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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 14th August 1885, No. 38—1424-36.

Read again—

The Indian Explosives Act, No. IV of 1884.

Read—

Home Department Resolution No. 34—1391-98, dated the 5th September 1884, directing the formation of a Committee to frame rules under the Indian Explosives Act, 1884.

A letter from the Committee, dated the 12th January 1885, submitting, with explanatory remarks, a draft of proposed rules under the Act.

Resolution—

OBSERVATIONS.—By the Resolution of the 5th September 1884, read in the preamble, a Committee, composed of the

Major P. FitzG. Gallwey, R.A., Deputy Director-General of Ordnance in India.

Mr. G. S. Forbes, Officiating Under Secretary to the Government of India in the Home Department.

Mr. J. M. Macpherson, Barrister-at-law, Deputy Secretary to the Government of India in the Legislative Department.

Mr. N. St. L. Carter, Traffic Manager, East Indian Railway Company.

officers named in the margin, was appointed to consider the question of the rules to be issued under the Indian Explosives Act, 1884. The rules submitted by the Committee have been considered by the Government of India, and have been amended where necessary. A copy of the rules as amended is attached to this Resolution.

2. The rules appear to the Governor-General in Council to provide for all the subjects for which there is any present occasion. Those relating to Transport and Importation should, in the opinion of His Excellency in Council, be made and issued by the Government of India, while those relating to Manufacture, Possession, and Sale might appropriately be issued by Local Governments and Administrations after such adaptation as may be necessary to suit the local circumstances of each province.

3. No attempt has been made to frame rules for the keeping and transport of explosives within the limits of ports—matters formerly dealt with by the Ports Act, section 7, clause (c), and sections 28 to 34, both inclusive, of which will be repealed when the Explosives Act is brought into force. Each port must be considered separately, and rules for each prescribed with regard to its own circumstances.

4. It will be noticed that under section 5 of the Act, Local Governments are left a discretion in the application of the rules, and it is not necessary that the whole or any of the rules relating to manufacture, possession, and sale should be brought into operation, except in places where a real necessity for such rules may exist.

5. It was at first thought possible that simplification might be secured by confining importation to one or two of the best known explosives which are most useful for practical purposes, and by forbidding the importation of all other explosive substances. Further consideration, however, renders it doubtful whether it is expedient to do this, inasmuch as, in the present state of the industrial development of this country, explosives embraced in the classification adopted in the rules, but not now in actual use, may at any time become of importance and value for practical purposes.

6. The preliminary portion of the rules sets out the classification of explosives contained in the bye-laws made under the English Statute (38 Vic., cap. 17). There are doubtless many explosives known in Europe which at the present moment are neither manufactured, imported, nor used in India; but for the reasons given in the preceding paragraph, it has been deemed desirable to adopt the most exhaustive classification known.

7. One primary consideration kept in view in framing the rules has been to avoid the necessity of double licenses under the Indian Arms Act and the Explosives Act in the case of those explosives that are in common use throughout the country, and the manufacture, possession, sale, and importation of which are regulated under the former Act. With this object, the procedure and forms prescribed for these explosives under the Arms Act and the rules issued thereunder have been as far as possible preserved. The explosives thus specially dealt with are gunpowder, explosives of the 1st division of the 6th (ammunition) class, and explosives of the 7th (firework) class. These comprise all gunpowder ordinarily so called, safety cartridges, safety fuzes for blasting, railway fog signals, percussion caps, firework compositions, and manufactured fireworks. It is not overlooked that the term "ammunition" as defined in the Arms Act embraces a larger number of explosive compounds; but it is only in the case of those above specified that the interests or convenience of dealers or of the general public appear to need special consideration.

8. The following order of treatment has been observed in drawing up the rules:—(1) manufacture, possession, and sale; (2) transport; (3) importation; and (4) various general matters.

9. Under the head of manufacture, possession, and sale there is first a series of general rules (2—7) prohibiting, under penalty, manufacture, possession, or sale, except in accordance with a license. These are followed by rules (8—11) especially providing for the licensing of the manufacture, possession, and sale of gunpowder, ammunition, and fireworks. The procedure for obtaining a license to manufacture other explosives is then stated (Rules 12—13). This is followed by rules relating to the licensing of possession of explosives other than gunpowder, &c., the subject being dealt with under two sets of provisions. First, Rules 14—16 regulate the possession of small quantities of explosives; secondly, Rules 17—22 provide for cases where larger quantities are to be kept. Provision is finally made (Rules 23—26) for the licensing of sale.

To the general rules for the manufacture, possession, and sale of explosives are added provisos specifying the cases in which licenses need not be taken out, such as the filling of cartridges, the possession of small quantities of explosives for private use, and the like.

10. In the special rules relating to gunpowder, ammunition, and fireworks, the Arms Act procedure has, as already explained, been observed. As, in practice, the licenses under that Act prescribe the quantity which may be dealt with throughout the year, the forms of license are to the same effect. But, in the interests of the public safety, the quantity to be kept at the same time on the licensed premises has been limited.

11. The licensing of the manufacture of other explosives (Rules 12 and 13) has, it will be noticed, been left entirely to the Governor-General in Council. It is believed that the manufacture of such explosive as dynamite or nitro-glycerine is not at present carried on in India, and it is probably unlikely that this will be the case for some time to come. Detailed regulations on the subject do not therefore appear to be immediately called for. Proposals for the establishment of a factory should, it is thought, receive the special sanction of the Government of India in each case.

12. With regard to the possession of explosives, Rules 14—16 provide for the licensing of the possession of small quantities not exceeding 60 lb. This is the maximum quantity which may, in the opinion of the Government of India, be safely possessed at the same time under the less stringent precautions which such licenses impose. Quantities in excess of this amount must be kept in a magazine (Rules 17—20). The procedure for obtaining a magazine license follows in its main lines

the procedure in force in England. It is designed to give ample notice to all persons likely to be injuriously affected by the establishment of a magazine. It also enables the local authorities both to make full inquiry as to the desirability of complying with an application, and to prescribe the conditions on which a license may be granted. No special procedure in favor of municipal or local bodies desiring to establish a public magazine seems to be required, as it is considered that the regular procedure should be followed by municipal corporations equally with private persons.

13. Looking to the highly dangerous character of all explosives of the fulminate class, it has been deemed expedient (Rules 21 and 22) to leave it to the Governor-General in Council to license the possession of any explosive of that class under such conditions as he may see fit in each case to prescribe.

14. Licenses for the sale of explosives can be granted only to persons already licensed to possess them. The premises on which sale is conducted will thus be subject to whatever conditions are imposed on such premises by the possession license. The fee for a sale license has, in view of its being an additional license, been limited to Rs. 5.

15. It has not been considered necessary to require transport to be carried on under license. Explosives falling under the Indian Arms Act will remain subject to such licenses as have been prescribed by the rules issued under that enactment, and, such being the case, it seems sufficient to confine the rules to be issued under the Explosives Act to laying down the regulations under which transport shall be conducted. The transport rules fall under two heads—(1) rules with respect to the packing of explosives for conveyance, and (2) rules as to the mode of conveyance. The packing rules deal with each class of explosive separately. The conveyance rules lay down (a) general regulations (Rule 31); (b) regulations (Rule 32) relating specially to conveyance by road or vessel; and (c) regulations (Rule 33) specially relating to railways. The railway rules follow closely the rules drawn up by the Committee appointed in the year 1881 for the purpose of framing regulations for the conveyance of ammunition and other explosives by railway.

16. With regard to importation, the rules (35—46) are restricted to importation by sea. Importation by land or river does not at present require to be specially regulated under the Explosives Act. As in the case of manufacture, possession, and sale, the importation of gunpowder, ammunition, and fireworks has been specially dealt with (Rule 38) so as to make the procedure identical with that prescribed under the Arms Act.

The importation of other explosives has been limited to the ports which are now authorized for the import of gunpowder. It has been provided that no such explosive shall be imported until it has passed a test to be prescribed by the Government of India. At the same time, in order to prevent inconvenience, the proviso to Rule 35 has been so framed as to allow explosives of English manufacture which, in the case of the more dangerous explosives, is carried on under strict Government supervision, and other explosives to which the Governor-General in Council may extend the privilege, to be landed on certain conditions previous to the application of the test. The tests which should be prescribed are under the consideration of the Government of India.

