

THE EXPLOSIVES RULES, 1940

CHAPTER I PRELIMINARY

1. Short title and extent.—(1) These rules may be called the Explosives Rules, 1940.

(2) They extend to all the Provinces of Pakistan including Baluchistan, the Capital of the Federation and the Acceding States.

2. Suppressions and Saving. The Indian Explosives Rules, 1914, the Berar Explosives Rules, 1914 and all rules and notifications issued by the Local and Provincial Governments, under the Indian Explosives Act, 1884 (IV of 1884), are hereby superseded but (i) all licences or duplicates granted or renewed and all fees imposed or levied shall be deemed to have been respectively granted, renewed, imposed or levied under these rules; and (ii) all approvals given, all appointments made and all powers conferred by or under any rule or notification so superseded shall so far as they are consistent with the Act and these rules, be deemed to have been given, made or by or under these rules.

(2) Anything conforming with these rules which was permitted to be done by or under any rule in force immediately before the coming into force of these rules, may, in special cases, be permitted by the Chief Inspector by order in writing to be continued for such period not exceeding in the order.

3. Definitions. In these rules, unless, there is anything repugnant in the subject or context,-

- (a) "the Act" means the Explosives Act, 1884 (IV of 1884);
- (b) "Authorized explosive" means an explosive published by the Chief Inspector from time to time in the Gazette of Pakistan;
- (c) "Boat" means any vessel other than a ship as defined below;
- (d) "Chief Inspector" means the Chief Inspector of Explosives in Pakistan;
- (e) "Conservator of the Port" includes any person acting under the Authority Of the officer or body of persons to be appointed Conservator of the port under section 7 of the Indian Ports Act, 1938 (XV of 1938);
- (f) "detonator" means a capsule or case which is of such strength and construction, and contains fulmination in such quantity that the explosion of one capsule or case would communicate the explosion to like capsules or cases when in proximity;
- (g) "District Authority" means the

District Magistrate ;

- (h) "District Magistrate" includes an "Additional District Magistrate";
 - (i) "Form" means a form set forth in Schedule V to these rules;
 - (j) "Inspector of Explosives" includes an Assistant Inspector of Explosives;
 - (k) "Safety cartridge" means a cartridge for small-arms having a diameter not exceeding one inch, the case of which can be extracted from the small-arm after firing ; and which is so closed as to prevent any explosion in one cartridge being communicated to other cartridges ;
 - (l) "Safety fuse" means a fuse for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction, and contains an explosive in such quantity that the burning of such fuse would not communicate laterally with other like fuses;
 - (m) "Schedule¹" means a schedule annexed to the rules;
 - (n) "Ship" means a vessel ordinarily used or intended to be used in sea navigation and not exclusively propelled by oars;
 - (o) "small-arms nitro-compound" means a nitro-compound adapted and intended exclusively for use in cartridges for small-arms ;
 - (p) "Testing Officer" means such officer as the Central Government may appoint in this behalf;.
 - (q) "ton" with reference to the weight of explosive, means 2,000 lbs.
 - (r) "transport¹" means to move from one place to another in Pakistan.
4. Classification of explosives; (1) For the purposes of these rules, explosives shall be classified in manner specified in Schedule I.'

(2) If any explosive falls within the limits of more than one class as defined in Schedule I, it shall be deemed to belong exclusively to the last in number of such classes.

5. General exemptions.—(1) Nothing in these rules shall apply :-(i) unless otherwise expressly provided in these rules, to any explosives of the 1st Division of the 6th (Ammunition) Class other than safety fuses for blasting ; (ii) to the manufacture, possession, sale, transport or importation of paper caps for toy pistols, or colored matches known as Bengal Lights or Star Matches, under such conditions and in such quantities as the Chief Inspector or in the case of transport by rail the Railway Board, of the recommendation of the Chief Inspector may from time to time determine, or to the possession, 'ale, transport or importation of snaps when contained in fully manufactured Christmas or bon-bon crackers; (iii) to any explosive carried on

board any ship in compliance with the provisions of the Merchant Shipping Acts, 1894 to 1940, or of any order, rule or regulation there under for the time being in force provided that such explosives shall not be stored with or near any explosive carried as cargo in the ship.

(2) If the Chief Inspector is satisfied that in respect of any explosive of the 2nd Division of the 7th (Fireworks) Class any of the requirements of these rules may be safely suspended or modified for such period and under such conditions as he may think fit, and may at any time revoke such order.

CHAPTER -- II GENERAL PROVISION

6. Prohibition of unauthorized explosives.—No person shall import, transport, manufacture, possess, use or sell any explosive which is not an authorized explosive.

7. Restriction on delivery and dispatch of explosives.—(1) No person shall deliver or dispatch any explosive to any one in Pakistan other than a person who (a) is the holder of a licence to possess the explosives or the authorized agent of a holder of such a licence, or (b) is entitled under these rules to possess the explosives without a licence.

(2) The explosives so delivered or dispatched shall in no case exceed the quantity which the person to whom they are delivered or dispatched is authorized to possess with or without a licence under these rules.

8. Packing of explosives.—'No explosive shall be imported, tendered for transport, transported, possessed or sold unless it is packed in the manner laid down in Schedule ii and the package is marked in accordance with Rule 9 :

Provided that nothing in this rule shall apply to (a) explosives in the process of manufacture; and (b) manufactured fireworks ; possessed or transported by any person entitled under clause (b) of Rule 88 to possess them without a licence.

9. Marking of package.- (1) The outermost package shall be marked in conspicuous characters by means of either branding, stamping, embossing, or painting or by affixing a securely attached label, with (a) the word "Explosive", (b) the name or the explosive, (c) the number of the Class and of the Division to which it belongs, and (d) the name of the consignor or manufacturer;

Provided that in the case of safely fuzes or gun-powder, the word "Explosive" and the number of the Class and Division may be omitted.

(2) In the case of a nitro-compound or of a chlorate-mixture there shall be added the date of manufacture or issue from the factory or such sign indicating such date as may be approved by Chief Inspector.

(3) Where an outer package contains more than one explosive, it shall be marked separately in accordance with sub-rules (1) and (2) in respect of each explosive so contained.

10. Relaxation of packing rules.—If the Chief Inspector is satisfied that in any special case any of the requirements of Rules 8 and 9 may be safely relaxed, he may, by order in writing, authorize such relaxation under such conditions as he may think fit.

11. Weight of explosives.—(1) The weight of explosives when referred to in these rules shall not include the weight of the packing case or box in which the explosives are packed.

(2) In the case of explosives of the 6th (Ammunition) Class or 7th (Fireworks) Class, the weight shall be deemed to be the weight of the completed article inclusive of the case or contrivance in which the explosive is contained.

12. Precautions to be observed in handling explosives,—(1) The floor of any place or any carriage or vessel on which any explosive is or is to be laid and the ground, gangway desks and other places over which the explosive is to be conveyed during loading or unloading shall be (i) carefully examined to ensure that there is nothing thereon in contravention of these rules or likely to endanger the safety of the consignment ; and (ii) thoroughly cleaned and swept before and after use.

(2) The casks or packages containing the explosives shall not be thrown or dropped down or rolled or pulled along the ground or floor but shall be passed from hand to hand and carefully deposited and stored.

(3) Where a cask or package is to be slung, due precautions shall be taken to sling it in such a manner as effectually to prevent the possibility of a fall.

(4) After the handling of explosives has commenced the operations shall proceed with due diligence and without unnecessary stoppages.

13. Prohibition of smoking, fires, lights, and dangerous substances.— No person shall smoke, and no fires, lights or articles or substances of an inflammable nature or liable to spontaneous ignition or to cause or communicate fire or explosion, such as sulphuric acid, petroleum, carbide or calcium or compressed gases, shall be allowed (a) at anytime in proximity to a place where an explosive is stored or (b) at any place where an explosive is handled, one hour before and during such handling :

Provided that nothing in this rule shall apply to the use on a ship of (i) an engine room fire, if such fire is previously carefully banked up, or (ii) any artificial light or ship's lights of a type approved in writing by the Chief Inspector in areas outside port limits and by the Conservator of a port within port limits,

14. Prohibition of matches, etc. — No person, in or near any place where explosives are handled shall (a) have in his possession any matches, fuzes or other appliances for producing ignition or explosion or any knives or other articles made of iron or steel ; or (b) wear boots or shoes with iron nails or shod or strengthened with iron, unless such boots or shoes are

covered with leather, India-rubber, felt or other material, in the form of overshoes or otherwise.

15. Spilt explosive to be destroyed.—If any explosive escapes from the package in which it is contained, or is spilt, such explosive shall immediately be carefully collected and destroyed.

16. Children and intoxicated persons.—No child under 15 years of age and no person who is in a state of intoxication shall be employed on the loading, unloading or transport of explosives, or be employed in or allowed to enter any premises licensed under these rules.

17. Competent person to be in charge of operations.—Every person holding or acting under a licence granted under these rules shall, whenever explosives are loaded, unloaded or handled, depute a competent person experienced in the handling of explosives to be present at and to conduct the operations in accordance with these rules.

