

Explosive Substances Act, 1908

Preamble 1 - Explosive Substances Act, 1908

EXPLOSIVE SUBSTANCES ACT, 1908 EXPLOSIVE SUBSTANCES ACT, 1908 STATEMENT OF OBJECTS AND REASONS "Recent events have brought prominently to notice the inadequacy of the existing law to deal with crimes committed by means of explosive substances. The Indian Explosives Act, 1884 was framed to prevent accidents rather than to prevent crime and its provisions are clearly inadequate to meet the present emergency. No sentence of imprisonment can be imposed under that Act and the maximum penalty is only a fine of three thousand rupees. The Indian Arms Act, 1878, though it applies to the possession of explosives as well as arms. is also inadequate in respect of both of the penalties it allows and the scope of its provisions for dealing promptly with preparations to manufacture bombs and other explosives. The Penal Code provides for the punishment of persons who cause hurt or mischief by means of explosive substances and it also deals with attempts to cause hurt or mischief but only when any act towards the commission of the offence is actually done. But it does not provide any penalty for making or possessing explosive substances with unlawful intent and it does not in other cases always provide such severe penalties as are requisite. The Governor-General in Council, therefore, considers it necessary to supplement the existing law by an Act on the lines of the English Explosive Substances Act, 1883, which was enacted for the expressed purpose of dealing with anarchist crimes. The Bill which has been drafted to give effect to this decision provides for a punishment of any person who causes an explosion likely to endanger life or property, or who attempts to cause such an explosion, or makes or has in his possession any explosive substance with intent to endanger life or property. It further makes the manufacture or possession of explosive substances for any other than a lawful object a substantive offence and throws on the person who makes or is in possession of any explosive substance the onus of proving that the making or possession was lawful. It also provides adequately for the punishment both of principals and accessories." - Gazette of India, 1903, Pt. V, p. 170. An Act further to amend the law relating to explosive substances . Whereas it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows: - It has been declared to be in force in the Sonthal Parganas (now forming part of Bihar State) by notification under S. 3(3)(a) of the Sonthal Parganas Settlement Regulation (3 of 1872), see Calcutta Gazette, 1909, Pt. I, p. 649; in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), S. 3 and Schedule; and in the Angul District by the Angul Laws Regulation, 1936(5 of 1936), S. 3 and Schedule. Khondmals and Angul districts form part of the Orissa State. Regulation 5 of 1936 has been repealed by Orissa Act 19 of 1967, Angul district, as formed by the said Regulation, is a sub-division in the district of Dhenkanal in Orissa State. The Act has been extended to the new Provinces and merged States by the Merged States (Laws) Act, 1949 (59 of 1949), S. 3(1-1-1950) and the Union Territories of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act (30 of 1950), S. 3(16-4-1950). Manipur and Tripura are States now; Vindhya Pradesh has merged with the State of Madhya Pradesh - See Act 37 of 1956 and the Constitution (Seventh Amendment) Act, 1956. The Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941), and it has now been extended to the following Union Territories :- (1) Goa, Daman and Diu, by Regn. I I of 1962 (with effect from 1-2-1965); (Goa is now a State). (2) Dadra and Nagar Haveli, by Regn. 6 of 1963 (with effect from 1-7-1965); (3) Pondicherry. by Regn. 7 of 1963 (with effect from 1-10-1963) and (4) Laccadive, Minicoy and Amindivi Islands, (Lakshadweep) by Regn. 8 of 1965. The Act has been extended to the State of Sikkim-See S. O. 208(E)/75, and enforced on 1 -2-76 -See G. S. R. 201/76.