

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 9/4

Dated 4th May/1895

INDEXED.

[Despatch Abstract.]

INDIAN EXPLOSIVES ACT, 1884.

Communicating to the Chamber of Commerce and the Chemical Examiner, Madras, for report, letter from the Government of India inquiring if there is any objection to the inclusion of certain substances under "Explosives" within the meaning of the----.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.

FURTHER PAPERS.

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[75]

Exp. Exp. 1875

NOTE FOR THE UNDER SECRETARY.

J.C. 2023.

14.6.

The Fayette which contains
the English Council order
is not by a way with
a number in postage
if sent to Otho. Will
you kindly direct me
to go to copy the
* I think the copy will
do now. If the original
file is called for, I can
be sent after wards.
J.C.
12/14

At the Court at Ashmore House Isle of
Wight, the 29th day of December, 1887.

Present;

The Queen's most Excellent Majesty in Council
Whereas by the Explosives Act 1875 "Explosive"
is defined to mean gunpowder, nitro-gly-
cerine, dynamite, gun cotton, blasting
powders, fulminate of mercury or of
other metals, coloured fires, and every
other substance whether similar to
those above mentioned or not, used or
manufactured with a view to produce
a practical effect by explosion, or a
pyrotechnic effect, and to include,
amongst other things, every adaption
or preparation of an explosive as above
defined.

And whereas it is enacted by the
said Act that Her Majesty may, by
order in Council, declare that any
substance which appears to Her Majesty
to be specially dangerous to life or property
by reason either of its explosive properties
or of any process in the manufacture
thereof being liable to explosion shall
be deemed to be an explosive within the
meaning of the said Act ^{and the provisions of the said Act} subject to
such exceptions, limitations and re-
strictions as may be specified in the order

shall

shall accordingly extend to any such substance in like manner as if it were included in the term "explosive" in the said act.

And whereas when peric acid, perates and mixtures of peric acid, with other substances are manufactured or used with a view to producing a practical effect by explosion, or a pyrotechnic effect, such peric acid, perates, and mixtures fall within the definition of "explosive" above set forth, and are subject to the provisions of the said Act.

And whereas such peric acid, perates and mixtures when manufactured or used for any other purpose than to produce a practical effect by explosion, or a pyrotechnic effect, do not fall within the said definition of "explosive".

And whereas it appears to Her Majesty by and with the advice of Her most Honorable Privy Council, that peric acid, perates and mixtures of peric acid with certain other substances are, under certain conditions, specially dangerous to life and property by reason of their explosive properties.

Now therefore Her Majesty is pleased, by and with the advice of Privy Council, to order and declare, and be it ordered and declared as follows:-

(1) Peric acid when in process of manufacture

or storage shall (for whatever purpose used or manufactured) be deemed to be an explosive within the meaning of the said Act for all the purposes of the said Act, subject to the exceptions following:-

(a) Peric acid when wholly in solution shall be exempt from being deemed to be an explosive within the said Act; and

(b) Peric acid which does not fall within the exemption (a) above set forth, but which is being manufactured or stored in a factory, building or place exclusively appropriated to the manufacture or storage of peric acid, and in such manner as effectually to prevent any peric acid from coming into contact (whether under the action of fire, or otherwise) with any basic metallic oxide or oxidising agent, or other substance capable of forming with peric acid ^{an} explosive mixture or explosive compound, or with any detonator or other article capable of exploding peric acid, or with any fire or light capable of igniting peric acid, shall be exempt from being deemed to be an explosive within the said Act.

(2) Perates and mixtures of peric acid with any basic metallic oxide, or any oxidising agent, or with any other substance capable of forming with peric acid an explosive mixture

miscelure, or an Explosive compound (for
whatever purpose used or manufactured)
shall be deemed to be an explosive, within
the meaning of the said Act, for all the
purposes of the said Act unless such
picrates or miscelures be wholly in
solution.

(Signed) C. L. Peel.