18. Precautions against danger from water or exposure to the sun.—(1) In the case of any explosive which is liable to be dangerously affected by water due precautions shall at all times be taken to prevent water from coming into contact with such explosive.

(2) Packages containing explosives shall not be allowed to remain in the sun.

19. Special precautions against accidents and the exclusion of unauthorized persons.—(1) No person shall commit any act which may tend to cause a fire or explosion in or about any place where an explosive is manufactured, stored, handled or transported :

Provided that nothing in this sub-rule shall apply to any act which is reasonably necessary for the purpose of the manufacture, storage or handling during transport of any explosives or of any article present therewith.

(2) Every person possessing explosives and every person in charge of or engaged in the importation, manufacture, sale, transport or handling of explosives shall at all times (a) comply with the provisions of these rules and the condition of any licence relating thereto; (b) observe all due precautions for the prevention of thefts and of accidents by fire or explosion ; (c) prevent unauthorized persons from having access to the explosives; (d) prevent any other person from committing any such act as is prohibited under sub-rule (1).

CHAPTER III IMPORTATION PART I—GENERAL)

20. Application.—'The provisions of this chapter, excepting Rule 23, shall not apply to the bringing into Pakistan in the course of transport of any explosive, other than an explosive which having been imported by sea at any port specified in Rule 22 has not been tested, analyzed or examined at that port as required by or under these rules.

ARMS, EXPLOSIVES & FORENSIC BALLISTICS

21. Licence and test certificate for import of explosives.— (1) No explosive shall be imported except under and in accordance with the conditions of a licence granted under these rules.

(2) No licence for the import of an explosive shall be granted unless (a) the explosive, if of the 3rd (Nitro-compound) Class, or 4th (chlorate-mixture) Class, is certified in Form A by the testing officer have passed the test set forth in Schedule III applicable to such explosive; and (b) the explosive is certified to have passed such analysis or examination if any, as the Chief Inspector or the Customs Collector at his discretion by order in writing may require in order to determine its composition or condition.

PART II—IMPORTATION BY SEA

22. Importation by sea.—No explosive shall be imported by sea except at the ports of Karachi and Chittagong,] provided that (i) an explosive may be imported at the ports of [Chalna and Khulna] with the previous sanction of the Central Government and subject to such conditions and restrictions as it may in any particular case impose ; ²(ii) Chinese crackers may be imported at the ports of ³[Chalna and Khulna].

23. Declaration by master of ship or by the ship's agent. (1) The master of every- ship carrying explosives or the agent for such ship shall give the Conservator of the port not less than 48 hours' notice of its intended arrival at the port.

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

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

(3) Every declaration delivered to a pilot under sub-rule (2) shall be made over by him without delay to the Conservator of the port, and all declaration; received by the Conservator of the port shall be forwarded by him, with all convenient dispatch, to the Customs Collector of the port.

24. Procedure for delivery of Samples from ship's cargo,—(1) When the master of, or the agent for, a ship has made declaration required by Rule 23, such officer as the Customs Collector of the port may authorize in this behalf shall go on board the vessel and obtain samples of all such explosives as it is intended to land at the port and are required by or under these rules to be tested, analyzed or examined,

(2) The master shall deliver to the officer referred to in sub-rule (1) without charge samples of all explosives of which samples are to be taken under the sub-rule. Such sample- shall, if the officer so requires, be taken from the particular packages indicated by him.

(3) If the taking of any samples under sub-rule (1) involves the Opening of any case, such case shall, before it is opened, be removed to an isolated position at a safe distance from any place where consignments of explosives are stored.

25. Dispatch of samples to the testing officer. (1) The officer taking a sample of any explosive under Rule 24 Shall affix to it the name of the ship, the name of the consignee: and such other distinguishing mark as he may think necessary and shall forward it to the testing officer without delay.

(2) In the case of a nitro-compound or a chlorate mixture, the date or sign referred to in the sub-rule (2) of Rule 9-shall also be affixed to the sample.

26. Testing of samples.—(1) The testing officer shall test, analysis or examine, as the case may be, the samples and shall without delay forward to the Customs Collector a report in duplicate under his signature certifying whether the explosive has satisfied the prescribed test, analysis or examination.

(2) The Customs Collector shall, as soon as practicable and ordinarily within twenty-four hours after receipt of the report of the testing officer, forward one copy of it to the licensing authority.

27. Production of licence for import.—Every person desiring to import explosives shall produce, personally or through his agent, before the Customs Collector his licence for the import of such explosives.

28. Permission of the Customs Collector to land explosives.—(1) "No imported explosives shall be landed except with the permission of the Customs Collector.

(2) If the Customs Collector, after receiving the report of the testing officer under Rule 26 and the licence for the import of such explosive, and after making such further inquiries as he deems necessary, is satisfied that the explosive can lawfully be imported, he shall permit it to be landed.

(3) Nothing in this rules shall affect the power of the Customs Collector to detain the explosive under any other law for the time being in force.

29. Importation by sea in anticipation of the report of the testing officer or grant of licence.—(l) Notwithstanding anything contained in Rule 21 or

Rule 28 where the consignee furnishes to the Customs Collector a written undertaking (without security or with such security as that officer deems sufficient) that he will, in the event of the explosive failing to pass- the test, analysis of examination referred to in Rule 21 comply with such directions as to its disposal as the Chief Inspector, after consulting the Conservator of the port, where necessary, may issue, the Customs Collector may permit any authorized explosive specified in sub-rule (2) to be imported by sea and landed in anticipation of the report of the testing officer of the grant of a licence to import at any port at which the import of such explosive is permitted under Rule 22. .

(2) Sub-rule (l) shall not apply unless, the authorized explosive—(a) if of British manufacture, is certified by the manufacturer to be of British manufacture; or (b) if not of British manufacture, (i) is imported from the United

Kingdom and is covered by a certificate granted by one of His Majesty's Inspector of Explosives in the United Kingdom showing that it has passed the United Kingdom tests; or (ii) is proved to the satisfaction of the Central Government to have been manufactured under adequate official supervision.

(3) The permission granted under sub-rule (1) shall be subject to the following conditions and such further conditions as the Customs Collector may impose: (a) the explosive shall be conveyed to and stored in a place or magazine properly licensed under these rules for the storage of the class of explosive imported, and the consignee shall give notice of the storage in such place or magazine to the District Authority in whose jurisdiction the place or magazine is situated, (b) An explosive which is not of British manufacture shall not be transported by rail until a licence to import such explosive has been granted, (c) The explosive shall not be removed or distributed from the place or magazine referred to in clause (a) until a licence has been granted for its importation and until the person in charge of the place or magazine has received notice in writing from the licensing authority that it may be so removed or distributed.

PART III—Importation by Land

30. Importation by land.—No explosive shall be imported by land save with the previous sanction in each case of the Central Government and under such conditions and restrictions as it may impose.

CHAPTER IV TRANSPORT

PART I—General

31. Licence for transport and issue of passes.— (1) An explosive shall not be transported except under and in accordance with the conditions of a licence granted under these rules : Provided that nothing in this sub-rule shall apply to (i) the transport of any explosives imported under a licence in Form F, from the port of import to the place of destination specified in the licence; (ii) transport of any explosives in accordance with the provisions of Rule 29; (iii) the transport of any explosives for the possession of which no licence is necessary (see Rule 83); (iv) the transport by the holder of a licence in Form J of any of the explosives covered by his licence in such quantity as he may require for his private use.

(2) Every consignment of explosives transported under a licence shall be accompanied by a pass issued by the licensee in Form II.

(3) Such pass shall be attached to the way-bill; invoice or dispatch in the case may be.

(4) A copy of every pass issued under sub-rule (2) shall forthwith be sent by the licensee—(i) to the licensing authority; and (ii) to the District in whose jurisdiction the place to which the consignment is sent is situated, when such authority is not the licensing authority.

32. Explosives of different classes to be kept separate.—An explosive of the 5th (Fulminate) Class, or an explosive of the 6th (Ammunition) Class containing its own means of ignition, or an explosive of the 7th (Fire' works) Class

shall not be transported in the same carriage or save as provided in Rule 49, in the same vessel and shall not be conveyed or handled with any explosive not of the class and division to which it belongs.

33. Certificate of safety.--- (1) Before transporting or tendering for transport an explosive of the 3rd (Nitro-compound) or of the 4th (Chlorate-mixture) Class the consignor shall attach to the consignment a valid certificate in Form A granted by an Inspector of Explosives, or if the certificate is granted at the time when the explosive is imported, by the testing officer or provided the original is produced for verification, a copy of such certificate certified by the consignor to be a true copy.

(2) The certificate referred to in sub-rule (1) shall be valid for a period of twelve months from the date on which it is granted:

Provided that in case of nitroglycerine compounds which are not used as propellants such certificate shall lapse; on the 31st July following and a fresh certificate may, at the discretion of the Railway Administration concerned, be demanded for explosives to be transported by rail during the period from 1st April to 31st July if the original certificate has been granted earlier than the 30th September preceding.