17. Under the head of "General," provision has been made for several matters connected with the granting of licenses. Rules 49, 50, and 51, relating to stamps, fees, and the currency of licenses, follow corresponding rules under the Arms Act. Rule 54 empowers, in accordance with the provisions of section 15 of the Act, the authority granting a license under the rules to direct by order written on the same that it shall have the effect of a license under the Arms Act. By Rule 55 persons lawfully entitled under the Arms Act to possess ammunition enjoy the same privileges in respect of possession and import under the Explosives Act as they enjoy under section 6 of the Arms Act.

18. Finally, it may be observed that the rules have no application in the case of Government explosives (see section 14 of the Act).

19. Copy of a notification required by section 18 (1) of the Explosives Act, which will appear in the next issue of the *Gazette of India*, publishing a draft of the rules to be issued by the Governor-General in Council, for the information of persons likely to be affected thereby, is enclosed, as also copy of a notification which will be issued under section 18 (2) of the Act, prescribing the manner in which draft rules shall be published by authorities making them. The first of these notifications with the draft rules should be republished in three consecutive issues of the Local Gazettes, and copies should at the same time be freely distributed to English and Vernacular newspapers, and should further be published at the head-quarters of all districts, subdivisions, and tahsils or taluks and communicated to all municipal bodies. A similar distribution should be made of the draft rules eventually framed by the Local Government, though it is not considered necessary to prescribe this in the notification issued under clause 2 of the section.

20. The rules to be issued by Local Governments under the Act should in due course be submitted for the sanction of the Government of India.

ENCLOSURES.

DRAFT.

DRAFT RULES UNDER THE EXPLOSIVES ACT, 1884.

PRELIMINARY.

1. For the purposes of these rules, explosives shall be classified as follows, namely:—

Class 1	...	...	...	...	...	...	Gunpowder.
" 2	...	...	...	...	...	...	Nitrate-mixture.
" 3	...	...	...	...	...	...	Nitro-compound.
" 4	...	...	...	...	...	...	Chlorate-mixture.
" 5	...	...	...	...	...	...	Fulminate.
" 6	...	...	...	...	...	...	Ammunition.
" 7	...	...	...	...	...	...	Firework.

And when an explosive falls within the description of more than one class, it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

CLASS 1.—Gunpowder Class.

The term "gunpowder" means exclusively gunpowder ordinarily so called.

CLASS 2.—Nitrate-mixture Class.

The term "nitrate-mixture" means any preparation, other than gunpowder ordinarily so called, 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 with any other non-explosive substance.

The nitrate-mixture class comprises such explosives as—

Pyrolithe,	Poudre saxifragine.
Pudrolithe,	

and any preparation coming within the above definition.

CLASS 3.—Nitro-compound Class.

The term "nitro-compound" means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions.

Division 1 comprises such explosives as—

Nitro-glycerine,	Dualine.
Dynamite,	Glycoline,
Lithofracteur,	Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Gun-cotton, ordinarily so called,	Cotton gunpowder,
Gun-paper,	Schultz's powder,
Xyloidine,	Nitro-mannite,
Gun sawdust,	Picrates,
Nitrated gun-cotton,	Picric powder,

and any nitro-compound as before defined, which is not comprised in the first division.

CLASS 4.—Chlorate-mixture Class.

The term "chlorate-mixture" means any explosive containing a chlorate.
The chlorate-mixture class has two divisions.

Division 1 comprises such explosives as—

Horsley's blasting powder,	Brain's blasting powder,
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and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Horsley's original blasting powder,	Reichen's blasting charges,
Erhardt's powder,	Tentonite,
Reverley's powder,	Chlorated gun-cotton,
Hochstadter's blasting charges,	

and any chlorate-mixture as before defined, which is not comprised in the first division.

CLASS 5.—Fulminate Class.

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which, from its great susceptibility to detonation, is suitable for employment in percussion 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.

This class consists of two divisions.

Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, such as are used in percussion caps, and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphurate, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

CLASS 6.—Ammunition Class.

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, or any other weapon, or for blasting, or to form any safety or other fuze for blasting or for shells, or to form any tube for firing explosives, or to form a percussion cap, a detonator, a fog-signal, a shell, a torpedo, a war rocket, or other contrivance other than a firework.

The term "percussion cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety fuze" means a fuze 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 fuze will not communicate laterally with other like fuzes.

The expression "safety cartridges" means cartridges for small-arms of which the case can be extracted from the small-arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

The ammunition class has three divisions.

Division 1 comprises exclusively—

Safety cartridges.	Railway fog-signals.
Safety fuzes for blasting.	Percussion caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition and is not included in Division 1, such as—

Cartridges for small-arms, which are not safety cartridges,
Cartridges and charges for cannon, shells, mines, blasting, or other like purposes,

Shells and torpedoes containing any explosive,
Fuzes for blasting, which are not safety fuzes,
Fuzes for shells,
Tubes for firing explosives,
War rockets,

which do not contain their own means of ignition.

Division 3 comprises any ammunition as before defined which contains its own means of ignition and is not included in Division 1, such as—

Detonators,
Cartridges for small-arms, which are not safety cartridges,
Fuzes for blasting, which are not safety fuzes,
Fuzes for shells,
Tubes for firing explosives,

which do contain their own means of ignition.

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

CLASS 7.—Firework Class.

The term "firework" comprises firework composition and manufactured fireworks.

Division 1.—The term "firework composition" means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any colored fire composition.

Division 2.—The term "manufactured firework" means any explosive of the foregoing classes and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, serpent, rocket (other than a war-rocket), maroon, star, lance, wheel, Chinese-fire, Roman candle, or other article adapted for the production of pyrotechnic effects or pyrotechnic signals.

TRANSPORT.

(a) Packing.

2. The following general rules shall be observed with respect to the packing of explosives for conveyance:—

I.—An explosive, not being an explosive of the 5th (fulminate) class or of the 2nd and 3rd divisions of the 6th (ammunition) class or of the 1st division of the 7th (firework) class, shall, if not exceeding 5 lb. in quantity, be contained in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping.

II.—In every other case, the explosive shall be contained in a double package. The inner package shall be a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the explosive from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the explosive to escape. Provided as follows:—

- (a) If the explosive is explosive of the 1st or gunpowder class or is explosive of the 2nd (nitrate-mixture) class or is gun-cotton or other explosive of the 2nd division of the 3rd (nitro-compound) class, the quantity of explosive in any one outer package shall not, in the case of explosive of the first two classes, exceed 100 lb., and in the case of the last, 50 lb.; and if the explosive be gun-cotton, it shall be carried thoroughly saturated with water.
- (b) If the explosive belongs to the 1st division of the 3rd (nitro-compound) class or to the 4th (chlorate-mixture) class, the inner package shall be without any metal in its construction, and the inner or outer package or both shall be thoroughly waterproof. No one of the inner packages shall contain more than 10 lb., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lb.
- (c) If the explosive belongs to the 5th (fulminate) class, it shall be packed in such manner as the Governor-General in Council may specially direct.
- (d) If the explosive belongs to the 1st division of the 6th (ammunition) class or is any explosive of the 2nd division, an outer package shall not be required, but it may be contained in quantity not exceeding 100 lb. in a single package, which shall be a box, barrel or case not less than 4ths of an inch in thickness, of such strength, construction, and character as will not be broken or accidentally opened or become defective or insecure whilst being conveyed, and will not allow the explosive to escape.

- (e) If the explosive belongs to the 3rd division of the 6th (ammunition) class, it shall be packed in a double package. The inner package shall not contain more than 2 lb. of such explosive, and no more than 50 lb. shall be contained in the outer package.
- (f) If the explosive belongs to the 1st division of the 7th (firework) class, it shall be contained in a double package. The inner package shall be a substantial canister, case, or other receptacle hermetically closed, and containing no more than 1 lb. of explosive, and no more than 20 lb. shall be contained in the outer package; and
- (g) If the explosive belongs to the 2nd division of the 7th (firework) class, it shall be contained in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow any explosive to escape, and the quantity of explosive in any one package shall not exceed 100 lb.

III.—Whatever be the amount of the explosive, and to whatever class or division of a class it belongs, the following conditions shall be observed:—

- (a) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean;
- (b) every package, whether single or double, when actually used for the packing of explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose;
- (c) there shall not be any iron or steel in the construction of any such single package or inner or outer package unless the same is effectually covered with tin, zinc, or other suitable material;
- (d) on the outermost package there shall be affixed, in conspicuous characters, by means of a brand or securely attached label or mark, the word "Explosive," followed by the name of the explosive or other description of the contents, and the name and address of the owners or sender; and
- (e) the amount of explosive in any single package, or, if there is a double package, in any one outer package, shall not exceed the amount specified in the foregoing rules, except with the consent of, and under conditions to be approved by, an officer appointed by the Local Government in this behalf.