CURRENT NO. 2023

No. 5 Public
603

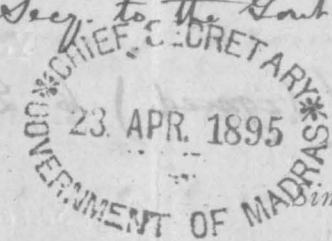
FROM

J. P. HEWETT, ESQ., C.I.E.,
Offg. Secretary to the Government of India,

TO

The Chief Secy. to the Govt. of Madras.

Home Department.
Public.



Simla, the 17th April 1895.

SIR,

THE definition of "explosive" in section 4 (1) (a) of the Indian Explosives Act, 1884, includes, besides certain explosives specifically mentioned, only those substances which are "used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect." The definition is copied from that in section 3 of the English Explosives Act, 1875, but under it an explosive substance is not amenable to regulation unless it is used or manufactured with the view above mentioned. Consequently, though picrates and picric powder have been included in class 3, division 2, in the classification of explosives in Home Department Notification No. 1417, dated 24th June 1887, these substances and picric acid are only subject to the restrictions contained in the Act and Rules when they are manufactured or used with a view to producing a practical effect by explosion or a pyrotechnic effect.

2. Picric acid, however, is extensively used for the purpose of dyeing, and is imported for that and other commercial uses into India. A most destructive explosion which occurred at Messrs. Roberts, Dale & Co.'s chemical works, near Manchester, in 1887, was attributed by Her Majesty's Chief Inspector of Explosives to the ignition of picric acid, accidentally combined with some other substance. The explosive properties of mixtures of picric acid with certain other substances are well known: and by an Order in Council (No. 14, dated 29th December 1887) it has been declared in England that as picric acid, picrates, and mixtures of picric acid with certain other substances are, under certain conditions, specially dangerous to life and property, they shall be deemed (subject to some reservations and exceptions) to be explosives within the meaning of the Explosives Act, 1875.

3. A like power to deal with such cases is vested in the Government of India by section 17 of the Indian Explosives Act, 1884. It has been brought to notice that picric acid is imported in Bombay, where the Remembrancer of Legal Affairs has held that it is not at present, if imported for such purposes as dyeing, subject to the rules regarding explosives: while the Chemical Analyser, Bombay, thinks it so dangerous that it ought to be declared an explosive under section 17 of the Act. The matter was referred to the Chief Inspector of Explosives in England, who repeated his opinion that picric acid and admixtures thereof should be treated as had been done in England after the explosion at Manchester. In these circumstances, a draft notification has been prepared, and is annexed hereto, which reproduces the substantial provisions of the English Order in Council, No. 14, dated 29th December 1887. The declaration is not a "rule" which need be published for general information under section 18 of the Indian Explosives Act; but since picric acid has been imported for many years for dyeing purposes through the ports of Bombay and Karachi, conveyed

vide London
Gazette
1931/88

by railways, and used by dyers without any advertence to its dangerous properties, the Government of India think it advisable, before publishing the Notification which will subject it to the Explosives Act and Rules, to enquire whether, *in the opinion of His Excellency the Governor in Council,* there is any objection to this measure. I am to ask that a reply may be submitted as soon as is practicable.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewitt

Offg. Secretary to the Government of India.

NOTIFICATION.

IN exercise of the powers conferred by section 17 of the Indian Explosives Act, 1884, the Governor General in Council is hereby pleased to declare that the following substances shall be deemed to be explosives within the meaning of the Act :

- (1) Picric acid, whether stored or in process of manufacture, subject to the following exemptions :—
 - (a) Picric acid when wholly in solution shall be exempt from being deemed an explosive.
 - (b) Picric acid which is being manufactured or stored in a factory, building, or place exclusively appropriated to the manufacture or storage of picric acid, and in such manner as effectually to prevent any picric acid from coming into contact (whether under the action of fire, or otherwise) with any basic metallic oxide or oxydising agent, or other substance capable of forming with picric acid an explosive mixture or explosive compound, or with any detonator or other article capable of exploding picric acid, or with any fire or light capable of igniting picric acid, shall be exempt from being deemed an explosive.
- (2) Picrates and mixtures of picric acid with any basic metallic oxide or any oxydising agent, or with any other substance capable of forming with picric acid an explosive mixture or an explosive compound (for whatever purpose used or manufactured) unless such picrates or mixtures be wholly in solution.