(3) A fee of [rupees five] shall be payable for a certificate granted or renewed by an Inspector of Explosives under this rule;

Provided that should the Inspector of Explosives issuing the certificate require a fresh test of the explosive to be made, a fee of Rs. 16 shall be charged for such test.

34. Transport in passenger carriages and vessel,—Saves as otherwise expressly provided in these rules no explosive shall be transported in any carriage or vessel plying for or carrying passengers on hire.

35. Maximum consignment allowed.—The quantity of explosive transported shall not exceed—(i) 10,000 lbs. in any one railway wagon; (ii) 4,000 lbs. in any one carriage other than a railway wagon; (iii) 50,000 lbs. in any one boat.

36. Dispatch of explosive to carrier.—(1) No person shall dispatch any explosive to carrier for purposes of transport unless—

(a) He has given to the carrier or his duly authorized local agent or, in the case of Railway Administration, the Station' Master a notice in writing—(i) of his intention to forward such explosives; (ii) certifying that the explosive has been packed and marked in accordance with Rules 8 and 9; (iii) stating the true name, description and quantity of the explosive to be transported ; and (iv) giving his own name and address and the name and address of the consignee ; and

(b) he has received in reply an intimation in writing from such carrier, agent or Station Master that he is prepared to receive the explosive for immediate dispatch or for deposit in an authorized magazine or place at which some person is licensed or otherwise authorized to receive it.

(2) No person shall bring, send or forward to or upon any railway any explosive which a Railway Administration has by and notice or regulation for the time being in force notified that it will not receive.

37. Place and time of loading and unloading.—(1) Every explosive shall be loaded and unloaded at a safe distance from station buildings, dwelling houses, factories, public buildings and other buildings or places where persons assemble or petroleum, timber or any oilier inflammable material is stored or handled.

(2) No operations connected with the loading, unloading and handling of explosives shall be conducted between sunset and sunrise.

(3) Nothing in sub-rules (1) and (2) shall apply to any operation connected with the transport of explosives by a passenger train or by a "pick up" or "van" goods train used for the transport of small consignments or in the brake van of a mixed train.

38. Carriage or vessel to be in readiness for loading.—No explosive shall be brought on to any place of loading until the carriage or vessel into which it is to be loaded is at the place in readiness to receive it.

39. Carriage or vessel to be in charge of a competent person.(i) A carriage oilier than a railway carriage, or vessel transporting explosives shall at all times be in charge of, and constantly attended by, a competent person experienced in the handling of explosives and appointed by the licensee.

(2) The person in charge of a carriage or vessel shall not drive, conduct or manoeuvre such carriage or vessel in a dangerous or negligent manner.

40. Protection from fire or explosion.—(1) No carriage or vessel shall be used for transporting explosives unless all iron or steel therein with which a package containing any explosive is likely to come in contact is effectually covered with lead, leather, wood, cloth or other suitable material.

(2) Where the weight of the explosives transported in any carriage exceeds 2000 lbs., they shall be placed in the interior of the carriage which shall be enclosed on all sides with wood or metal so as effectually to protect the explosives from communication of fire and the carriage shall be locked.

(3) Where the weight of the explosives transported in any vessel exceeds 2000 lbs. they shall be placed in the hold of the vessel which shall have a closed deck and closely fitting hatches, double watertight bulkheads shall be provided at each end of the hold where the explosives are stowed and the hatches shall be locked.

(4) Where the explosives carried in any carriage or vessel do not exceed 1000 lbs. in weight, the explosives shall unless they are conveyed in the manner specified in sub-rule (2) or sub-rule (3) as the case may be completely

covered with fire-proofed cloth, or any other suitable material so as effectually
10 protect the explosives from communication of fire.

41. Delay in transit to be avoided.—If the quantity of explosives transported in any carriage or vessel exceeds five pounds, the person or persons in charge of such carriage or vessel shall not stop or delay at any place for a longer time than may be reasonably necessary, nor stop unnecessarily at any place where such stopping would be attended by public danger.

42. Safety distances between carriages or boats.— Where the explosives in two or more carriages or in two or more boats traveling in company exceeds the maxima prescribed in Rule 35 for any one carriage or boat, such carriages or boats shall not approach within fifty yards of one another provided that (a) nothing in this rule shall apply to the transport of explosive by rail; (6) the Conservator of the port may waive the requirement of this rule within the limits of port if in his opinion it is impracticable to secure compliance with it.

43. Repairs to conveyance, any repairs or alterations are commenced to any part c" a carriage or vessel in which explosives are being or has been transported, all due precaution shall be taken to remove all such explosives, or any remnants thereof, and the space in such carriage or vessel in which such explosives have been carried shall be thoroughly washed out to ensure that no remnants of explosives remain therein.

44. Small quantities of fireworks exempted.—Nothing contained in Rules 34, 39 and 40 shall apply to the transport of manufactured fireworks in the custody of a person entitled to possess them without a licence under Rule 83 (b) : provided that not more than five pounds of manufactured fireworks shall be so transported in any motor vehicle licensed for the conveyance of more than six passengers.

PART II—TRANSPORT BY WATER

45. Notice of loading on or unloading from ships. — No explosive shall be loaded on or unloaded from a ship within the limits of a port unless 48 hours notice in writing of the intended time and place of such operation has been given to the Conservator of the port.

46. Responsibility of a person in charge of a vessel.—Whenever any explosive is being loaded into or unloaded from a vessel, the person in charge of the vessel, or some responsible person deputed by him for this purpose, shall be present at and shall supervise such loading or unloading, and shall take all due precautions in regard to such explosive until the completion of the receipt and stowage or discharge thereto.

47. Steamer fires and lights.—No explosive shall be loaded on or unloaded from any ship—(a) unless the engine-room fires have been previously carefully banked up, and other fires and lights extinguished; or (b) while the ship is attached to or along side of any steam vessel or steam tug", unless the engine-room fires of such steam vessel or steam the have previously been

carefully banked up and all other fires and light have previously been extinguished:

Provided that nothing in this rule shall prevent the employment of any artificial light or ship's signal lights of a type approved in writing by the Chief Inspector in areas outside port limits and by the Conservator of the port within port limits.

48. Stowage.—No explosive shall be stowed in a ship except in accordance with the regulations issued from time to time by the Board of Trade to regulate the carriage of dangerous goods and explosives in ships.

49. Conveyance of explosives on unberthed passenger ships.—Any authorized explosive satisfying the requirements of clauses (a) and (b) of sub-rule (2) of Rule 21 or those of clauses (a) and (b) in sub-rule (2) of Rule 29 may be transported in a properly constructed magazine on an unberthed passenger ship to which Part IV of the Indian Merchant Shipping Act, 1923 (XXI of 1923), applies, being a home-trade ship as defined in subsection (3) of section 2 of the said Act or plying to ports in the Persian Gulf : Provided that—(a) the consignor satisfies the certifying officer referred to in section 157 of the Indian Merchant Shipping Act, 1923 (XXI of 1923) that no other means of conveying the explosives are available ; (b) the magazine complies in all respects with the specification for magazines in ships laid down by the Board of Trade and is approved by Surveyors of the Mercantile Marine Department; (c) the explosives are packed and marked as laid down in these rules and stowed in such manner as a Chief Inspector may by general or special order direct ; (d) detonators are not carried in the same hold as other explosives ; and (e) the hold containing the magazine does not contain any other hazardous or inflammable goods at any time during which the magazine is in use for the carriage of explosives.

50. Conveyance of explosives on passenger vessels.—(1) The following explosives may be carried in a passenger vessel—(a) any explosive not exceeding 5 lbs. in weight, other than a fulminate (Class 5) ammunition containing its own means of ignition (Class 6, Division 3), fireworks (Class 7) and (b) detonators not exceeding 200 in number and certified in writing by the licensee not to contain in the aggregate more than 8 ozs. of explosive: Provided that—(i) previous notice is given to the person in charge of the vessel in which the explosive is intended to be conveyed ; (ii) all due precautions are taken to prevent accidents by fire or explosion; (iii) detonators are not carried in the same compartment as other explosives.

(2) Nothing in Rules 37 (2), 39, 47, 51 to 55 and 58 shall apply to explosives carried in a passenger vessel under sub-rule (1).

51. Anchorage of vessel carrying explosives.—(1) Every vessel having explosives on board and entering a port shall be anchored at such anchorage as the Conservator of the port shall appoint in this behalf and shall not leave such anchorage without the general or special order of the Conservator of the port and subject to such conditions as may be specified in the order.

(2) Such anchorage shall in no case be the same as that for vessels laden with petroleum (such distance from the anchorage for vessels laden with petroleum as so render it impossible for a fire originating at the former anchorage to affect vessels anchored at the latter.

52. Red flag or warning light to be exhibited.—Every vessel having explosives on board exceeding 100 lbs, in weight shall, while approaching leaving a port and during the time, that it remains within the limits of the port or on any inland waters, exhibit conspicuously— (a) between sunrise and sunset, a red flag not less than three feet square and (b) between sunset and sunrise, a signal red light visible all round the horizon.

53. Vessels to lie singly,—Every vessel wholly or partly laden with explosives shall lie singly and be kept at a distance of at least fifty yards from any other vessel except during the actual transshipment of explosives, when one boat may tie alongside on each side of a ship, boat or floating magazine and two ships may lie alongside each other.