3. If any person commits a breach of any of the foregoing rules relating to the packing of explosive for conveyance, he shall be punished with fine which may extend to Rs. 1,000.

(b) Mode of Conveyance.

4. The following general rules shall be observed with respect to the conveyance of explosives:—

I.—No explosive shall be conveyed from place to place unless packed in the manner provided for in the foregoing rules.

II.—There shall not be conveyed in any carriage or vessel, which is being used for the conveyance of an explosive, any explosive of a different class and division, of whatsoever nature, which contains its own means of ignition, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—No explosive shall be loaded or unloaded except between sunrise and sunset.

IV.—Whilst the explosive is being loaded on, or unloaded out of, any carriage or vessel, no fire or artificial light, nor any article which is liable to cause or communicate fire or explosion (such as charcoal, lucifer matches, articles for striking a light, petroleum to which the Petroleum Act or any Act repealing or amending the same applies, or any spirit or oil or substance that gives forth an inflammable vapour at a temperature below 100° Fahrenheit) shall be, or shall be allowed to be, brought, had, or used dangerously near to such carriage, ship, or boat, and no smoking shall be allowed in, on, or dangerously near to, the same: provided that when the use of a light for the purpose of such loading or unloading is unavoidable, a lamp of such construction, position, or character as not to cause any danger from fire or explosion may be used; and no person while handling any explosive (except gunpowder, explosive of Division 1, class 6, or explosive of class 7, if packed in accordance with the packing rules) shall wear boots or shoes with iron or steel nails, heels, or tips.

V.—In loading or unloading any explosive, the casks and packages containing the same shall be passed from hand to hand and not relied upon the ground; they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

VI.—The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal, or in the hold of a ship or boat having a close deck, so closed as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin, or other suitable material so as to effectually protect it against communication of fire.

VII.—There shall not be any iron or steel in the interior of the portion of the carriage or vessel with which the case containing the explosive is in contact, unless the same be effectually covered with leather, wood, cloth or other suitable material.

VIII.—In the stowing of explosive, due precautions shall be taken by means of a partition or otherwise, and by careful stowing to secure such explosive from being brought into contact with, or endangered by, any other article, or substance conveyed in such carriage or vessel which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

IX.—The amount of explosive conveyed in any one carriage or vessel at any one time shall not exceed 2,000 lb., unless the carriage be so enclosed on all sides with wood or metal, or the vessel have a close deck so closed as effectually to protect the explosive against accident by fire from without, in which case the amount of explosive conveyed shall not exceed the following:—

	TONS.
In any one carriage on a railway	10
Do. other carriage	2
Do. vessel	20

NOTE.—This rule must, in the case of dynamite conveyed by railway, be read subject to paragraph XII of rule 6.

X.—Nothing in the foregoing rules (except rule I) shall apply to any explosive of the 1st division of the 6th (ammunition) class, provided all due precautions are taken for the prevention of accidents.

5. The following rules shall be observed with respect to the conveyance of explosives other than by public railway:—

I.—No explosive shall be conveyed in a carriage, or boat whilst carrying or plying for public passengers, unless the quantity be less than 5 lb., and notice has been given beforehand to the person in charge of such carriage or boat: provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (fulminate) class, or any explosive of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 3rd (nitro-compound) class.

II.—With respect to the conveyance by carriage or vessel of explosive of the 5th (fulminate) class, or of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 7th (firework) class, or of larger quantities than 5 lb. of any other explosive, the following regulations shall be observed:—

- (1) The person in charge of the carriage or vessel shall not drive or conduct the same in a dangerous or reckless manner, and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion, and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance; and a person who is intoxicated shall not have charge of any carriage or vessel conveying explosive, and shall not be permitted to be in, or on, or attending the same.
- (2) A person shall not forward to any warehouse-man or carrier a consignment of explosive, unless he has given notice to such warehouse-man or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation that the warehouse-man or carrier is prepared to receive the consignment; and a warehouse-man or carrier shall not make such an intimation, nor receive such consignment, unless he is prepared to receive it, and forthwith to despatch the same or to deposit it in a magazine or at a place at which a person is licensed to possess the same.
- (3) The carriage or vessel conveying the explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of explosive conveyed exceed 100 lb., stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place where such stopping would be attended with special public danger.

6. The following rules shall be observed with respect to the conveyance of explosive by public railway:—

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to a Railway servant 48 hours' previous notice in writing of his intention to send such consignment, and stating the true name, description, quantity, and mode of packing of the explosive proposed to be conveyed, and his own name and address, and also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorized officer of the Railway that such consignment will be received.

II.—No explosive which a Railway Administration shall, by any notice or regulation for the time being in force, notify that they will not receive, shall be brought, sent, or forwarded to, or upon, any Railway of the said Railway Administration.

III.—Consignments of explosives shall be sent to the forwarding station, and shall be received by the Railway servants, only at such times, between sunrise and sunset, as the Railway Administration may appoint; and every package containing any explosive proposed to be conveyed on any Railway shall, immediately on arrival at the station, be delivered to, and be received by, the Railway servants authorized to receive dangerous goods, and by no other person whatsoever.

IV.—An explosive must be removed by the consignee from the receiving station during the twelve hours of daylight after arrival; if this condition is not strictly complied with, the Railway Administration may return the consignment to the consignor at his risk and expense. And such packages shall in the meanwhile be kept as far away from the station buildings as possible, in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material, and, if necessary, shall be protected by a police guard.

V.—The Railway Administration may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these regulations. And in case any package, which the Railway Administration suspect, shall be upon any Railway, they may open, or require to be opened, any such package, to ascertain the fact, at the risk and expense of the consignor, and may return the explosive contained in the package to the consignor at his risk and expense, keeping the packages pending such return in the manner prescribed in the preceding rule.

VI.—No explosive shall be conveyed by passenger train except of the kinds and in the manner hereinafter specified in this rule:—

- (a) Safety cartridges and percussion caps and safety-fuze (for blasting), also fog-signals for railway use, may be conveyed by passenger train, in ordinary wagons or carriages.
- (b) Sporting gunpowder or non-safety cartridges packed in double cases as before provided, so long as the gunpowder is contained in one-pound tin canisters packed in a stout wooden case with an outer covering of tin or zinc completely spark-proof, or in metal-lined cases of a pattern approved by the Railway Administration. But no outer case shall contain more than 25 lb. of gunpowder, and the total consignment of gunpowder or non-safety cartridges by one train shall not exceed 20 lb.

VII.—Not more than five carriages containing explosives shall be loaded or unloaded at any Railway station, or be conveyed by any one train at any one time; and the quantity of explosive to be contained in any one carriage shall not exceed two-thirds of the normal load, unless the carriage shall be specially built and approved of by the Government of India for the conveyance of explosives. But nothing in this clause shall be held to apply to separate consignments of small-arms ammunition.

VIII.—There shall not be conveyed in the same carriage with any explosive any lucifer or other matches, fuzes, pipelights, acids, naphtha, paraffine, petroleum to which the Petroleum Act or any Act repealing or amending the same applies, or any other volatile spirit or substance liable to give off an inflammable vapour, or liable to spontaneous ignition, or to cause or communicate fire or explosion.

IX.—The consignor shall attach to the consignment note a certificate signed by an officer authorized by the Government in this behalf that the explosive, if it is gun-cotton, dynamite, or blasting gelatine, is of the standard purity, and has undergone no deterioration since its manufacture; and further in the case of dynamite, that the cartridges have been examined and show no signs of exuded nitro-glycerine. The consignor shall also certify that the cartridges have been packed in this country in accordance with the packing rules.

X.—In the case of dynamite the outer package shall be marked with the date on which the dynamite was packed, and be secured with a leaden seal in token of the inspection having been made.

XI.—The certificate referred to in rule IX shall be valid for six months after date, if the examination has been made after the 15th October; but it shall not be compulsory for any Railway Administration to receive dynamite for conveyance from 1st April to 15th October (both inclusive).

XII.—Packages containing dynamite shall be stowed in one layer only, and secured so as to prevent movement during transit. The gross load in any one wagon shall not exceed 3 tons.

XIII.—No explosive belonging to the 5th (fulminate) class or to class VI, division 3, shall be carried in the same train with dynamite, or with any other explosive belonging to class III, division 1.

XIV.—Wagons used for the carriage of explosives shall be examined to see that they are spark-proof, and have been cleaned out before they are loaded. Hair, cloth, hides or other suitable material shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt, or contain small-arms ammunition, packed in tin-lined service-pattern boxes.

