gazette specifying that State Governments can now grant licenses for the manufacture of fireworks, subject to certain conditions laid down by the Central Government. This delegation is intended to expedite the licensing process by allowing local authorities, who are closer to the manufacturers, to handle the applications directly, ensuring better management and quicker response times.

Section 18: Procedure For Making, Publication And Confirmation Of Rules

(1) An authority making rules under this Act shall before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Central Government, from time to time, by notification in the Official Gazette prescribes.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect until it has been published in the Official Gazette.

(6) The publication in the Official Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made, and, if it requires sanction, that it has been duly sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

(8) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Simplified

- (1) Before creating new rules under this law, the responsible authority must share a draft of the rules so that people who might be affected can review them.
- (2) This draft must be shared in a way that the Central Government decides and announces in an official publication called the Official Gazette.
- (3) Along with the draft, there must be a notice that says when the draft will start to be considered, which is a date that has to be in the future.
- (4) The authority must look at and think about any feedback or suggestions from people about the draft rules before the date mentioned in the notice.
- (5) New rules won't be active until they are shared in the Official Gazette.
- (6) If a rule is published in the Official Gazette and it looks like it was made correctly under this law, that's enough proof that it was made properly and, if needed, that it got the right approval.
- (7) The authority can use its power to make rules whenever it needs to, not just once.
- (8) Every new rule must be presented to both houses of Parliament as soon as possible and stay there for 30 days, which could be during one session or several. If both houses of Parliament decide to change the rule or not to make it at all before the next session ends, then the rule will only work in the changed way or not at all. However, this doesn't affect anything that was done based on the rule before it was changed or canceled.

Explanation using Example

Imagine the government plans to introduce new safety regulations for the storage of industrial explosives. According to Section 18 of The Explosives Act, 1884, the authority must first draft these proposed rules and publish them to inform those who might be impacted, such as factory owners and workers.

The draft must be announced in a manner prescribed by the Central Government, typically in the Official Gazette. Alongside the draft, a notice will specify a deadline for public consideration, allowing stakeholders to review and suggest changes or express objections.

The authority will consider all feedback before finalizing the rules. Only after these steps are completed and the rules are published in the Official Gazette

will they take effect, ensuring transparency and public participation in the rule-making process.