54. Hatches to be closed and covered,—The hatches of any vessel having any explosive on board shall be kept closed except when the operation of loading or unloading is being actually performed and, when closed, shall be covered with tarpaulin or raw hides, securely battened down and locked,

55. Vessels not to lie alongside magazines, jetties, etc.—No vessel having any explosive on board shall lie alongside any vessel, floating magazine, quay, wharf, jetty, land or landing stage except for the purposes of loading or unloading and then only during the time necessary for actual loading or unloading, of such vessel and shall proceed on its voyage without delay except such delay as may be unavoidable in consequence of tide or weather.

56. Loading and unloading prohibited while a vessel is under way.—No explosives exceeding 1000 lbs. in weight and no detonators shall be loaded or unloaded while a vessel is under way.

Explanation.—A vessel is "under way" when she is not at anchor or moored or made fast to the shore or aground.

57. Place of loading and unloading within a port area.—Explosives shall within the limits of a port be loaded from, landed at, brought into, or deposited upon only such quay or other place as the Conservator of the port may by general or special order direct.

58. Cushion to be used.—A cushion, properly stuffed with oakum and covered with leather and fitted with slings, or one of such kind as the Conservator of the port may from time to time approve, shall be used in shipping an explosive in any vessel or in landing it upon any wharf or other landing place within the limits of a port.

59. Ships to handle explosives with dispatch.—(1) Ships arriving in a port with explosives intended to be landed at that port shall discharge them with all reasonable dispatch, and ships taking explosives onboard shall proceed to with all reasonable dispatch.

(2) No ship or boat shall retain on board any cargo of explosives and remain in the port for a period longer than three days unless such period is, under special circumstances, extended by the Conservator of the Port.

60. Boats to be licensed.—(1) No boat shall be used for the transport of explosives exceeding 2000 lbs in weight except under and in accordance with the conditions of a licence granted— (c) by the Conservator of the port in the case of a boat plying within the limits of a port, or (b) by an officer appointed by the Central Government in his behalf in the case of a boat plying in areas outside port limits,

(2) The licence shall specify the maximum quantity of explosives the boat is authorised to carry, which quantity shall be fixed in consultation with the Chief Inspector.

(3) Every licence granted under sub-rule (1) shall remain valid for a period of (a) four months in the case of a boat plying within the limits of a port, and (b) one year in the case of a boat plying in areas outside port limits.

(4) The licence referred to in sub-rule (1) shall be granted or renewed in such form and on payment of such fees as may be specified by the Central Government,

(5) Every person in charge of any boat licensed under sub-rule (1) shall, when required so to do by any officer mentioned in Rule 106, produce the licence of such boat for inspection.

61. Buoy to be carried.—(1) Every boat carrying explosives within the limits of a port shall carry on deck a buoy with 15 fathoms of 3" rope, one end of the rope being attached to the buoy and the other end to the boat. The rope shall be attached to such part of the boat as is most clear of spars, gear or other obstruction and at such point as is approved by the licensing authority under Rule 60.

(2) The buoy shall be a drum painted red and measuring not less than 1.9" in length and 1.2" in diameter, properly strapped with an iron band in the middle and having a ring attached for securing the rope.

62. Smoking, fire, dangerous article and other cargo prohibited.—The following shall not be permitted on board any boat which has explosives on board : (i) fire or light of any description other than the warning light referred to in Rule 52 ; (ii) smoking, (iii) any substance of an inflammable nature or liable to spontaneous ignition; (iv) any substance liable to cause or communicate fire or explosion ; (v) any other cargo, unless the carrying of such other cargo has been specially authorised in writing by the Conservator of the port within port limits or by the Chief Inspector in area outside port limit :

Provided that nothing in this rule shall apply to the transport of explosives in a mechanically propelled boat subject to such conditions as may be specified by the Chief Inspector.

PART III-TRANSPORT BY LAND

63. Streets and public places—(1) No person shall transport or cause to be transported any explosive in any street or public place within the limits of a municipality or cantonment except under and in accordance with the condition of a written permit granted by the District Authority.

(2) Nothing in sub-rule (1) shall be held to authorise the transport, in sue" street or public place, of— (a) any explosive of the 5th (Fulmirate) Class; or (b) any prohibited explosive; or (c) any detonators together with any other explosive.

(3) Every permit granted under sub-rule (1) shall specify (a) the maximum of each explosive permitted to be transported at any leaving a port and during the time, that it remains within the limits of the port or on any inland waters, exhibit conspicuously— (a) between sunrise and sunset, a red flag not less than three feet square and (6) between sunset and sunrise, a signal red light visible all round the horizon.

53. Vessels to lie singly,—Every vessel wholly or partly laden with explosives shall lie singly and be kept at a distance of at least fifty yards from any other vessel except during the actual transhipment of explosives, when one boat may tie alongside on each side of a ship, boat or floating magazine and two ships may lie alongside each other.

54. Hatches to be closed and covered,—The hatches of any vessel having any explosive on board shall be kept closed except when the operation of loading or unloading is being actually performed and, when closed, shall be covered with tarpaulin or raw hides, securely battened down and locked,

55. Vessels not to lie alongside magazines, jetties, etc.—No vessel having any explosive on board shall lie alongside any vessel, floating magazine, quay, wharf, jetty, land or landing stage except for the purposes of loading or unloading then only during the time necessary for actual loading or unloading, of such vessel and shall proceed on its voyage without delay except such delay as may be unavoidable in consequence of tide or weather.

56. Loading and unloading prohibited while a vessel is under way.—No explosives exceeding 1000 lbs. in weight and no detonators shall be loaded or unloaded while a vessel is under way.

Explanation.—A vessel is "under way" when she is not at anchor or moored or made fast to the or aground.

57. Place of loading and unloading within a port area.—Explosives shall within the limits of a port be loaded from, landed at, brought into, or deposited upon only such quay or other place as the Conservator of the port may by general or special order direct.

58. Cushion to be used.—A cushion, properly stuffed with oakum and covered with leather and fitted with slings, or one of such kind as the Conservator of the port may from time to time approve, shall be used in shipping an explosive in any

vessel or in landing it upon any wharf or other landing place within the limits of a port.

59. Ships to handle explosives with despatch.—(1) Ships arriving in a port with explosives intended to be landed at that port shall discharge them with all reasonable despatch, and ships taking explosives onboard shall proceed to sta with all reasonable despatch.

(2) No ship or boat shall retain on board any cargo of explosives and remain in the port for a period longer than three liays unless such period is, under special circumstances, extended by the Conservator of the Port.

50. Boats to he licensed.—(1) No boat shall be used for the transport of explosives exceeding 2000 lts. in weight except under and in accordance with the conditions of a licence granted— (c) by the Conservator of the port in the case of a boat plying-within the Hunts of a port, or (b) by an officer appointed by the Central Government in his behalf in the case of a boat plying in areas outside port limits,

(2) The licence shall specify the maximum quantity of explosives the boat is authorised to carry, which quantity shall be fixed in consultation with the Chief Inspector.

(3) Every licence granted under sub-rule (1) shall remain valid for a period of (a) four months in the case of a boat plying within the limits of a port, and {b) one year hi the case of a boat plying in areas outside port limits.

(4) The licence referred to in sub-rule (1) shall be granted or renewed in such form and on payment of such fees as may be specified by the Central Government,

(5) Every person in charge of any boat-licensed under sub-rule (1) shall, when required so to do by any officer mentioned in Rule 106, produce the licence of such boat for inspection.

61. Buoy to be carried.—(1) Every boat carrying explosives within the limits of a port shall carry on deck a buoy with 15 fathoms of 3" rope, one end of the rope being attached to the buoy and the other end to the boat. The rope shall be attached to such part of the boat as is most clear of spares, gear or other obstruction and at such point as is approved by the licensing, authority under Rule 60.

(2) The buoy shall be a drum painted and measuring not less than 1.9" MI length and 1.2" in diameter, properly strapped with an iron band in the middle and having a ring attached for securing the rope.

62. Smoking, fire, dangerous article and other cargo prohibited.—The following shall not be permitted on board any boat which has explosives on board : (i) fire or light of any description other than the warning light referred to in Rule 52 ; (ii) smoking, (iii) any substance of an inflammable nature or liable to spontaneous ignition ; (iv) any substance liable to cause or communicate fire or explosion ; (v) any other cargo, unless the carrying of such other cargo has

been specially authorised in writing by the Conservator of the port within port limits or by the Chief Inspector in area outside port limit :

Provided that nothing in this rule shall apply to the transport of explosives in a mechanically propelled boat subject to such conditions as may be specified by the Chief Inspector.

PART HI-TRANSPORT BY LAND

63. Streets and public places—(l) No person shall transport or cause to be transported any explosive in any street or public place within the limits of a municipality or cantonment except under and in accordance with the condition of a written permit granted by the District Authority.

(1) Nothing in sub-rule (1) shall be held to authorise the transport, in sue" street or public place, of— (a) any explosive of the 5th (Fulmirate) Class; or any prohibited explosive; or (c) any detonators together with any other explosive.

