

THE EXPLOSIVES ACT, 1884

[Act 4 of 1884, dt. 26-2-1884]

An Act to regulate the manufacture, possession, use, sale, transport, import and export of explosives.

Whereas it is expedient to regulate the manufacture, possession, use, sale,¹[transport, import and export] and importation of explosives; it is hereby enacted as follows:—

1. Short title

(1) This Act may be called the ²[xxx] Explosives Act, 1884; and

Local extent

(2) It extends to the whole of India.

2. Commencement

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

(2) [Omitted]

3. Repeal of portions of Act XII of 1875

[Repealed by Act X of 1889]

³4. Definitions

In this Act, unless the context otherwise requires,—

- (i) “aircraft” means any machine which can derive support in the atmosphere from the reaction 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 gun-powder, nitroglycerine, nitroglycol, gun-cotton, di-nitrotoluene, tri-nitrotoluene, picric acid, di-nitrophenol, tri-nitroresorcinol (styphnic acid), cyclo-trymethylene-trinitramine, penta-erythritol-tetranitrate, tetryl, nitroguanidine, lead azide, lead styphnate, fulminate of mercury or any other metal, diazo-di-nitrophenol, 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

¹ Substituted for “transport and importation” by Act 32 of 1978, w.e.f. 2-3-1983.

² Word “Indian” omitted by Act 32 of 1978, w.e.f. 2-3-1983.

³ Substituted by Act 32 of 1978, w.e.f. 2-3-1983.

- 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.

COMMENTS

Explosive

The term "explosive" as defined in s. 4(d) of the Act is not exhaustive as s. 17 of the Act empowers the Central Government to extend the definition in s. 4(d) to other explosive substances also than those enumerated in the definition. Under s. 17, 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.

Export

"Export" means to send, take or carry some goods or merchandise out of country in the course of trade. The act of sending or carrying goods or merchandise from one country to another is "exportation".

Import

"Import" means the process of bringing product into the country from a foreign country where it originated.

Master

In maritime law, "master" is a commander of a merchant vessel, or captain of a ship. The master, also termed "shipmaster" as responsible for the vessel's navigation and safety and care of the crew and the cargo.

Manufacture

“Manufacture” is the process or operation of making goods or any material produced by hand, by machinery or by art. “The production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties or combinations, whether by hand, labour or machine”.—Black’s Law Dictionary, Fifth Edition.

The article which comes into being must be commercially different from the one from which it is made or manufactured.—*Commissioner of Sales Tax v. Coco Fibres (1991) 80 STC 249 (SC)*. Thus by process of manufacture, something is produced and brought into existence which is different from that out of which it is made, in the sense that the thing produced is by itself a commercial commodity capable of being sold or supplied.

Prescribed

Under s. 5 of the Act, the Central Government is empowered to make rules as to the licensing of the manufacture, possession, use, sale, transport, import and export of explosives, and under s. 7, it may frame rules conferring powers of inspections, search, seizure, detention and removal.

Vessel

Vessel is a ship, brig, sloop, or other craft used or capable of being used to navigate on water. Vessel shall include any ship or boat or any other description of vessel used in Navigation—General Clauses Act, 1897, s. 3(63). Under s. 3(f) of the Sea Customs Act, 1878 and within the meaning of s. 48 of the Indian Penal code, 1860 (*Now refer section 2(32) of Bharatiya Nyaya Sanhita, 2023*), “vessel” includes anything made for the conveyance of human beings or property. Under the Indian Ports Act, 1908, s. (7) and under the Major Port Trusts Act, 1963, s. 2(z) vessel includes a “caisson” as well.

5. Power to make rules as to licensing of the manufacture, possession, use, sale, transport, import and export 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, ¹[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 licences may be granted;
- (b) the fees to be charged for licences; and the other sums (if any) to be paid for expenses by applicants for licenses;
- (c) the manner in which applications for licences 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, licences must be granted;
- (e) the period for which licences are to remain in force; ²[xxx]
- ³[(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;

¹ Substituted for “transport and importation” by Act 32 of 1978, w.e.f. 2-3-1983.

² Word “and” omitted by Act 32 of 1978, w.e.f. 2-3-1983.

³ Inserted by Act 32 of 1978, w.e.f. 2-3-1983.

- (eeb) the fees to be charged by 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 ¹[or any person or class of persons] from the operation of the rules.
- (3) [Omitted]

COMMENTS

Power of Central Government to make rules under this section cannot be delegated to any other authority, vide s. 17A of the Act.