XV.—Wagons containing explosives shall be loaded and unloaded on sidings distant as far as possible from the station buildings.

XVI.—More than three layers of packages containing explosives shall never be packed one above another, except in the case of small-arms ammunition packed in tin-lined service-pattern

boxes, when such a restriction is unnecessary. The loading and unloading of explosives when once begun shall be diligently proceeded with during daylight until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, provided that they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substance; this precaution is not necessary with wagons specially constructed and approved of by Government for the carriage of explosive. The speed of these movements will be restricted to 5 miles an hour; they will be superintended by a duly authorized officer, who will be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

XVIII.—Wagons containing explosives shall be placed at the end of the train away from the locomotive, and shall be close coupled to one another, as well as to the adjoining wagons, and must be preceded and followed by three wagons not loaded with explosive or other traffic of an inflammable nature.

XIX.—If the wagons employed in the transport of explosive, as well as those immediately adjoining them, are provided with brakes, they shall on no account be worked.

XX.—Wagons must in every case be locked when loaded with explosives.

XXI.—All operations connected with the transshipment of explosives at junction stations shall take place during daylight.

7. If any person commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives, he shall be punished with a fine which may extend to Rs. 1,000.

IMPORTATION.

8. An explosive shall not be imported by sea into British India, except under, and in accordance with, the conditions of a license to import the explosive granted under these rules:

Provided that any explosive other than an explosive specified in rule 11 may, previous to the grant of an importation license, if certified to be of British manufacture, be landed in accordance with such regulations as the Local Government may prescribe in this behalf, and be stored in a place set apart by the Local Government for this purpose. The Governor-General in Council may extend this privilege to any such explosive not of British manufacture regarding which he is satisfied that it has been manufactured under adequate official supervision.

Before any explosive is landed under the proviso to this rule, the consignee shall give to the Chief Customs Officer of the port such undertaking with or without security, as the said officer thinks sufficient, to obey, in the event of the explosive failing to satisfy the prescribed tests, such directions as to its disposal as the Local Government may see fit to prescribe.

9. If any person imports an explosive in contravention of rule 8 he shall be punished with fine which may extend to three thousand rupees.

10. An explosive shall not be imported by sea except at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Kurrachee, and Aden.

11. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class or an explosive of the 7th (firework) class, the license to import the same may be granted at the ports of Calcutta, Madras, and Bombay by the Commissioner of Police, and at the ports of Rangoon, Calicut, Kurrachee, and Aden by the District Magistrate.

12. The fee payable in respect of each such license shall be Rs. 10.

13. Licenses for the importation by sea of any explosive other than those specified in rule 11 shall be granted by the Local Government, or by some officer specially authorized by the Local Government in this behalf.

14. No license for the importation of any explosive of the description referred to in rule 13 shall be granted unless samples of the explosive taken as hereinafter provided are certified by the Chemical Examiner, or some other officer appointed by the Local Government in this behalf, to pass the test which may from time to time be prescribed for such explosive by the Government of India.

15. On the arrival in any port at which importation of explosives is lawful of a ship having on board an explosive other than an explosive of the description referred to in rule 11, such officer as the Chief Customs Officer authorizes in this behalf shall, as soon as may be, proceed on board and obtain samples of the explosive.

The master of the ship shall give to the said officer, without charge, such samples as he may require. The said officer shall affix to each such sample the name of the ship and of the consignee and such other distinguishing marks as he may think necessary, and shall forward the same to the Chemical Examiner or officer as aforesaid for report.

The Chemical Examiner or officer as aforesaid, after testing the said samples, shall without delay forward to the licensing authority, through the Chief Customs Officer, a report under his signature certifying whether the explosive has satisfied the prescribed test.

16. The period for which a license to import an explosive, granted under rule 13, shall continue in force shall not exceed such period as may seem necessary to the authority granting the license.

17. The fee payable on a license granted under rule 13 shall be Rs. 10.

18. Every license granted under rules 11 and 13 shall be in Form A in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed, and also to such additional conditions with respect to the time and place of unloading, landing, delivery, and conveyance of the explosive, and such other conditions as may in each case be thought by the licensing officer to be necessary for the public safety or in the interests of the State.

19. If any person commits a breach of any condition subject to which a license under rules 11 and 13 is granted, he shall be punished with fine which may extend to three thousand rupees.

GENERAL.

20. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

21. If a person licensed to import an explosive dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or the rules made thereunder for acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

22. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall, if not otherwise provided, be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses or renewals; the licenses themselves being issued on plain paper. But when the licenses themselves are written or printed on impressed stamps, the application may be on plain paper. When an application for a license is written on an impressed stamp, and the license is refused, the value of the stamp will on application be refunded to the applicant.

23. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

24. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Magistrate or by any police officer in charge of a police station, or by any police officer of higher rank.

25. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

26. Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by an order written on the license that it shall have the effect of a like license under the Indian Arms Act, 1878.

27. Any persons lawfully entitled under the Indian Arms Act, 1878, or the rules made thereunder, to possess any explosive coming under the head of ammunition as defined in that Act, may possess, or import without license under these rules, any such explosive in reasonable quantities for his own private use: but when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office may at any time detain such explosive until he receives the orders of the Local Government thereon.

Form A.

(See Rules 11, 13 and 18.)

FEE TEN RUPEES IN STAMPS.

License to import Explosives into the Port of _____

Name of the Explosive	Number of Packages	Explosive.			Purpose for which required	Destination.	Period for which the license is valid.
		Description.	Weight.	Number.			
							From the _____ th of _____ to the _____ th of _____ 188

The _____ of _____

188



(Signature)

_____ of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.
2. This license becomes void after expiry of the period named thereon.
3. This license is valid for importation only; if the articles named herein are to be transported to any place outside the Presidency Town, they must be protected by a transport license.
4. On the outside of each package there shall be affixed in conspicuous characters by means of a brand or securely attached label or mark the word "Explosive" followed by the name of the explosive or other description of the contents, and the name and address of the owners or senders.

DRAFT.

DRAFT RULES UNDER THE EXPLOSIVES ACT, 1884.

PRELIMINARY.

1. For the purposes of these rules, explosives shall be classified as follows, namely:—

Class 1	...	...	...	...	...	...	Gunpowder.
" 2	...	...	...	...	...	...	Nitrate-mixture.
" 3	...	...	...	...	...	...	Nitro-compound.
" 4	...	...	...	...	...	...	Chlorate-mixture.
" 5	...	...	...	...	...	...	Fulminate.
" 6	...	...	...	...	...	...	Ammunition.
" 7	...	...	...	...	...	...	Firework.

And when an explosive falls within the description of more than one class, it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

CLASS 1.—Gunpowder Class.

The term "gunpowder" means exclusively gunpowder ordinarily so called.

CLASS 2.—Nitrate-mixture Class.

The term "nitrate-mixture" means any preparation, other than gunpowder ordinarily so called, 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 with any other non-explosive substance.

The nitrate-mixture class comprises such explosives as—

Pyrolithe,	Poudre saxifragine,
Pudrolithe,	

and any preparation coming within the above definition.

CLASS 3.—Nitro-compound Class.

The term "nitro-compound" means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions.

Division 1 comprises such explosives as—

Nitro-glycerine,	Dualine,
Dynamite,	Glyoxiline,
Lithofracteur,	Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Gun-cotton, ordinarily so called,	Cotton gunpowder,
Gun-paper,	Schultz's powder,
Xyloidine,	Nitro-mannite,
Gun sawdust,	Pierates,
Nitrated gun-cotton,	Pier's powder,

and any nitro-compound as before defined, which is not comprised in the first division.

CLASS 4.—Chlorate-mixture Class.

The term "chlorate-mixture" means any explosive containing a chlorate.

The chlorate-mixture class has two divisions.

Division 1 comprises such explosives as—

Horsley's blasting powder,	Brain's blasting powder,
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and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Horsley's original blasting powder,	Reichen's blasting charges,
Erhardt's powder,	Teutonite,
Reverley's powder,	Chlorated gun-cotton,
Hochstadter's blasting charges,	

and any chlorate-mixture as before defined, which is not comprised in the first division.

CLASS 5.—*Fulminate Class.*

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which, from its great susceptibility to detonation, is suitable for employment in percussion 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.

This class consists of two divisions.

Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, such as are used in percussion caps, and any preparation consisting of a mixture of a chlorate with phosphorous, or certain descriptions of phosphorous compounds, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphuret, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

CLASS 6.—*Ammunition Class.*

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, or any other weapon, or for blasting, or to form any safety or other fuze for blasting or for shells, or to form any tube for firing explosives, or to form a percussion cap, a detonator, a fog-signal, a shell, a torpedo, a war rocket, or other contrivance other than a firework.