(3) Every permit granted under sub-rule (1) shall specify (a) the maximum of each explosive permitted to be transported at any loaded or unloaded at or on any railway station or wharf, or be attached to or transported by any one train.

(2) The quantity of explosive to be contained or loaded in any one such carriage shall at no time exceed 10,000 lbs. in weight in the aggregate.

71. Prohibition on passenger or mixed trains.—No explosive shall be transposed by any passenger or mixed train.

72. Despatch of explosive vans by mixed trains. —Notwithstanding anything contained in Rule 71 any explosive may be transported by a mixed train in vans specially approved under Rule 66 on any line or section on which goods trains are not running subject to the following conditions—(a) not more than three such vans containing explosives shall be hauled at any one time ; (b) there shall be not less than three carriages between the vans containing explosives and the engine and between such vans and the passenger carriages ; (c) the vans containing explosives shall be close-coupled to the adjoining carriages and to each other; (d) immediately on entering any section upon which goods trains are running the vans containing explosives shall be detached from the mixed train.

73. Conveyance of explosives by passenger or mixed trains.—Notwithstanding anything contained in Rules 66 and 71 the following explosives may be transported by passenger or mixed trains— (i) Safety fuzes for blasting ; (ii) explosives of the 3rd (Nitro-compound) Class, other than propellants, in the form of cartridges not exceeding in the aggregate 5 lbs. in weight, provided no detonators are carried in the same compartment ; (iii) detonators to the number of 200 if the amount of explosive in the package or packages containing the detonators does not exceed in the aggregate 8 oz. : provided— (a) a certificate to such effect is tendered by the consignor, and (b) no other explosive is carried in the same compartment ; (iv) sporting powders and propellants packed in double packages prescribed in Schedule II ; provided— (a) the explosive is contained in tin canisters containing not more than 5 lbs. each

packed in a stout wooden case with a completely spark-proof outer cover of tin of zinc or in a metal case or cylinder of a pattern approved by the Chief Inspector, (b) no outer case contains more than 25 lbs. of explosive ; and (c) the total consignment by one train does not exceed in the aggregate 75 lbs.

74. Receipt of consignment of explosives by railways— Consignments of explosives intended to be transported by rail shall be received only— (a) by a servant authorised by the Railway Administration concerned to receive dangerous goods ; and (b) at such times between sunrise and sunset and at such places within railway premises as the Railway Administration may specify in this behalf.

75. Stowing of explosives.— (1) All packages containing explosives shall be stowed in one layer only and shall be secured in such as to prevent movement during transit when the carriage. Provided, that, if the packages of explosives are rectangular in form and are properly secured so as to prevent pavement Muring transit, they may be stowed in any number of layers not exceeding.

(2) Hair cloth, hides or other suitable materials shall be spread on the floor of the carriage and between each layer of packages.

(3) There shall not be conveyed in (he same carriage with any explosive any matches or fuzes, any appliance for producing ignition or any other article or substance of an inflammable nature or liable to cause fire or explosion, such as petroleum, carbide, compressed gases and acids.

76. Shunting.—No shunting of carriages containing explosives shall be carried out on any railway save under the superintendence of a duly authorised officer who shall be responsible that—(n) when the train is being carriages loaded with explosives shall not be shunted by a locomotive unless they are separated from any engine by not less than three carriages containing no explosive or easily inflammable substance ; (b) during the shunting of carriages containing explosives the speed of all movements shall not exceed five miles an hour ; and (r) no loose shunting takes place.

77. Delivery to and from railway premises—(!) Packages containing any explosive shall be removed by the consignee from the station, -wharf or depot of the railway to which they have been transported, as soon as practicable and with all due diligence after arrival.

(2) If the packages are not removed within twelve hours of daylight following their arrival, the packages and contents may be forthwith returned to the consignor at his risk and expense.

(3) Every package containing an explosive shall, until removed, returned or dispatched, be kept in a safe place under the special direction of the Station Master at a safe distance from the station buildings under a police guard if necessary and shall be completely covered with tarpaulins or other suitable material.

78. Powers of Railway Administration. (1) Where a Railway Administration suspects that an explosive of carriage or package containing an explosive does not comply with any of these rules, the Administration may—(a) prevent the entry of such explosive, carriage or package upon their premises or refuse to receive or transport them; or (b) at any time open or require such carriage or package to be opened to ascertain the facts.

(2) If any explosive or any carriage or package containing explosives is found not to comply with any of these rules, the Railway Administration may return such explosive, carriage or package to the consignor; this risk and expense.

(3) Where any explosive or any carriage or package containing explosives not complying with these rules cannot in the opinion of the Railway Administration be returned to the consignor under sub-rule (2) without undue risk, the Administration may, in consultation with the Chief Inspector and in such manner as he may specify, destroy at the consignor's risk and expense the explosive or the contents of the carriage or package.

79. Explosives not to be carried across railway bridges.—No explosive shall be carried otherwise than by rail across any railway bridge across which reasonable facilities for the transport thereof by rail and traded by the Railway Administration :

Provided that nothing in this rule shall apply to— (a) safety fuzes for blasting, in any quantity; (b) gun-powder, or nitro-compounds, or Class 6, divisions 2 and 3, in any quantity not exceeding 5 lbs. ; or (c) fireworks not exceeding 10 lbs.

80. Conveyance of Chinese crackers.—In the case of the transport by rail of Chinese crackers, Class 7. divisions, and provided that all due precautions are taken to prevent explosion, the provisions of rules 40 and 66 may be relaxed during the period from July to March inclusive under an order of the District Traffic Officer when the number or size of consignments offered is such that, in his judgment serious delay would be caused by the observance of such rules.

CHAPTER V – MANUFACTURE, POSSESSION AND SALE

81. Licence for manufacture, tire, possession, use and sale.—(1) No explosive shall be manufactured, possessed, used or sold except under and in accordance with the conditions of a licence granted under these rules.

(2) The licensee shall be responsible for all operations in connectic with manufacture, possession or sale of explosives which may be conducted in the licensed premises.

82. No licence needed for manufacture in certain cases.—Notwithstanding anything contained in Rule 81, no licence to manufacture shall be necessary— (a) for the making ofasmali quantity of explosive for the ' . purpose of chemical

experiment and not for sale or any other use ; or (6) in the case of any person authorised under these rules to possess an explosive who by filling cartridges, making charges or drying, shifting, fitting or otherwise, adapts or prepares such explosive for use exclusively for blasting purposes in his mine or quarry or in some excavation or work carried on by him or under his control.

83. No licence needed for possession in certain cases.—Notwithstanding anything contained in Rule 81, no licence shall be necessary for the possession—

(a) of any explosive by a carrier or other person for the purpose of transport when the same is being kept or transported in accordance with the provisions of Chapter IV regulating the transport of such explosive ; or

(b) by any person, of manufactured fireworks in any quantity not exceeding 50 lbs., provided that the fireworks—(i) are obtained and intended by such person for immediate use and not for sale and are possessed by him for a period not exceeding fourteen days, (ii) are kept in a substantial receptacle which is exclusively appropriated to the keeping of explosives and is closed and secured so as to prevent unauthorized persons from having access to explosives ; or

(c) by any person for his own private use and not for sale of gun-powder not exceeding 30 lbs., or of small-arm¹ compound not exceeding 50 lbs., or

(d) by a Railway Administration of flare lights for use on railway ; or

(e) of any explosive, which is not for sale and is required solely for the navigation of aircraft, when kept in an aircraft for use therein or for to that aircraft or to aerodromes, or at any aerodromes for use there or for distribution to aircraft or to other aerodromes : provided that maximum quantity so possessed shall not exceed 50 lbs., when carried in an aircraft and 100 lbs when kept at an aerodrome.

CHAPTER VI - LICENCES

64. Application for licence.— (i) A person desiring to obtain or to renew a licence under these rules shall submit an application in writing to the authority empowered to grant such a licence:

Provided that where the licensing authority is the Central Government the application for the licence shall be submitted through the Chief Inspector.

(2) The application shall be signed by the applicant himself or by a person authorised by him in writing in this behalf and shall, in the latter case, be accompanied by such authorisation.

(3) Every application for the grant or renewal of licence to manufacture or possess explosive, shall be in Form C, and shall be accompanied by a plan in duplicate, drawn to scale, of the proposed magazine or factory and of the site, showing the boundaries thereof and except in the case of an application for a licence in Form J or K specifying the matters referred to in Note (1) below Form C.

85. Grant of licences.—(i) Licences may be granted by the authorities set forth in Schedule IV in the forms, for the purposes and on payment of the fees specified therein : Provided that—{a) no licence shall be granted to any person under the age of 18 years ; {b) no new licence in Form L or under Article 8 of Schedule IV shall be granted unless the provisions of Rule 86 have been complied with.