¹[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 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—

- (a) for a period of three months from the date of such commencement; or
- (b) 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.]

COMMENTS

Both the Gas Cylinders Rules, 1940 and the Explosives Rules, 1940 were framed in exercise of the powers conferred under ss. 5 and 7 of the Act, though for different purposes. The absence of a rule in Gas Cylinders Rules, 1940 requiring a person to apply for a licence to run his business of storing and sale of gas cylinders would not absolve the applicant who desired to carry on this trade from applying under the provisions of the Indian Explosives Act and the rules thereunder for the grant of a licence to run such a business. Held that the Indian Explosives Act is clearly applicable to the storage and possession of gas cylinders. The Indian Explosives Act and the rules framed thereunder made ample provisions for an applicant seeking permission of the authority concerned for a licence to run such a business.—*Pradeep Kumar v. Chief Controller of Explosives, AIR 1976 (All) 266.*

6. Power of 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;
- (b) [Omitted]

¹ Inserted by Act 32 of 1978, w.e.f. 2-3-1983.

¹[(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.]

(3) [Omitted]

COMMENTS

The knowledge whether a particular substance is an explosive substance depends on different circumstances and varies from person to person. An ignorant man or a child coming across an explosive substance may pick it up out of curiosity and not knowing that it is an explosive substance. A person of experience may immediately know that it is an explosive substance.—*Mohammad Usman Mohammad Hussain Maniyar v. State of Maharashtra, AIR 1981 (SC) 1061.*

For acts prohibited by a notification issued by the Central Government under this section, mens rea need to be proved.—*Sebastian v. State of Kerala, 1962 (2) Cri LJ 435.*

²[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,—

- (a) no person,—
- (i) who has not completed the age of eighteen years; or
 - (ii) who has been sentenced on conviction of any offence involving violence or moral turpitude for a term of not less than six months, at any time during a period of five years after the expiration of the sentence; or
 - (iii) who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974)³, a bond for keeping the peace or for good behaviour, at any time during the term of the bond; or
 - (iv) whose licence under this Act has been cancelled, whether before or after the commencement of Indian Explosives (Amendment) Act, 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,—
 - (1) manufacture, sell, transport, import or export any explosive, or
 - (2) possess any such explosive as the Central Government may, having regard to the nature thereof, by notification in the Official Gazette, specify;
- (b) 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,—
- (i) to be prohibited under clause (a) to manufacture, sell, transport, import, export or possess such explosive; or
 - (ii) to be of unsound mind.

¹ Substituted by Act 32 of 1978, w.e.f. 2-3-1983.

² Inserted by Act 32 of 1978, w.e.f. 2-3-1983.

³ Now refer Chapter IX of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

COMMENTS

Moral turpitude means the conduct that is contrary to justice, honesty and morality. In general it is shameful wicked, so extreme a departure from ordinary standards of honest, goods morals, justice or ethics, as to be shocking to the moral sense of the community.

“Moral turpitude” is an expression which is used in legal as also social parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity.”—*Pawan Kumar v. State of Haryana 1996 SCC (Cril) 583*.

The three tests for determining whether an act amounts to moral turpitude are (i) whether the act leading to a conviction is such as could shock the moral conscience of the society in general, (ii) whether the motive leading to the Act was a base one, and (iii) whether on account of the act having been committed, the perpetrator is to be looked down in the society as a depraved means.—*Management of Tractory & Farm Equipment Ltd. v. First Addl. Labour Court (1983) 1 Mad LJ 41*.

6B. Grant of licences

(1) Where a person makes an application for licence under section 5, authority prescribed in the rules made under that section for 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 manufacture of explosives if the licensing authority is satisfied that the person by whom 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 licence is required has a good reason for obtaining the same.

COMMENTS

Sec. 6B(1) postulates such inquiry as may be considered necessary in each case before granting licence. The licences shall ordinarily be granted in the cases covered by sub-s. (1). In other cases the licensing authority may grant or refuse to grant the licence by an order in writing.

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 explosives; 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.

COMMENTS

An order refusing to grant licence is appealable under s. 6F.

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.

COMMENTS

This section is supplementary to s. 6B authorising the licensing authority to impose additional conditions while granting licence.

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.

COMMENTS

An order of the licensing authority varying the conditions of licence is appealable under s. 6F, but not an order of the government.

6F. Appeals

(1) 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.

(2) 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.

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

(4) 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.

(5) 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.

(6) 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.

