

## Explosive Substances Act, 1908

### Section 1 - 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. 0. 208(E)/75, and enforced on 1 -2-76 -See G. S. R. 201/76.

**SECTION 01: SHORT TITLE, EXTENT AND APPLICATION**(1) This Act may be called The Explosive Substances Act, 1908.1a[(2) It extends to the whole of India2b[\* \* \* \* \*], and applies also to citizens of India3[outside India],]

**SECTION 02: DEFINITIONS** . 6In this Act,(a) 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;(b) the expression "special category

explosive substance" shall be deemed to include research development explosive (RDX), penta erythritol tetra nitrate (PETN), high melting explosive (HMX), tri nitro toluene (TNT) low temperature plastic explosive (LTPE), composition exploding (CE) (2, 4, 6 phenyl methyl nitramine or tetryl), OCTOL (mixture of high melting explosive and tri nitro toluene), plastic explosive kirkee-1 (PEK-1) and RDX/TNT compounds and other similar type of explosives and a combination thereof and remote control devices causing explosion and any other substance and a combination thereof which the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act.

**SECTION 03: PUNISHMENT FOR CAUSING EXPLOSION LIKELY TO ENDANGER LIFE OR PROPERTY .** 6Any person who unlawfully and maliciously causes by"(a) any explosive substance an 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 imprisonment for life, or with rigorous imprisonment of either description which shall not be less than ten years, and shall also be liable to fine;(b) any special category explosive substance an 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 death, or rigorous imprisonment for life, and shall also be liable to fine.

**SECTION 04: PUNISHMENT FOR ATTEMPT TO CAUSE EXPLOSION, OR FOR MAKING OR KEEPING EXPLOSIVE WITH INTENT TO ENDANGER LIFE OR PROPERTY .** 6Any person who unlawfully and maliciously"(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion 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 or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, 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.(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

**SECTION 05: PUNISHMENT FOR MAKING OR POSSESSING EXPLOSIVES UNDER SUSPICIOUS CIRCUMSTANCES .** 6Any person who makes or knowingly has in his possession or under his control any explosive substance or special category 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 punished,"(a) in the case of any explosive substance, with imprisonment for a term which may extend to ten years, and shall also be liable to fine;(b) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.'

**SECTION 06: 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.

**SECTION 07: 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 1a[\* \* \*] the7 ["District Magistrate" ]. Central Bare Acts