(2) A licence in Form F may be granted for such period not exceeding twelve months as the licensing authority may deem necessary. Every other licence granted or renewed under these rules shall remain in force until the 31st day of March following the date on which the licence is granted or renewed :

Provided that every licence in force on the 31st December 1940 other than a licence for the import of explosives shall continue to remain in force until the 31st day of March 1941

(2-A) Notwithstanding anything contained in sub-rule (2), the licensing authority may, if it is satisfied that a licence is required for a specific work of national importance and for a period,

Provided that an Inspector of Explosives shall not grant such a licence without the concurrence of the Chief Inspector of Explosives, if a certificate is not obtained from the District Authority under sub-rule (3)].

(3) Where the licensing authority is the Chief Inspector or an Inspector of Explosives, an applicant for a new licence in Form C may apply to the District Authority for a certificate to the effect that there is no objection to the applicant receiving a licence for the site proposed and the District Authority shall, if he sees no objection, grant such certificate to the applicant who may forward it to the Chief Inspector or the Inspector of Explosives, as the case may be, with his application in Form C. inserted by Central Government Notification No.

S.R.O. 513, dated October 1959 in Rule 35, published in Gazette, dated 30th October 1959.

(4) The Chief Inspector or the Inspector of Explosives may, if the application is not accompanied by a certificate granted under sub-rule (3) to the District Authority for his observation.

(4-A) Nothing in sub-rule (3) or sub-rule (4) shall be deemed to require an application for the grant of a licence for a site for which a licence was previously granted and has expired to be accompanied by a certificate granted under the said sub-rule (3).

(1) If the District Authority, either on a reference being made to him, or office intimates to the CLF Inspector of Explosives, that any licence which has been applied for and sanctioned, such licence shall not be issued without the sanction

of the Central Government.

(6) In the case of a licence granted for manufacture or one copy of the plan or plans of the premises signed in token approval by the licensing authority shall be and one copy shall be filed for record in the office of the authority.

(7) No licence shall be granted for the import of explosives unless the importer holds a licence for the possession of such explosive :

Provided that this sub-rule shall not apply in cases where the explosive imported—(i) is not intended to be stored at the port of import but is intended to be transported direct to a territory not being part of British India ; or (ii) can be possessed without a licence under Rule 83.

86. Procedure to be observed before a licence for a factory or magazine* is granted.—(i) The grant of a licence in Form L or under Article 8 of Schedule IV will be (i) in the case of a licence in Form L (a) where the quantity of explosive for which a licence is proposed to be granted does not exceed 200 lbs. according to the procedure laid down in sub-rule (3), (4) and (5) of Rule 85, and (ii) where the quantity exceeds 200 lbs., according to the procedure laid down in sub-rules (2) to (9); (ii), in the case of licence under Article 8 of Schedule IV, according to the procedure laid down in sub-rules (10) and (11).

(2) If the application submitted for a licence in Form L or under Article 8 of schedule IV is in proper form, the Chief Inspector shall secure the plans accompanying the application and forward to the applicant a statement in Form D showing the distances which should, in his opinion, be kept clear in and round the factory or magazine premises or any part thereof and from other buildings and works. On receipt of the statement the applicant shall enter therein against each item the exact distance which can actually be so kept clear, shall sign the statement and shall return it together with any representation which he may desire to make to the Chief Inspector,

(13) After considering any representation made by the applicant when returning the statement, the Chief Inspector shall refer the application to the District Authority concerned together with a draft licence and a statement in Form E showing the distances which he considers should be kept clear in and round the factory or magazine.

Provided that in case of a licence under sub-rule (2-A) of Rule 85, the Chief Inspector of Explosives need not make any such reference to the District Authority.]

(4) Upon receipt of the said application the District Authority shall forthwith cause notice to be published of such application and of the time and place at which he will be prepared to hear it, and calling upon any person objecting to the establishment of the factory or magazine on the proposed site, to give notice of such objection to him and to the applicant not less than seven clear days before the day fixed for hearing the application, together with his name, address and calling and a short statement of the grounds of his objection. The day of hearing the application shall be a day following as soon as practicable after the expiration of the period of one month referred to in sub-rule (6).

(5) Where the site of the proposed factory or magazine lies within, or within one mile of the limits of, the jurisdiction of any municipal or port authority, the applicant shall prepare, for service on such authority, a notice of the application and of the said day of hearing.

(6) The notice under sub-rule (4) shall be published and the notice under sub-rule (5) served, at the expense of the applicant, by the District Authority, not less than one month before the said day of hearing.

(7) On the day fixed for the hearing or any day to which hearing may be adjourned from time to time, the District Authority shall hear any objection preferred in accordance with sub-rule (4) and by any authority referred to in sub-rule (5). and shall make such inquiry as he may deem necessary.

(8) On completion of the inquiry the District Authority shall forwardly the application, statement and plans to the Chief Inspector together with a report stating whether he has any objection (a) to the applicant receiving a licence at the site proposed : (b) to the manufacture or storage of the explosive in question in his district.

(B-A) Nothing in this rule shall be deemed to require an application for the grant of a licence for a site for which a licence was previously granted and has expired to be accompanied by the report of the District Authority³ and

(9) Where the application is for a licence in Yorm L and the District Authority objects to the grant of the licence on any of the grounds specified in sub-rule (8), no licence shall be granted by the Chief Inspector except with th? sanction of the Central Government.

(10) Where the application is for a licence under Article 8 of Schedule IV, the Chief Inspector shall submit the application, together with the report of the

District Authority thereon and a draft licence containing the conditions which the Chief Inspector considers suitable, to the Central Government which may instruct the Chief Inspector (a) to grant the licence with such modifications or restrictions (if any) as it may consider suitable or (A) to reject the application.

87. Procedure on grant of licence for factory or magazine.—(1) A copy of every licence granted by the Chief Inspector in Form I or L or under Article 8 of Schedule IV shall be forwarded to the District Authority, and the original licence shall be forwarded to the Inspector of explosives in whose circle the premises are situated.

(2) If the Inspector of Explosives is satisfied that all the conditions prescribed in the licence in regard to the factory or magazine have been complied with, he shall forthwith endorse the licence, but unless and until so endorsed, the licence shall not come into force :

[Provided that the Chief Inspector of Explosives may, if he is satisfied that the explosives are required for urgent necessity or that in coming into force of the licence is likely to cause substantial loss to the licensee, permit the licence to come into force immediately.]

(3) If an Inspector of Explosives decides not to endorse a licence he shall immediately return the licence to the Chief Inspector together with a statement of his reasons for not endorsing it.

(4) On receipt of the statement referred to in sub-rule (3) the Chief Inspector shall after making such enquiry, if any, as he may consider necessary, communicate his decision to the District Authority and also, in the case of a licence under Article 8 of Schedule IV, to the Central Government.

88. Particulars of licence.—Every licence granted under these rules shall be held subject to the conditions endorsed on it and shall contain all the particulars which are contained in the form prescribed for it by these rules.

89. Power of licensing authority to alter conditions.—(1) Notwithstanding anything contained in Rule 88 the licensing authority may omit, alter or add to any of the conditions specified in the prescribed form of licence.

(2) The power conferred by sub-rule (1) shall not be exercised by any licensing authority, other than the Central Government, without the prior consent of the Chief Inspector.

90. Amendment of licence. —(1) Any licence granted under these rules may be amended by the authority empowered to grant the licence : Provided that (a) the amendment shall not be inconsistent with any

1. Inserted "by Central Government Notification No. S. R. Q. 513, dated 25th October 1951 in sub-rule (2) of Rule 87, published in Gazette 1953, is this chapter (c) no licence under Article 8 of Schedule IV shall be amended except with sanction of the Central Government.

(2) A licensee who desires to have his licence amended shall submit it to the licensing authority with an application stating the nature of the amendment and the reasons therefore.

(3) The fee for the amendment of a licence shall be two rupees plus the amount (if any) by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence :

Provided that no fee shall be chargeable in the case of amendments made to licences in Form J, issued to cultivators.

91. Renewal of licence.—(1) A licence may be renewed by the authority empowered to grant such licence, provided that a licence which has been granted by the Chief Inspector may be renewed without any alteration by an Inspector of Explosives duly authorised by the Chief Inspector in this behalf,

(2) The Inspector of Explosives authorised by the Chief Inspector under sub-rule (1). may, and when so required by the Chief Inspector, "shall require the licensee to follow the procedure laid down in sub-rule (2)

"Rule 86 before renewing a licence in Form L or under Article 8 of Schedule IV.

(3) Every application for title renewal of a licence shall be made ¹[^{so} as to reach the licensing authority] not less than thirty days before the date on which the licence expires and if the application is so made. the licence shall be held to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

^a[(3) Every application under sub-rule (3) shall be accompanied by the licence which is to be renewed together with the approved plan attached thereto and the original treasury receipt showing the deposit of the correct renewal fee under the correct head of account.]

(4) The same fee shall be charged for the renewal of a licence" as for the grant thereof, provided that if the application for renewal is not received within the time specified in sub-rule (3), the licence shall be renewed only on payment of double the fee ordinarily payable licence.

92. Refusal of licence.—(1) A licensing authority, other than the Central Government, refusing to grant, amend or renew a licence, shall, record its reasons for such refusal in writing.

(2) A copy of the order containing the reasons for such refusal shall be given to the applicant on payment of a fee of ²[rupees three].