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

COMMENTS

Under this section, orders passed by the licensing authority under ss. 6C to 6E are made appealable.

7. Power to make rules conferring power 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 ¹[any place, aircraft, carriage or vessel] in which an explosive is manufactured, possessed, used, sold, ²[transported, imported or exported] under a licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, ²[transported, imported or exported] in contravention of this Act or of the rules under this Act;
- (b) to search for explosives therein;
- (c) to make samples of any explosive found therein on payment of the value thereof; and
- ³(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 ⁴[Code of Criminal Procedure, 1973 (2 of 1974)⁵], 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.

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 ⁶[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, of a description usually attended with such loss or injury, the occupier of the place, or ⁷[the master of 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 ⁸[Chief Controller of Explosives], and to the officer in charge of the nearest police station.

(2) ⁹[Omitted]

COMMENTS

For the purposes of s. 8, “occupier” means the person in actual occupation of the premises and in control of the operation in progress there. Occupier may include the owner and where a manager has been appointed and put in charge of the factory, occupier means such manager.—*Gopal Ambadas v. Emperor 37 Cri. LJ 389 (Nag)*.

9. Inquiry into accidents

(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with ¹⁰[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 navel, military, or air force authority concerned, and where any such accident occurs

1 Substituted for “any places, carriage or vessel” by Act 32 of 1978, w.e.f. 2-3-1983.

2 Substituted for “transported or imported” by Act 32 of 1978, w.e.f. 2-3-1983.

3 Substituted by Act 32 of 1978, w.e.f. 2-3-1983.

4 Substituted for “Code of Criminal Procedure, 1898 (5 of 1898) by Act 32 of 1978, w.e.f. 2-3-1983.

5 Text of Footnote

6 Substituted for “any carriage or vessel” by Act 32 of 1978, w.e.f. 2-3-1983.

7 Substituted for “the master of the vessel” by Act 32 of 1978, w.e.f. 2-3-1983.

8 Substituted for “Chief Inspector of Explosives in India” by Act 32 of 1978, w.e.f. 2-3-1983.

9 Omitted by Act 32 of 1978, w.e.f. 2-3-1983.

10 Substituted for “any place, carrier or vessel” by Act 32 of 1978, w.e.f. 2-3-1983.

in any other circumstances, the District Magistrate¹[xxx], 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 the²[Code of Criminal Procedure, 1973 (2 of 1974)]³ 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 the⁴[Chief Controller of Explosives] to be present or represented at any such inquiry;
- (c) to permit the⁴[Chief Controller of Explosives] or his representative to examine any witnesses at the inquiry;
- (d) to provide that where the⁴[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.

COMMENTS

Sec. 9(4) confers power on the Central Government to make rules regulating the procedure of inquiry into accidents.

9A. Inquiry into more serious accidents

(1) 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 of more formal character should be held into cause of an accident such as is referred to in section 8, appoint the⁴[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.

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

(3) 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 1860)⁵.

(4) 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.

¹ Words "(or in a presidency town, the Commissioner of Police" by Act 32 of 1978, w.e.f. 2-3-1983.

² Substituted for "Code of Criminal Procedure, 1898 (5 of 1898) by Act 32 of 1978, w.e.f. 2-3-1983.

³ Now refer the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

⁴ Substituted for "Chief Inspector of Explosives in India" by Act 32 of 1978, w.e.f. 2-3-1983.

⁵ Now refer section 211 of Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

(5) 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.

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

COMMENTS

Though this section is captioned "Inquiry into more serious accidents", it does not say what "serious accident" is.

¹[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.

COMMENTS

Imprisonment under this section shall mean either simple or rigorous imprisonment.

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

¹ Inserted by Act 32 of 1978, w.e.f. 2-3-1983.

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.]

COMMENTS

Section 9C of the Explosives Act is analogous to s. 33 of the Arms Act, 1959.

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.

COMMENTS

According to dictionary meaning of "forfeiture", the loss or deprivation of goods has got to be in consequence of a crime, offence or breach of engagement or has to be by way of penalty of the transgression, or a punishment for an offence. The word "forfeiture" must bear the same meaning of a penalty for breach of a prohibitory direction.—*R.S. Josi v. Agit Mills, AIR 1961 (Mys) 131*.

Forfeiture of explosive, its ingredient or substance provided under this section has to be made by the Court, whether it is the Trial Court or the Appellate Court, making the conviction. The section gives the discretion to the Court to forfeit the whole of explosive etc. in respect of which the offence has been committed or any part of it, with the receptacles containing the same.