C.S. Box 4 May 1895, No 914.

Communicated to the
Chamber of Commerce & the Chamber
of Deputies with the request that
they will be good enough to state
whether in their opinion the
proposed notification is open to
any objection.

2 The Chemical Co
For orders Chamber of Commerce
IN M.C.

Perhaps the opinion of the Chemical Exⁿ.

the Com^d of Police & Messrs. Best & Co. ^{Madras} may be invited in the matter? It is doubtful whether it is necessary to consult any one on the subject in the face of the action taken in England. The Chemical Examiner is the only officer of whose opinion would be of value, & his opinion would not outweigh that of the Chief Inspector of Explosives in England - unless it is the case that picric acid is less dangerous in a hot than a cold climate. Perhaps therefore it will suffice to ask his opinion.

2
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~~Have a personal interview~~
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an expert 60

The Chem. Exam. Wd. hardly know
how far the substance was used for
trade purposes. I wd. ask him as a
man of science & the Chem. Soc. of Coun-
cil as possible importance of the
article. B. 1

34

2/5795

When given for copying _____
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 When examined _____
 When signed _____

189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT	..	..	..	A	A	A	A	A	A
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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

No.

FROM

J. P. HEWETT, ESQ., C.I.E.,
Offg. Secretary to the Government of India,

TO

Home Department.
Public.

Simla, the April 1895.

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2. Picric acid, however, is extensively used for the purpose of dyeing, and is imported for that and other commercial uses into India. A most destructive explosion which occurred at Messrs. Roberts, Dale & Co.'s chemical works, near Manchester, in 1887, was attributed by Her Majesty's Chief Inspector of Explosives to the ignition of picric acid, accidentally combined with some other substance. The explosive properties of mixtures of picric acid with certain other substances are well known: and by an Order in Council (No. 14, dated 29th December 1887) it has been declared in England that as picric acid, picrates, and mixtures of picric acid with certain other substances are, under certain conditions, specially dangerous to life and property, they shall be deemed (subject to some reservations and exceptions) to be explosives within the meaning of the Explosives Act, 1875.

3. A like power to deal with such cases is vested in the Government of India by section 17 of the Indian Explosives Act, 1884. It has been brought to notice that picric acid is imported in Bombay, where the Remembrancer of Legal Affairs has held that it is not at present, if imported for such purposes as dyeing, subject to the rules regarding explosives: while the Chemical Analyser, Bombay, thinks it so dangerous that it ought to be declared an explosive under section 17 of the Act. The matter was referred to the Chief Inspector of Explosives in England, who repeated his opinion that picric acid and admixtures thereof should be treated as had been done in England after the explosion at Manchester. In these circumstances, a draft notification has been prepared, and is annexed hereto, which reproduces the substantial provisions of the English Order in Council, No. 14, dated 29th December 1887. The declaration is not a "rule" which need be published for general information under section 18 of the Indian Explosives Act; but since picric acid has been imported for many years for dyeing purposes through the ports of Bombay and Karachi, conveyed

2
by railways, and used by dyers without any advertence to its dangerous properties, the Government of India think it advisable, before publishing the Notification which will subject it to the Explosives Act and Rules, to enquire whether

there is any objection to this measure. I am to ask that a reply may be submitted as soon as is practicable.

I have the honour to be,

SIR,

Your most obedient Servant,

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Offg. Secretary to the Government of India.

No. .

COPY forwarded to the Public Works Department for information.

By order,

L. M. THORNTON,

Offg. Depy. Secy. to the Govt. of India.

NOTIFICATION.

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