93. Cancellation of licence.—(1) Every licence granted under these rules shall be liable to be cancelled by order of the licensing authority For any contravention of the Act or of any rule thereunder, or of any condition contained in such licence, or by order of the Central Government if at any time

the continuance of the licence in the hands of the licensee is deemed objectionable.

(2) A licensing authority, other than the Central Government, cancelling a licence shall record its reasons for so doing in writing.

(3) A copy of the order containing the reasons for the cancellation of a licence shall be given to the holder of the licence on payment of a fee of '[rupees three].

94. Procedure on expiration or cancellation of licence.—(1) Person licensed to manufacture, possess or sell any explosive shall, on the expiration or cancellation of in licence forthwith give notice to the District Authority of the description and quantity of explosives in his possession and shall comply with any direction which the District Authority may, on the recommendation of the Chief Inspector, give in regard to their disposal.

(2) The District Authority may grant for a term not exceeding three months from the date of such expiration or cancellation, as the case may be, a temporary licence for the possession or sale of the explosives actually held at the time of the issue of the temporary licence :

Provided that where the expired or cancelled licence was granted by an authority other than the District Authority, no temporary licence shall be granted without the previous consent of such other authority.

(3) The fee chargeable on a licence granted under sub-rule (2) shall bear the same proportion to the fee charged on the expired or cancelled licence as the period covered by the temporary licence bears to a full year.

95. Appeals.—(1) An appeal against any order refusing to grant, amend or renew a licence, or cancelling a licence shall lie.— (i) if the order is passed by the Chief Inspector to the Central Government ; (ii) if the order is passed by the District Authority, to the immediate official superior of that Authority ; and (iii) if the order is passed by the Inspector of Explosives, to the Chief Inspector.

(2) Every appeal shall be in writing, shall be accompanied by a copy of the order appealed against and shall be presented within sixty days of the date of such order if preferred to the Central Government, and within thirty days in all other cases.

Procedure on death or disability of licensee.—(1) If a licensee die: or becomes insolvent or mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or confiscation under the Act or these rules for exercising the powers granted to the licensee by the licence during such time as may reasonable be required to allow him to make application for a new licence in his own name for the unexpired portion of the original licence.

(2) A fee of one rupee shall be charged for a new licence for the unexpired portion of an original licence granted to any person applying for it under this rule :

Provided that no fee shall be charged on a new licence in Form J granted to a cultivator.

*[97. Loss of licence—(1) Where a licence granted under these rules or an authenticated copy of licence granted under rule 102 is lost or accidentally destroyed and the licensee wishes to obtain a duplicate thereof, he shall—

(a) immediately after the loss of licence, publish a notice in a local daily newspaper about such loss and send a copy each of such notice to the District Magistrate concerned and the Chief Inspector ; and

(b) after fifteen days of the publication of the aforesaid notice, apply to the District Magistrate for the issue of a no-objection certificate for the grant of the duplicate.

(2) The District Magistrate may, after such inquiry as he may deem fit, issue the no-objection certificate.

(3) After the receipt of no-objection certificate the licensee shall submit an application alongwith the certificate to the licensing authority and the licensing authority may grant the duplicate on payment of a fee of three rupees.]

98. Permit for temporary storage of explosives in a magazine in excess of the licensed quantity.—(1) When it is proved to the satisfaction of the Chief Inspector that owing to unforeseen circumstances it is necessary to store in a magazine licensed under Form L, a quantity of explosives in excess of that entered in the licence, the Chief Inspector may grant a permit for the storage in the magazine of such excess for a period not ordinarily exceeding one month :

Provided that (a) the excess quantity thus allowed to be stored shall in no case exceed one-third of the quantity entered in the licence ; and (b) no condition of the licence other than that prescribing the maximum quantity to be stored is infringed.

(2) The fee chargeable for such a permit shall be lrs.

(i) for a period not exceeding one month 100

(ii) for a period exceeding one month 1000

per month or portion of a month.

99. Permit for temporary possession of manufactured fireworks in excess of the licensed quantity.—(1) A permit may be granted by the District Authority to a holder of a licence, in Form I or in Form K to possess, in addition to a quantity permitted by the licence, any quantity of manufactured fireworks not exceeding 250 pounds for a period not exceeding 15 days at a time :

Provided that (a) no permit shall be granted under this rule to any person whose licence entitles him to possess not more than 50 lbs. of Ore-work; and (b) no condition of the licence other than that prescribing the maximum quantity of fireworks to be possessed is infringed.

(2) A fee of [rupees three] shall be charged for a permit granted under this rule.

100. Payment of fees.—(i) Every application under this chapter shall be accompanied :—(i) if in respect of a licence or permit granted or to be granted by the District Authority, by the appropriate fee in cash or by cheque, and (ii) if in respect of any other licence or permit, by a Treasury receipt showing that the appropriate fee has been paid into the local Treasury under the head of account "XXXVI—Miscellaneous Departments (Central), Miscellaneous, Explosives."

(2) If an application for the grant, renewal or amendment of a licence or for the grant of a permit is rejected the fee paid shall be refunded by the District Authority, or, if it has been paid into a Treasury, by that treasury on the production of a signed order from the licensing authority directing such refund.

(3) Fees payable under any other chapter of these rules shall be paid in cash or by cheque.

101. Power to exempt from payment of fees.— The Central Government may, by general or special order, grant exemption from or reduction of any fee payable under these rules.

102. Production of licence or pass on demand. —(1) Every person, holding or acting under a licence granted under these rules shall, when called upon to do so by any officer specified in sub-rule (1) of Rule 106, produce it or an authenticated [sic] copy of it at the place to which the licence relates.

(2) Every person in charge of consignment of explosives in transit under cover of a pass issued under these rules shall produce it when called upon to do so by any officer specified in sub-rule (1) of Rule 106.

(3) Copies of any licence may, for the purposes of this rule, be authenticated free of charge by the authority which granted the licence.

103. Executive control over authorities other than the Central Government acting under this Chapter shall be subject to the direction and control of the Central Government:

Provided that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Inspector over the officer subordinate to him.

104. Empowerment. under section 15 of the Act,—All authorities granting licences under these rules are hereby empowered to direct by an order written on the licence that it shall have the effect of a like licence granted under the Arms Act, 1878 (XI of 1878).

CHAPTER VH-Powers of Officers and Penalties

105. Dangerous practices.—(1) If in any matter which is not provided for by any express provision of, or condition of a licence granted under these rules an Inspector of Explosives finds any factory, magazine, where an explosive is being manufactured, possessed or sold, or any part thereof, or anything or practice therein or connected therewith or in the handling or transport of explosives, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety of any person, such Inspector may by an order in writing require the occupier of such factory, magazine or place or the owner of the explosive, to remedy the same within such time as may be specified in the order.

(2). Where the occupier or owner objects to an order made under sub-rule (1), he may appeal to the Chief Inspector within the time specified in the order for compliance with it, and the order of the Chief Inspector on such appeal shall be final.

(3) Every appeal preferred under sub-rule (2) shall be in writing and shall be accompanied by a copy of the order appealed against.

(4) If the occupier or owner fails to comply with an order made under sub-rule (1) within the time specified in it or, where an appeal is preferred under sub-rule (2), fails to comply with the order of the Chief Inspector thereon within the time fixed in such order, he shall be deemed to have committed a breach of this rule.

106. Powers of search and seizure—(i) Any officer specified in the first column of the table below may within the areas specified in the corresponding entry in the second column of that table (a) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence granted under these rules, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of the Act or these rules; (b) search for explosive therein ; (c) take samples of any explosive found therein on payment of the value thereof, if such payment is demanded at the time the samples are taken ; (d) seize, detain or remove any explosives found therein in respect of which he has reason to believe that any of the provisions of the Act or these rules have been contravened.

TABLE

Officers	Areas
¹ [The Chief Inspector, Inspectors and Assistant Inspectors of	All parts of Pakistan,
All district Magistrates.	Their respective districts.
All stipendiary Magistrates subordinate to the District Magistrate.	Their respective jurisdictions.
All Police Officers of Rank not below that of Sub-Inspector.	The respective areas over which authority extends.

(2) Whenever any officer other than the Chief Inspector seizes, detains or removes any explosives under this rule, he shall forthwith report the fact by telegram to the Chief Inspector, and whenever any officer not being the District Authority seizes, detains or removes any explosive under this rule he shall forthwith report the fact by Jelegram to the district Authority concerned.

107. Power to destroy illicit explosives.—(i) The Chief Inspector or an Inspector or ^Assistant Inspector] of Explosives (a) shall destroy any explosive wherever found (i) the manufacture, possession or importation of which has been prohibited absolutely under section 6 of the Act; or in) if the explosive belongs to the 5th (Fulminate) class and is being manufactured, possessed, used, sold, transported or imported illegally without a licence under these rules : (b) may destroy or render harmless any other explosive in respect of which the Chief Inspector or Inspector or ²[Assistant Inspector] has reason to believe that any of the provisions of the Act or these rules have been contravened, provided that no explosive shall be destroyed or rendered harmless by an Inspector or ³[Assistant Inspector] without the sanction of the Chief Inspector unless the matter, appears to such Inspector or ⁴[Assistant Inspector] urgent and fraught with serious public danger,

(2) Whenever the Chief Inspector or an Inspector or ⁵[Assistant Inspector] of Explosive destroys any explosive or renders it harmless under sub-rule (1), he shall take and keep a sample thereof, shall, if required, give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure, and shall forthwith report the circumstances to the District Authority.