¹**[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.]

¹ Substituted by Act 32 of 1978, w.e.f. 2-3-1983.

COMMENTS

Distress is the taking, without legal process, of a personal chattel from the possession of a wrong-doer into the hands of a party aggrieved, as a pledge for the redressing of an injury, the performance of a duty, or the satisfaction of a demand.

12. Abetment and attempts

Whoever abets, within the meaning of the Indian Penal Code (45 of 1860)¹, the commission of an offence punishable under this Act, or the rules made under this Act, attempts to act, or 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.

COMMENTS*Abetment*

Abetment is defined in s. 107 of the Indian Penal Code, 1860 [Now refer section 45 of *Bharatiya Nyaya Sanhita, 2023*] as under:

A person abets the doing of a thing, who—

First—Instigates any person to do that thing; or

Secondly—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly—Intentionally aids, by any act or illegal omission, the doing of that thing.

It is the instigation of the act itself which constitutes the offence that is regarded as abetment.—*Shrilal v. State, AIR 1953 (Madh B) 155*. It may take place in three ways: (a) instigation, (b) conspiracy, or (c) intentional aid.—*Malah v. State of Bombay, AIR 1960 (Bom) 393*.

Attempt

“Attempt” is the act or an instance of making an effort to accomplish something. In criminal law, it is an overt act that is done with the intent to commit a crime but that fails short of completing the crime.

In the third stage, that is, if attempt is successful, the crime is complete. In case the attempt fails, the crime is not complete but the law punishes the person attempting the criminal act. Intention is the direction of conduct towards the object chosen; but the law does not take notice of an intention without an act. Preparation consists in devising or arranging the means or measures necessary for the commission of the crime. And attempt is the direct movement towards the commission after the preparations are made. The test for determining if the acts constitute attempt or preparation is whether the overt acts already done by the offender are completely harmless or would fructify into commission of an offence. *In re, Tustipada Madal, AIR (1960) (Cut) 75*. Attempt to commit offences is punishable under s. 511 of the Indian Penal Code [Now refer section 62 of *Bharatiya Nyaya Sanhita, 2023*]. And an attempt to commit suicide is punishable under s. 309 of the Code [Now refer section 226 of *Bharatiya Nyaya Sanhita, 2023*], though the actual commission cannot be punished.

Though it is not possible to give a precise or exhaustive definition of attempt, it may be broadly stated that an intentional act which a person does towards the commission of an offence but which fails in its object through circumstances independent of the volition of the person is attempt.—*State of U.P. v Ram Chandra, AIR 1962 (All) 359: 1962 All LJ 13*.

Depending largely on circumstances it is a mixed question of law and fact and it defies and exact definition. A person attempts to commit a particular offence when (i) he intends to commit that particular offence; (ii) he having made preparations and with intention to commit the offence does not act towards its commission; such an act need not be the penultimate act towards the commission of that offence but must be an act during the course of committing that offence.—*State of Maharashtra v. Md. Yakub, AIR 1980 (SC) 1111: 1980 Cr LJ 793: 1980 SCC (Cr) 513: (1980) 3 SCC 57 (1980) 2 SCJ 163: 1980 Cr LR (SC) 251 (See also the article “AN ATTEMPT ON ATTEMPT” published in (1984) 2 SCC 42 Journal*.

¹ Now refer *Bharatiya Nyaya Sanhita, 2023*.

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,¹[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 or²[conservator of the port or officer in charge of the airport], and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

14. Saving and power to exempt

(1) 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 the³[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 impose⁴[any explosive and any person or class of persons from all or any of the provisions of this Act or the rules made thereunder].

15. Saving of the Arms Act, 1959

Nothing in this Act shall affect the provisions of the⁵[Arms Act, 1959 (54 of 1959)]:

PROVIDED that an authority granting a licence 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 licence is granted, direct by any order in written on the licence that it shall have the effect of a like licence granted under the said⁶[xxx] Arms Act.

16. Savings 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.

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

1 Substituted for "ship or boat" by Act 32 of 1978, w.e.f. 2-3-1983.

2 Substituted for "conservator of the port" by Act 32 of 1978, w.e.f. 2-3-1983.

3 Substituted for "Indian Forces" by Act 32 of 1978, w.e.f. 2-3-1983.

4 Substituted for "any explosive from all or any of the provisions of this Act" by Act 32 of 1978, w.e.f. 2-3-1983.

5 Substituted for "Indian Arms Act, 1878 (11 of 1878)" by Act 32 of 1978, w.e.f. 2-3-1983.

6 Word "Indian" omitted by Act 32 of 1978, w.e.f. 2-3-1983.

accordingly extend to that substance in like manner as if it were included in the definition of the term “explosive” in this Act.