The term "percussion cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety fuze" means a fuze 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 fuze will not communicate laterally with other like fuzes.

The expression "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

The ammunition class has three divisions.

Division 1 comprises exclusively—

- Safety cartridges.
- Safety fuzes for blasting.
- Railway fog-signals.
- Percussion caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition, and is not included in division 1, such as—

- Cartridges for small-arms, which are not safety cartridges,
- Cartridges and charges for cannon, shells, mines, blasting, or other like purposes,
- Shells and torpedoes containing any explosive,
- Fuzes for blasting, which are not safety fuzes,
- Fuzes for shells,
- Tubes for firing explosives,
- War rockets,

which do not contain their own means of ignition.

Division 3 comprises any ammunition as before defined which contains its own means of ignition, and is not included in division 1, such as—

- Detonators,
- Cartridges for small-arms, which are not safety cartridges,
- Fuzes for blasting, which are not safety fuzes,
- Fuzes for shells,
- Tubes for firing explosives,

which do contain their own means of ignition.

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

CLASS 7.—*Firework Class.*

The term "firework" comprises firework composition and manufactured fireworks.

Division 1.—The term "firework composition" means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any colored fire composition.

Division 2.—The term "manufactured firework" means any explosive of the foregoing classes and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, serpent, rocket (other than a war-rocket), maroon, star, lance, wheel, Chinese-fire, Roman candle, or other article adapted for the production of pyrotechnic effects or pyrotechnic signals.

MANUFACTURE, POSSESSION, AND SALE.

(a) *General Rules.*

2. An explosive shall not be manufactured except under and in accordance with the conditions of a license to manufacture the explosive granted under these rules.

Nothing in this rule shall apply—

- (a) to the making of a small quantity of an explosive for the purpose of chemical experiment, and not for practical use or for sale; or
- (b) to the filling for private use and not for sale of any safety cartridges to the amount allowed by these rules to be possessed for private use.

3. If any person manufactures an explosive in contravention of rule 2, he shall be punished with fine which may extend to three thousand rupees.

4. An explosive shall not be possessed except under and in accordance with the conditions of a license to possess the explosive granted under these rules:

Provided that this rule shall not apply—

- (1) to a person possessing for his private use and not for sale—

- (a) gunpowder to an amount not exceeding on the same premises 30 lb., or in lieu of the said quantity of gunpowder 15 lb. of any other explosive, or in lieu of any less amount of gunpowder not so possessed, half that amount of other explosive; or
- (b) gunpowder contained in safety cartridges to an amount not exceeding 150 lb., or in lieu thereof 150 lb. of any explosive contained in ammunition of the 1st division of class 6, or in lieu of any less amount of gunpowder not so possessed, that amount of any explosive so contained.

Exception.—Nothing in the foregoing portion of the proviso to this rule shall be held to authorize the possession for private use—

- (a) of any explosive of the 5th (fulminate) class; or
- (b) of any explosive whereof the possession has been prohibited absolutely by notification under section 6 of the Act; or,
- (c) where the possession of an explosive has by notification under that section been prohibited subject to conditions, of any such explosive except subject to those conditions.

- (2) to the possession of an unlimited quantity of fireworks, if obtained and intended for immediate use and not for sale, and if kept for a period not exceeding 14 days in a safe and suitable place, and with all due precautions for the public safety:

- (3) to the possession of any explosive by a person licensed to manufacture the explosive:
- (4) to the possession 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 the rules made under the Act with respect to the transport of such explosive: or
- (5) to the possession of any gunpowder, rockets, or other explosive on board any ship in pursuance of the provisions of the Merchant Shipping Acts, or any order or regulation under those Acts.

5. If any person possesses an explosive in contravention of rule 4, he shall be punished with fine which may extend to one thousand rupees.

6. An explosive shall not be sold except under and in accordance with the conditions of a license to sell the explosive granted under these rules.

Provided that this rule shall not apply to any person selling any explosive which for his own private use he lawfully possesses to any person who is not legally prohibited from possessing the same.

7. If any person sells an explosive in contravention of rule 6, he shall be punished with fine which may extend to five hundred rupees.

- (b) *Licensing of the manufacture, possession, and sale of gunpowder and certain explosives.*

8. Licenses to manufacture, possess, and sell, or to possess and sell or to possess an explosive of the 1st (gunpowder) class or of the 1st division of the 6th (ammunition) class or of the 7th (firework) class to such total amount during the currency of the license, and in such places as shall be approved by the licensing officer, may be granted in a Presidency Town by the Commissioner of Police, and elsewhere by the District Magistrate:

Provided that nothing in any such license shall be deemed to entitle the license-holder to keep at the same time in the place to which the license applies more than 200 lb. of gunpowder, 500 lb. of explosive contained in ammunition of the 1st division of the 6th (ammunition) class, and 200 lb. of fireworks, or any such less quantity of any of these explosives as the licensing officer may direct in this behalf.

9. The following fees shall be paid for every license granted under the last foregoing rule, namely—

- (1) a fee of twenty rupees for every license to manufacture, possess, and sell;
- (2) a fee of ten rupees for every license to possess and sell; and
- (3) a fee of eight annas for every license to possess.

10. Every license granted under rule 8 shall be in Form A, B or C in the Schedule hereto annexed as the case may be, and shall be subject to the conditions prescribed therein.

11. If any person commits a breach of any condition subject to which a license under rule 8 is granted, he shall be punished with fine which may extend to five hundred rupees.

(c) Licensing of the manufacture of other explosives.

12. Licenses to manufacture explosives other than those referred to in rule 8 shall be granted by the Governor-General in Council on payment of such fees in such form for such term and subject to such conditions as the Governor-General in Council may in each case prescribe: Provided that the Governor-General in Council shall, in the case of any such license, prescribe all the conditions which are hereinafter prescribed for licenses to possess an explosive of the same description and quantity as the manufacturing license is to cover.

13. If any person commits a breach of any condition subject to which a license under rule 12 is granted, he shall be punished with fine which may extend to three thousand rupees.

(d) Licensing of the possession of small quantities of other explosives.

14. Licenses for the possession at such places as shall be approved by the licensing officer of explosives other than those specified in rule 8, shall, if the explosive is not one of the 5th (fulminate) class, and if the quantity to be possessed at the same time does not exceed 60 lb., be granted in a Presidency Town by the Commissioner of Police, and elsewhere by the District Magistrate.

15. Every license granted under rule 14 shall be in Form D in the Schedule hereto annexed, and shall be subject to the conditions prescribed therein. A fee of five rupees shall be paid for every such license.

16. If any person commits a breach of any condition subject to which a license under rule 14 is granted, he shall be punished with fine which may extend to one thousand rupees.

(e) Licensing of the possession of explosives generally.

17. Licenses for the possession of explosives generally shall, if the explosive is not one of the 5th (fulminate) class, be granted by the Local Government in accordance with the following procedure:—

- (1) The applicant shall submit to the District Magistrate, or, in a Presidency Town, to the Commissioner of Police, an application in writing accompanied by a plan (drawn to scale) of the place in which it is proposed to keep the explosive (herein referred to as the magazine) and the site thereof.
- (2) The application shall specify such of the following matters as are applicable, namely—
 - (a) the boundaries of the land forming the site of the magazine, and either any belt of land surrounding the site which is to be kept clear and the buildings and works from which it is to be kept clear, or the distances to be maintained between the magazine, or any part thereof, and other buildings and works;
 - (b) the situation, character, and construction of all the mounds, buildings, and works on or connected with the magazine, and the distances thereof from each other;
 - (c) the amount of explosive and of ingredients thereof wholly or partly mixed to be allowed at the same time within the boundaries of the magazine; and
 - (d) any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation, or construction of any buildings or works, or the nature of any process or otherwise.
- (3) Upon receipt of the said application—

- (a) The District Magistrate or Commissioner of Police, as the case may be, shall thereupon cause notice to be published of the application, and fix a date on which any persons shall be heard objecting to the establishment of a magazine on the proposed site who have not less than seven clear days before the day of hearing sent to the said District Magistrate or Commissioner of Police and to the applicant notice of their

intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

- (b) Where the site of the proposed magazine is situate within, or within one mile of, the limits of the jurisdiction of any Municipality or of any Port authority, the applicant shall serve on such authority notice of the application and of the date of hearing by the District Magistrate or Commissioner of Police.
- (c) The said notices shall be published and served at the cost of the applicant by the District Magistrate or Commissioner of Police not less than one month before the date of hearing.
- (d) The District Magistrate or Commissioner of Police shall fix the date of hearing as soon as practicable after application is made to him, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by applicant.
- (e) On consideration of the application, and on making such inquiry as may be deemed necessary, the District Magistrate or Commissioner of Police may dissent altogether from the establishment of such new magazine on the proposed site, or assent thereto, either absolutely, or on any conditions requiring additional restrictions or precautions.
- (f) On the completion of the inquiry the District Magistrate or Commissioner of Police shall forward the application with his recommendation to the Local Government. The Local Government may thereupon either grant the license applied for either in accordance with the recommendation of the District Magistrate or Commissioner of Police or with the addition of any additional restrictions and precautions as may be deemed proper, or the Local Government may refuse such license.
- (g) If the Local Government grant a license, it shall forward the same to the District Magistrate or Commissioner of Police, who, when satisfied that the magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license; but, until so confirmed, the license shall not come into force.