108. Procedure on reports of infringements.—Whenever any report is made to the District Authority by the Chief Inspector of an infringement of the Act or of these rules, the District Authority shall in due course inform the Chief Inspector of the action taken by him on such report.

109. Penalties.—Whoever in breach of these rules manufactures, possesses, uses, sells, transports or imports any explosive, or otherwise

contravenes any of these rules shall be punishable with fine which may extend to—(a) in the case of a person so importing or manufacturing an explosive, three thousand rupees, (6) in the case of a person so possessing, using or transporting an explosive, one thousand rupees ; (c) in the case of a person so selling an explosive, five hundred rupees ; and (d) in any other case, two hundred rupees.

110. Saving as to acts done in emergency, etc.—Nothing in these rules shall render liable to any penalty the owner or master of any vessel or any carrier or other person having charge of any explosives for any contravention of these rules if, (a) by reason of stress of weather, unavoidable accident, or other emergency, such contravention was reasonable and proper, or (b) such owner, master, carrier, or other person was prevented from complying with the rules by the wilful act, neglect or default of the consignor or other person, or by the improper refusal of the consignee or other person to accept delivery of any consignment.

111. Power to exempt.—The Central Government may, on the recommendation of the Chief Inspector and in exceptional cases, exempt or unconditionally, any person from all or of the provisions of these rules or any of the conditions of any licence held by him.

ACCIDENTS AND INQUIRIES

112. Notice of accident.—The notice of an accident required to be given under section 8 (1) of the Act shall be given forthwith (a) to the Chief Inspector by Express telegram followed within 24 hours by 3 letter giving particulars of the occurrence and (b) to the officer in charge of the nearest police station by the quickest route pending the visit of the Chief

1. Inspector, or his representative, or until instruction is received from the Chief Inspector that he does not wish any further investigation or inquiry to be made all wreckage and debris shall be left untouched except in so far as its removal may be necessary for the rescue of persons injured, and recovery of the bodies of any persons killed, by the accident.

113. Procedure at Court of Inquiry.—(a) The Chief Inspector of Explosive will arrange with the Heads of the Services concerned to be represented at Courts of Inquiry where he so desires. In addition he will be provided with copies of the proceedings of Courts where the matter is of lesser interest. The Heads of Services will co-operate with the Chief Inspector of Explosives by informing him immediately of occurrences liable to lead to the summoning of Courts of inquiry on matters of interest to the Chief Inspector of Explosives as indicated by him.

(b) The Chief Inspector of Explosives may attend in person or send a representative ; in either case he shall have power to examine witnesses, where he so desires.

114. Inquiry into accidents.—(a) Whenever a District Magistrate, a Commissioner of Police or Magistrate subordinate to a District Magistrate holds an inquiry under section 9(1) of the Act he shall adjourn such an inquiry unless the Chief Inspector or an officer nominated by him is present to watch the proceedings or the Magistrate has received written information from the Chief Inspector that that officer does not wish to send a representative.

(b) The Magistrate at least fourteen days before holding the adjourned inquiry shall send to the Chief Inspector notice in writing of the time and place of holding the adjourned inquiry.

(e) Where an accident has been attended with loss of human life the Magistrate before the adjournment may take evidence to identify any bodies and may order the internment thereof.

(j) The Chief Inspector or his representative shall be at liberty at any such inquiry to examine any witness subject to the order of the Magistrate on point of law.

Where evidence is given at an inquiry at which the Chief Inspector or an officer nominated him is not present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or or in connection with any factory, magazine, store, or any carriage, ship or boat carrying an explosive appearing to the Magistrate or jury to require a remedy, the Magistrate shall send to the Chief Inspector notice in writing of such neglect or defect. held under section 9-A c ,ct the persons holding such inquiry shall hold the same in open Court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make report under this rule :

Provided that where the Central Government so directs the inquiry may be held in camera.

(b) Persons attending as witnesses before this Court shall be allowed such expenses as would be allowed to witnesses attending before a civil Court subordinate to the High Court having jurisdiction in the place where the inquiry is held and in case of dispute as to the amount the local Magistrate on request by the Court shall ascertain and certify the proper amount of such expenses.

(c) All expenses incurred in or about an inquiry or investigation under this rule shall be deemed to be part of the expenses of the Department of Explosives in carrying the Explosives Act, 1884, into execution,

SCHEDULE

Class No.	Name	Definition	Sub-Division
1.	"Gun-powder"	"Gun-powder" means gun-powder ordinarily so-called.	
2.	Nitrate-mixture	"Nitrate-mixture" means any preparation other than gun-powder, which is formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur be or be not added to such preparation, and whether such preparation be or be not mechanically mixed be any non-explosive substance, and includes any explosive containing a perchlorate and not being a chlorate-mixture, fulminate or nitro-compound as defined in this schedule.	Division 1, comprising any chemical compounding or mechanically mixed preparation which consists either wholly or partly, of nitroglycerine or some other liquid nitro-compound that is such explosives as Ballistite. Blasting Gelatine. Cordite, Dynamite, Gelatine Dynamite, Gelignite, etc.
3.	Nitro-compound.	"Nitro-compound," means any chemical compound which is possessed of	Division 2, comprising any nitro-compound which is not comprised in Division 1 that is explosives such as Ammonial, E. C. Sporting Powder, Guncotton, Picric Acid, Smokeless Diamond, Trinitrotoluene (T.N.T.),etc. Division I, comprising any Chlorate-mixture which is not comprised in Division. Division 1, comprising such substances as the fulminates of silver and of mercury, and preparation of those substances such as are used in percussion-caps, and any preparation consisting of a mixture of a

	<p>'Fulminate"</p> <p>Ammunition.</p>	<p>explosives properties or is capable of combining with metals to form an explosive compound and its produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid), or of a nitrate acid, upon any carbonaceous substance, whether such compound whether preparation, other than gunpowder, which is formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphuric be or be not added to such preparation, and whether such compound is mechanical mixed with other substances or not.</p> <p>"Chlorate-mixture" means any explosive containing a chlorate.</p> <p>'Fulminate" means any chemical compound or mechanical mixture whatever, which, from its great susceptibility to detonation, is suitable for employment in per-</p>	<p>chlorate with phosphorus, or certain description of compounds of phosphorus, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur or with sulphurate, with or without carbonaceous matter.</p> <p>Division 2, comprising such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.</p> <p>Division 1, comprising exclusively safety cartridges, safety fuzes for blasting, railway fog-signals, and percussion-caps.</p> <p>Division 2, comprising any ammunition which does not contain its own means of ignition and is not included in Division 1, such as cartridges for small arms other than safety cartridges, cartridges and charges for cannon shells and topic does containing any explosive, tubes for firing explosives, and war rockets which do not contain their own means of ignition.</p> <p>Division 3, comprising any ammunition which contains its own means of ignition and is not included in Division 1, such as detonators, fuzes for blasting which are not safety fuzes, tubes for firing explosives containing their</p>
--	---------------------------------------	--	---

	<p style="text-align: center;">Fireworks</p>	<p>cussion-caps or any other appliances for developing detonation, or which, from its -extreme sensibility to explosion and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.</p> <p>“Ammunition ” means an explosive of any of the foregoing classes when the same is enclosed in any case or contrivance, or is otherwise adapted or prepared so is to form (a) a cartridge or charge for small arms, cannon or any other weapon, (h) a safety or other fxye for blasting prior shells, or (c) a tube for firing explosives, or (d) a percussion-cap, detonator, fog-signal shelf, torpedo, war rocket, or other contrivance other than a firework.</p>	<p>own means of ignition. (Note.—The expression "ammunition containing its own means of ignition" means ammunition having an arrangement, whether attached to or forming part of the ammunition, which is adapted to explode or fire the ammunition by friction or percussion. The expression "percussion-cap" does not include a detonator).</p> <p>Division 1, comprising fireworks composition, that is to say, any chemical compound or mechanically mixed preparation of an explosive of inflammable nature, which is used for the purpose of making manufactured fireworks, and is not an explosive of classes 1, 2, 3,4, 5, 6, any star, and (except as declared in the proviso to this entry) any colored fire composition.</p> <p>Division 2, comprising manufactured fireworks, that is to say, any explosive of class 1, 2, 3, 4, or 6 and any fireworks composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise adapted or prepared so as to form a squib, cracker, including Chinese crackers, toy cap or amorce, serpent, rocket (other than a war rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially</p>
--	--	--	--

		-----	adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals : Provided that substantially constructed hermetically closed metal case, containing not more than one pound of colored fire composition of such a nature as not to be liable to spontaneous ignition, shall be deemed to be a "manufactured firework" and not a "firework composition."
--	--	-------	---