¹[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.]

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.

¹(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.]

¹ Inserted by Act 32 of 1978, w.e.f. 2-3-1983.

THE EXPLOSIVE SUBSTANCES ACT, 1908

[Act VI of 1908, dt. 8-6-1908]
(As amended by Act 54 of 2001, w.e.f. 1-2-2002)

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:

1. Short title, extent and application

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

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

¹2. Definitions

In 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.]

COMMENTS

The expression “explosive substances” in s. 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) cannot be given the same meaning as is given in the Explosive Substances Act. Explosive substance contemplated under that section must be of the type of bombs and dynamites. It must be a complete article or device capable of exploding. Empty cells or parts for making a bomb so long as they are not assembled and filled with gun powder or other explosive substance cannot be explosive substance as contemplated by s. 5 of TADA.—*State of Tamil Nadu v. Sivarasan, 1997 (2) Supreme 379*

3. Punishment for causing explosion likely to endanger life or property

Any 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

¹ Substituted vide Act No. 54 of 2001, dt. 12-12-2001, w.e.f. 1-2-2002, vide S.O. No. 131(E), dt. 31-1-2002.

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.

4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property

Any person who unlawfully and maliciously—

- (a) does any act with intent to cause by an explosive substance or 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.

COMMENTS

Under s. 4(1) of the Explosives Act, 1884, explosive (a) means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect; and (b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined. The term 'explosive substance' is more comprehensive than explosive.—*Mohd. Usman v. State of Maharashtra, AIR 1981 (SC) 1062*

In the undernoted case, the case of the prosecution was that Y and S conspired together to manufacture country-made bombs. The bomb exploded in which S lost his life. The lower court acquitted the rest of the accused while convicted Y, the only evidence against whom is that he was seen fleeing the scene of the explosion and that he said that the deceased was his colleague. The High Court observed :

“All this is not sufficient to convict the appellant for possession or use of explosive substances nor does it prove the charge of conspiracy to manufacture bombs along with Sajjauddin, deceased. Indeed,... from the evidence on record it cannot even be said that the deceased himself was involved in the manufacture of bombs. The medical officer was of the opinion that injuries were possible by bursting of grenade. The Central Forensic Science Laboratory report that the examination of site of explosion and examination of contents indicated that the deceased was in the process of manufacturing country made bombs cannot be accepted as evidence because this part of their

opinion cannot be acted upon under s. 293 of the Code of Criminal Procedure [Now refer section 329 of Bharatiya Nagarik Suraksha Sanhita, 2023]. To prove these opinions, their Scientific Officer should have entered the witness box. How can they say that the deceased was in the process of preparing a bomb? They could only say what the chemicals were. By mere examination of the site or explosion, they could not have said what the deceased was doing. He may himself have been a victim of the explosion. One has, therefore, to hold that the prosecution has failed to prove its case against the appellant.—*Mohammed Yamin v. State (1983) 23 DLT 464*

5. Punishment for making or possessing explosives under suspicious circumstances

Any person who makes or knowingly has in his possession or under his control any explosive substance 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 lawful object, be punishable,—

- (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.]

COMMENTS

For an offence under s. 5, the intention to procure, counsel, aid, abet or to be accessory to, the commission of the offence under that section and ordinarily, it is the primary intention of the accused that must be taken into consideration in determining his guilt.—*Bimal Pershad Jain v. Emperor AIR 1934 Lah 583*

Where no offence was registered against a person who was taken to police station for interrogation, he was not an accused in custody of police when he made disclosure statement, recovery under s. 27 of the Evidence Act is not applicable. But if evidence of witnesses was sufficient to prove conscious possession of explosive material, conviction under s. 5 of TADA and s. 5 of Explosive Substances Act cannot be disturbed merely because of the wrong invocation of s. 27 of the Evidence Act.—*Manoranjan Singh v. State of Delhi, 1998 (1) Crimes 209 (SC)*

6. Punishment of abettors

Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials, or 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.