18. A fee of 20 rupees shall be paid for every license granted under rule 17.

19. Every license granted under rule 17 shall be in Form E in the Schedule hereto annexed, and shall be subject to the conditions prescribed therein.

20. If any person commits a breach of any condition subject to which a license under rule 17 is granted, he shall be punished with fine which may extend to one thousand rupees.

21. Licenses for the possession of explosives of the 5th (fulminate) class shall be granted by the Governor-General in Council on payment of such fees and in such form and subject to such conditions as he may in each case prescribe.

22. If any person commits a breach of any condition subject to which a license is granted under rule 21, he shall be punished with fine which may extend to one thousand rupees.

(c) Licensing of the sale of other explosives.

23. Licenses for the sale of explosives other than those referred to in rule 8 may be granted in a Presidency Town by the Commissioner of Police, and elsewhere by the District Magistrate, to any person licensed to possess the same.

24. A fee of five rupees shall be paid for every license granted under rule 23.

25. Every license granted under rule 23 shall be in Form F in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed.

26. If any person commits a breach of any condition subject to which a license under rule 23 is granted, he shall be punished with fine which may extend to five hundred rupees.

(f) Supplementary.

27. The District Magistrate, or any Subordinate Magistrate deputed in that behalf by the District Magistrate, or, in a Presidency Town, the Commissioner of Police, or any Police officer not below the rank of Inspector deputed in that behalf by the District Magistrate or Commissioner of Police, may enter and inspect and examine any place in which an explosive is manufactured, possessed, or sold by a person licensed in this behalf under these rules.

28. A person licensed to possess an explosive shall not be required to take out a license for the manufacture of the explosive by reason that, in a room or workshop in connection with the magazine, or place in which he is licensed to possess the explosive, he, by filling cartridges, making charges, drying, sifting, fitting or otherwise, adapts or prepares the explosive for the keeping of which he is licensed, for use, sale or otherwise: provided that he observes the following rules:—

- (1) There shall not be in the workshop in which such filling, adaptation or preparation is carried on more than 50 lb. of gunpowder, or in lieu of such gunpowder or of a less amount thereof, not so present, half that amount of other explosive.

- (2) Any work unconnected with such filling, adaptation or preparation shall not be carried on in the said room or workshop while such filling, adaptation or preparation is being carried on.
- (3) The said room or workshop shall be detached from the magazine or place in which the licensee is licensed to possess the explosive and at a safe distance therefrom.
- (4) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients.

TRANSPORT.

(a) Packing.

29. The following general rules shall be observed with respect to the packing of explosives for conveyance:—

I.—An explosive, not being an explosive of the 5th (fulminate) class or of the second and third divisions of the 6th (ammunition) class or of the first division of the 7th (firework) class, shall, if not exceeding 5 lb. in quantity, be contained in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping;

II.—In every other case, the explosive shall be contained in a double package. The inner package shall be a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the explosive from escaping, and the outer package shall be a box, barrel or case of wood or metal or other solid material, and shall be of such strength, construction, and character that will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the explosive to escape. Provided as follows:—

- (a) If the explosive is explosive of the 1st or gunpowder class or is explosive of the 2nd (nitrate-mixture) class or is gun-cotton or other explosive of the 2nd division of the 3rd (nitro-compound) class, the quantity of explosive in any one outer package shall not, in the case of explosive of the first two classes, exceed 100 lb., and in the case of the last 50 lb; and if the explosive be gun-cotton, it shall be carried thoroughly saturated with water.
- (b) If the explosive belongs to the 1st division of the 3rd (nitro-compound) class or to the 4th (chlorate-mixture) class, the inner package shall be without any metal in its construction, and the inner or outer package or both shall be thoroughly water-proof. No one of the inner packages shall contain more than 10 lbs., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lbs.
- (c) If the explosive belongs to the 5th (fulminate) class, it shall be packed in such manner as the Governor-General in Council may specially direct.
- (d) If the explosive belongs to the 1st division of the 6th (ammunition) class or is an explosive of the 2nd division, an outer package shall not be required, but it may be contained in quantity not exceeding 100 lbs. in a single package, which shall be a box, barrel, or case not less than 3/8ths of an inch in thickness, of such strength, construction, and character as will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the explosive to escape.
- (e) If the explosive belongs to the 3rd division of the 6th (ammunition) class, it shall be packed in a double package. The inner package shall not contain more than 2 lbs of such explosive, and no more than 50 lbs. shall be contained in the outer package.
- (f) If the explosive belongs to the 1st division of the 7th (fire-work) class, it shall be contained in a double package. The inner package shall be a substantial canister, case or other receptacle hermetically closed, and containing no more than 1 lb. of explosive, and no more than 20 lbs. shall be contained in the outer package; and
- (g) If the explosive belongs to the 2nd division of the 7th (firework) class, it shall be contained in a box, barrel, or case of wood, metal, or other solid material, and of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow any explosive to escape, and the quantity of explosive in any one package shall not exceed 100 lbs.

III.—Whatever be the amount of the explosive, and to whatever class or division of a class it belong, the following conditions shall be observed:—

- (a) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean;
- (b) every package, whether single or double, when actually used for the packing of explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose;
- (c) there shall not be any iron or steel in the construction of any such single package or inner or outer package unless the same is effectually covered with tin, zinc, or other suitable material;

- (d) on the outermost package there shall be affixed, in conspicuous characters, by means of a brand or securely attached label or mark, the word "Explosive," followed by the name of the explosive or other description of the contents, and the name and address of the owners or sender; and
- (e) the amount of explosive in any single package, or, if there is a double package, in any one outer package, shall not exceed the amount specified in the foregoing rules, except with the consent of, and under conditions to be approved by, an officer appointed by the Local Government in this behalf.

30. If any person commits a breach of any of the foregoing rules relating to the packing of explosive for conveyance, he shall be punished with fine which may extend to Rs. 1,000.

(b) Mode of Conveyance.

31. The following general rules shall be observed with respect to the conveyance of explosives:—

I.—No explosive shall be conveyed from place to place unless packed in the manner provided for in the foregoing rules.

II.—There shall not be conveyed in any carriage or vessel, which is being used for the conveyance of an explosive, any explosive of a different class and division, of whatsoever nature, which contains its own means of ignition, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—No explosive shall be loaded or unloaded except between sun-rise and sun-set.

IV.—Whilst the explosive is being loaded on, or unloaded out of, any carriage or vessel, no fire or artificial light, nor any article which is liable to cause or communicate fire or explosion (such as candles, lucifer matches, articles for striking a light, petroleum to which the Petroleum Act or any Act repealing or amending the same applies, or any spirit or oil or substance that gives forth an inflammable vapour at a temperature below 100° Fahrenheit) shall be, or shall be allowed to be, brought, had, or used dangerously near to such carriage, ship, or boat, and no smoking shall be allowed in, on, or dangerously near to, the same; provided that when the use of a light for the purpose of such loading or unloading is unavoidable, a lamp of such construction, position, or character as not to cause any danger from fire or explosion may be used; and no person while handling any explosive (except gunpowder, explosive of division 1, class 6, or explosive of class 7, if packed in accordance with the packing rules) shall wear boots or shoes with iron or steel nails, heels or tips.

V.—In loading or unloading any explosive, the casks and packages containing the same shall be passed from hand to hand and not rolled upon the ground; they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

VI.—The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal, or in the hold of a ship or boat having a close deck, so closed as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin, or other suitable material, so as to effectually protect it against communication of fire.

VII.—There shall not be any iron or steel in the interior of the portion of the carriage or vessel with which the case containing the explosive is in contact, unless the same be effectually covered with leather, wood, cloth or other suitable material.