COMMENTS

At the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused.—*State of Bihar v. Ramesh Singh, AIR 1977 (SC) 2018*

But, even if the facts given in the report under s. 173 of the Criminal Procedure Code [Now refer section 193 of Bharatiya Nagarik Suraksha Sanhita, 2023] are taken to be correct there is no reason to say that at the time of the sale of the chemicals, the accused even suspected or ought to have suspected that the chemicals would be used for the manufacture of bombs and, therefore, no question of any strong suspicion as regards his intention to supply the substance so that an offence is committed arises against him.—*Avdhesh Kumar v. State (1983) 23 DLT 482*

A disclosure statement can at best be proved only against the maker under s. 27 of the Evidence Act, 1872 [Now refer section 23 of *Bharatiya Saksha Adhinyam, 2023*], and his pointing out the place or person can be used as an evidence of his conduct alone under s. 8 thereof.— *Prakash Chand v. State, AIR 1979 SC 400*. As against the other co-accused, it can be taken into consideration as a statement of an accomplice under s. 30 thereof. The fact discovered under s. 27 embraces the object produced, the place from which the object is produced and the knowledge of the accused as to this. That is because “fact” means and includes anything capable of being perceived by the senses and any mental condition of which any person is conscious.— *Vide Pulukuri Kottaya v. Emperor AIR, 1947 (PC) 67, Jaffar Hussain Dustgir v. State of Maharashtra, AIR 1970 (SC) 1934 and H.P. Administration v. Om Prakash, AIR 1972 (SC) 975*; See also *Avadhesh Kumar v. State (1983) 23 DLT 482*

7. Restriction on trial of offences

No court shall proceed to the trial of any person for an offence against this Act except with the consent of the ¹[District Magistrate].

COMMENTS

Sec. 7 does not require a sanction but only consent for prosecution of a person for an offence under the Act. The object of using the word “consent” instead of “sanction” in s. 7 is to have a purely subjective appreciation of the matter before giving the necessary consent. For obtaining consent of the Collector for prosecuting the accused for the offence punishable under the Act, it is not necessary for the investigating officer to submit the statements of witnesses also, who had deposed about the movements of the accused and their activity of manufacturing bombs.—*State of Tamil Nadu v. Sivarasan 1997 (2) Supreme 379*

¹ Substituted for “Central Government” vide Act 54 of 2001, dt. 12-12-2001, w.e.f. 1-2-2002.

THE EXPLOSIVES RULES, 2008

[GSR 907(E), dt. 29-12-2008]

[As amended vide GSR 154(E), dt. 2-3-2026, w.e.f. 3-3-2026]

Whereas the Draft of Explosives Rules, 2006 were published, as required by sub-section (1) of section 18 of Explosives Act, 1884 (4 of 1884) vide notification of the Government of India in the Ministry of Commerce & Industry (Department of Industrial Policy & Promotion) number G.S.R. 226, dt. 6th day of September, 2006 in the Gazette of India, Part II, section 3, sub-section (i) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of forty-five days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And, Whereas, copies of the said Gazette were made available to the public on 6th day of November, 2006;

And, Whereas, objections and suggestions were received from the public on the said draft rules, have been duly considered by the Central Government;

Now, Therefore, in exercise of powers conferred by sections 5 and 7 of the Explosives Act, 1884 (4 of 1884) and in supersession of the Explosives Rules, 1983, except as respects of things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

CHAPTER I

PRELIMINARY

1. Short title and commencement

(1) These rules may be called the Explosives Rules, 2008.

(2) They shall come into force on the date¹ of their publication in the Official Gazette.

2. Definitions

(1) In these rules, unless the context otherwise requires,—

(2) "Act" means the Explosives Act, 1884 (4 of 1884);

(3) "adirvettu or kadina" means sound producing device made of iron tube having strong base with a hole at the side close to the bottom, which is filled with gunpowder and fired by means of trail of dry loose gunpowder and approved by the Chief Controller of Explosives;

(4) "Ammonium Nitrate Fuel Oil Explosive (ANFO)" means an explosive mixture of ammonium nitrate and fuel oil which is not cap sensitive, but does not include emulsion or slurry explosive²[xxx];

(5) "authorized explosive" means an explosive included in the list of authorized explosives referred to in rule 6 and published by the Central Government from time to time in the Official Gazette;

(6) "Bulk Mix Delivery (BMD) Vehicle" means a vehicle that transports non-explosive materials in bulk, for mixing to form non-cap sensitive explosives and for loading directly into boreholes;

¹ Enforced w.e.f. 31-12-2008.

² Words "or site mixed explosive (SME)" omitted vide GSR 17(E), dt. 9-1-2019, w.e.f. 9-1-2019.