VIII.—In the stowing of explosive, due precautions shall be taken by means of a partition or otherwise, and by careful stowing to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or vessel which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

IX.—The amount of explosive conveyed in any one carriage or vessel at any one time shall not exceed 2,000 lbs., unless the carriage be so enclosed on all sides with wood or metal, or the vessel have a close deck so closed as effectually to protect the explosive against accident by fire from without, in which case the amount of explosive conveyed shall not exceed the following:—

In any one carriage on a railway	...	...	...	...	10 tons.
In any one other carriage	...	...	...	...	2 "
In any one vessel	...	...	...	...	20 "

Note.—This rule must, in the case of dynamite conveyed by railway, be read subject to paragraph XII of rule 33.

X.—Nothing in the foregoing rules (except rule I) shall apply to any explosive of the 1st division of the 6th (ammunition) class, provided all due precautions are taken for the prevention of accidents.

32. The following rules shall be observed with respect to the conveyance of explosives otherwise than by public railway:—

I.—No explosive shall be conveyed in a carriage or vessel whilst carrying or plying for public passengers, unless the quantity be less than 5 lbs., and notice has been given beforehand

to the person in charge of such carriage or vessel: provided that there shall not be conveyed in any such carriage or vessel any explosive of the 5th (fulminate) class or any explosive of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 3rd (nitro-compound) class.

II.—With respect to the conveyance by carriage or vessel of explosive of the 5th (fulminate) class or of the 3rd division of the 6th (ammunition) class, or of the 1st division of the 7th (fire-work) class, or of larger quantities than 5 lbs., of any other explosive, the following regulations shall be observed:—

- (1) The person in charge of the carriage or vessel shall not drive or conduct the same in a dangerous or reckless manner, and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance and a person who is intoxicated shall not have charge of any carriage or vessel conveying explosive, and shall not be permitted to be in, or on, or attending the same.
- (2) A person shall not forward to any warehouse-man or carrier a consignment of explosive, unless he has given notice to such warehouse-man or carrier beforehand, stating the name and quantity of the explosive, proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation that the warehouse-man or carrier is prepared to receive the consignment; and a warehouse-man or carrier shall not make such an intimation, nor receive such consignment, unless he is prepared to receive it, and forthwith to despatch the same, or to deposit it in a magazine or at a place at which a person is licensed to possess the same.
- (3) The carriage or vessel conveying the explosive shall be in a charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of explosive consigned exceed 100 lbs., stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place where such stopping would be attended with special public danger.

33. The following rules shall be observed with respect to the conveyance of explosive by public railway:—

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to a railway servant 48 hours' previous notice in writing of his intention to send such consignment, and stating the true name, description, quantity, and mode of packing of the explosive proposed to be conveyed and his own name and address, and also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorised officer of the railway that such consignment will be received.

II.—No explosive which a Railway Administration shall by any notice or regulation for the time being in force notify that they will not receive, shall be brought, sent, or forwarded to, or upon any railway of the said Railway Administration.

III.—Consignment of explosive shall be sent to the forwarding station, and shall be received by the railway servants, only at such times, between sun-rise and sun-set, as the Railway Administration may appoint; and every package containing any explosive proposed to be conveyed on any railway shall, immediately on arrival at the station be delivered to, and be received by the railway servants authorised to receive dangerous goods and by no other person whatsoever.

IV.—An explosive must be removed by the consignee from the receiving station during the twelve hours of daylight after arrival; if this condition is not strictly complied with, the Railway Administration may return the consignment to the consignor at his risk, peril, and expense. And such packages shall in the meanwhile be kept as far away from the station buildings as possible, in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material and, if necessary, shall be protected by a police guard.

V.—The Railway Administration may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these regulations. And in case any package, which the Railway Administration suspect, shall be upon any railway, they may open, or require to be opened, any such package to ascertain the fact, at the risk and expense of the consignor, and may return the explosive contained in the package to the consignor at his risk, peril and expense, keeping the packages pending such return in the manner prescribed in the preceding rule.

VI.—No explosive shall be conveyed by passenger train except of the kinds, and in the manner, hereinafter specified in this rule:—

- (a) Safety cartridges and percussion caps and safety-fuze (for blasting), also fog-signals for railway use, may be conveyed by passenger train, in ordinary wagons or carriages.
- (b) Sporting gunpowder or non-safety cartridges packed in double cases as before provided, so long as the gunpowder is contained in one-pound tin canisters packed in a stout wooden case with an outer covering of tin or zinc completely spark-proof, or in metal-lined cases of a pattern approved by the Railway Administration.

But no outer case shall contain more than 25 lbs. of gunpowder, and the total consignment of gunpowder or non-safety cartridges by one train shall not exceed 80 lbs.

VII.—Not more than five carriages containing explosives shall be loaded or unloaded at any railway station, or be conveyed by any one train at any one time; and the quantity of explosive to be contained in any one carriage shall not exceed two-thirds of the normal load, unless the carriage shall be specially built and approved of by the Government of India for the conveyance of explosives. But nothing in this clause shall be held to apply to separate consignments of small-arms ammunition.

VIII.—There shall not be conveyed in the same carriage with any explosive any lucifer, or other matches, fuzes, pipelights, acids, naphtha, paraffin, petroleum to which the Petroleum Act or any Act repealing or amending the same applies, or any other volatile spirit or substance liable to give off an inflammable vapour, or liable to spontaneous ignition, or to cause or communicate fire or explosion.

IX.—The consignor shall attach to the consignment note, a certificate signed by an officer authorized by the Government in this behalf that the explosive, if it is gun-cotton, dynamite, or blasting gelatine, is of the standard purity, and has undergone no deterioration since its manufacture; and further, in the case of dynamite, that the cartridges have been examined and show no signs of exuded nitro-glycerine. The consignor shall also certify that the cartridges have been packed in this country in accordance with the packing rules.

X.—In the case of dynamite, the outer package shall be marked with the date on which the dynamite was packed, and be secured with a leaden seal in token of the inspection having been made.

XI.—The certificate referred to in rule IX, shall be valid for six months after date, if the examination has been made after the 15th October, but it shall not be compulsory for any Railway Administration to receive dynamite for conveyance from 1st April to 15th October (both inclusive).

XII.—Packages containing dynamite shall be stowed in one layer only, and secured so as to prevent movement during transit. The gross load in any one wagon shall not exceed 3 tons.

XIII.—No explosive belonging to the 5th (fulminate) class or to class VI., division 3, shall be carried in the same train with the dynamite, or with any other explosive belonging to class III., division 1.

XIV.—Wagons used for the carriage of explosives shall be examined to see that they are spark-proof, and have been cleaned out before they are loaded. Haircloth, hides, or other suitable material shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt, or contain small-arms ammunition packed in tin-lined service pattern boxes.

XV.—Wagons containing explosives shall be loaded and unloaded on sidings distant as far as possible from the station buildings.

XVI.—More than three layers of packages containing explosives shall never be packed one above another, except in the case of small-arms ammunition packed in tin-lined service-pattern boxes, when such a restriction is unnecessary. The loading and unloading of explosives when once begun shall be diligently proceeded with during daylight until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, provided that they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substance; this precaution is not necessary with wagons specially constructed and approved of by Government for the carriage of explosive. The speed of these movements will be restricted to 5 miles an hour; they will be superintended by a duly authorized officer, who will be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

XVIII.—Wagons containing explosives shall be placed at the end of the train away from the locomotive, and shall be close coupled to one another, as well as to the adjoining wagons, and must be preceded and followed by three wagons not loaded with explosive or other traffic of an inflammable nature.

XIX.—If the wagons employed in the transport of explosive, as well as those immediately adjoining them, are provided with breaks, they shall on no account be worked.

XX.—Wagons must in every case be locked when loaded with explosives.

XXI.—All operations connected with the transport of explosives at junction stations shall take place during daylight.

34. If any person commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives, he shall be punished with a fine which may extend to Rs. 1,000.

IMPORTATION.

35. An explosive shall not be imported by sea into British India, except under, and in accordance with, the conditions of a license to import the explosive granted under these rules:

Provided that any explosive other than an explosive specified in rule 38 may, previous to the grant of an importation license, if certified to be of British manufacture, be landed in

accordance with such regulations as the Local Government may prescribe in this behalf, and be stored in a place set apart by the Local Government for this purpose. The Governor-General in Council may extend this privilege to any such explosive not of British manufacture regarding which he is satisfied that it has been manufactured under adequate official supervision.

Before any explosive is landed under the proviso to this rule, the consignee shall give to the Chief Customs Officer of the port such undertaking, with or without security, as the said officer thinks sufficient, to obey, in the event of the explosive failing to satisfy the prescribed tests, such directions as to its disposal as the Local Government may see fit to prescribe.

36. If any person imports an explosive in contravention of rule 35, he shall be punished with fine which may extend to three thousand rupees.

37. An explosive shall not be imported by sea except at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Kurrachee, and Aden.

38. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class, or an explosive of the 7th (fire-work) class, the license to import the same may be granted at the ports of Calcutta, Madras, and Bombay, by the Commissioner of Police, and at the ports of Rangoon, Calicut, Kurrachee and Aden, by the District Magistrate.

39. The fee payable in respect of each such license shall be Rs. 10.

40. Licenses for the importation by sea of any explosive other than those specified in rule 38 shall be granted by the Local Government or by some officer specially authorized by the Local Government in this behalf.

41. No license for the importation of any explosive of the description referred to in rule 40 shall be granted unless samples of the explosive taken as hereinafter provided are forwarded by the Chemical Examiner or some other officer appointed by the Local Government in this behalf, to pass the test which may from time to time be prescribed for such explosive by the Government of India.

42. On the arrival in any port at which importation of explosives is lawful, of a ship having on board an explosive other than an explosive of the description referred to in rule 38, the officer as the Chief Customs Officer authorizes in this behalf shall, as soon as may be, proceed on board and obtain samples of the explosive.

The master of the ship shall give to the said officer, without charge, such samples as he may require. The said officer shall affix to each such sample the name of the ship and of the consignee and such other distinguishing marks as he may think necessary, and shall forward the same to the Chemical Examiner or officer as aforesaid for report.

The Chemical Examiner or officer as aforesaid, after testing the said samples, shall, without delay, forward to the licensing authority, through the Chief Customs Officer, a report under his signature certifying whether the explosive has satisfied the prescribed test.

43. The period for which a license to import an explosive, granted under rule 40, shall continue in force, shall not exceed such period as may seem necessary to the authority granting the license.

44. The fee payable on a license granted under rule 40 shall be Rs. 10.

45. Every license granted under rules 38 and 40 shall be in Form G in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed, and also to such additional conditions with respect to the time and place of unloading, landing, delivery, and conveyance of the explosive, and such other conditions as may in each case be thought by the licensing officer to be necessary for the public safety or in the interests of the State.

46. If any person commits a breach of any condition subject to which a license under rules 38 and 40 is granted, he shall be punished with fine which may extend to three thousand rupees.

D.—GENERAL.

47. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

48. If a person licensed to manufacture, possess, sell, or import an explosive, dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such license shall not be liable to any penalty or forfeiture under the Act or the rules made thereunder for carrying on the business or acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

49. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall, if not otherwise provided, be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses or renewals; the licenses themselves being issued on plain paper. But when the licenses

themselves are written or printed on impressed stamps, the application may be on plain paper. When an application for a license is written on an impressed stamp, and the license is refused, the value of the stamp will on application be refunded to the applicant.

50. All licenses except licenses to manufacture an explosive under rule 12, or to possess explosives of the 5th (fulminate) class under rule 21, or to import under rules 40—42, shall expire on the 31st December of the year for which they are granted. Licenses granted under rules 12, 21, and 40 shall be current for the term therein specified. But the currency of a license may, unless the circumstances have so changed that the grant of a new license would either not be authorised under the Act and rules or is deemed objectionable by the licensing authorities, on application previous to its expiration, be renewed on payment of the original fee.

51. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

52. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Magistrate or by any police officer in charge of a police station, or by any police officer of higher rank.

53. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by an order written on the license that it shall have the effect of a like license under the Indian Arms Act, 1878.

54. Any persons lawfully entitled under the Indian Arms Act, 1878, or the rules made thereunder, to possess, or import without license under these rules, any such explosive in reasonable quantities for his own private use; but when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office may at any time detain such explosive until he receives the orders of the Local Government thereon.

SCHEDULE.

FORM A.

(See Rule 8.)

FEE TWENTY RUPEES IN STAMPS.

License to manufacture, sell, and possess gunpowder or an explosive of the 1st Division of the 6th (Ammunition) class or of the 7th (Fire-work) class.

Name, &c., of license-holder, and place of residence.	Place of business, factory, or shop.	Description and quantity to be manufactured during the year.	Description and quantity to be possessed and sold during the year.	Date on which license expires.
				The 31st of December 188 .

District,

188 .

Seal.

(Signature)

of

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosive manufactured, of all stock in hand, and of all sales, in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any Police officer not below the rank of Inspector, when such officer may call upon him so to do.

4. The explosive shall be manufactured in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, and situated at a safe distance from any highway, street, public thoroughfare, or public place.

5. All sales of explosive under this license must be effected upon the premises shown on the face of the license.

6. An explosive shall not be sold to any child apparently under the age of 13 years.

7. The explosive possessed by the licensee shall be kept in such a building as is referred to in condition 4, or in a fire-proof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare, or public place, made and closed so as to prevent unauthorised persons having access thereto, and to secure it from danger from without:

Provided that a quantity not exceeding 50 lbs. of gunpowder, or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of an explosive of the 7th (fire-work) class may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of class 6 made with gunpowder shall be kept in a fire-proof safe.

8. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fire-proof safe, or receptacle containing the same.

9. Neither the building exclusively appropriated for the purpose of manufacturing or keeping the explosive nor the fire-proof safe or receptacle shall have any exposed iron or steel in the interior thereof.

10. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (fire-work) class, and all other explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and if publicly exposed for sale or sold, the outermost receptacle containing such explosive shall have affixed the name of the explosive in conspicuous characters by means of a brand or securely attached label or other mark.

11. Each description of explosive, which may be kept under this license, shall be separated by an intervening partition of such substance and character, or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

12.* The license-holder shall affix to his shop or place of business a signboard as required by rule 11 of the rules framed under the Indian Arms Act, 1878, and shall post up in his shop a copy of section 28 of that Act.

13.* The license-holder shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX of the forms prescribed under the Indian Arms Act, 1878, the following particulars:—

- (a) the name and address of the person who takes delivery of the articles sold;
- (b) the nature and amount of the articles sold;
- (c) the date of sale;

and shall append his signature to the endorsement.

Form B.

(See Rule 8.)

[FEE TEN RUPEES IN STAMPS.]

License to sell and possess gunpowder or explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Fire-work) class.

Name, &c., of license-holder, and place of residence.	Place of business, factory, or shop.	Description and quantity of explosive to be possessed and sold during the year.	Date on which license expires.
			The 31st of December 188
District,	Seal.	(Signature)	
188		of	

* These conditions are to be added only when the authority granting this license directs, by an order written thereon, that this license shall have the effect of a like license granted under the Indian Arms Act, 1878.

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.

2. The license-holder shall keep records and accounts of all explosive in stock and of all sales, in such form as the Local Government may from time to time direct.

3. The license-holder shall exhibit his stock and his books and records of sales to any Magistrate or to any Police officer not below the rank of Inspector, when such officer may call upon him so to do.

4. All sales of explosive under this license must be effected upon the premises shown on the face of the license.

5. An explosive shall not be sold to any child apparently under the age of 13 years.

6. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, or in a fire-proof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare, or public place, made and closed so as to prevent unauthorised persons having access thereto, and to secure it from danger from without:

Provided that 50 lbs. of gunpowder or, in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of an explosive of the 7th (fire-work) class, may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of the 6th class made with gunpowder shall be kept in a fire-proof safe.

7. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fire-proof safe, or receptacle containing the same.

8. Neither the building exclusively appropriated for the purpose of keeping the explosive, nor the fire-proof safe or receptacle referred to above, shall have any exposed iron or steel in the interior thereof.

9. All explosive exceeding 5 lbs. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (fire-work) class, and all other explosive exceeding 1 lb. in amount, shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and when publicly exposed for sale or sold, the outermost receptacle containing such explosive shall have affixed the name of the explosive in conspicuous characters by means of a brand or securely attached label or other mark.

10. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other.

11.* The license-holder shall affix to his shop or place of business a signboard as required by Rule 11 of the Rules framed under the Indian Arms Act, 1878, and shall post up in his shop a copy of section 28 of that Act.

12.* The license-holder shall at the time of purchase endorse upon the license of every purchaser holding a license under form VIII or IX of the forms prescribed under the Indian Arms Act, 1878, the following particulars:—

- (a) the name and address of the person who takes delivery of the article sold;
- (b) the nature and amount of the articles sold;
- (c) the date of sale;

and shall append his signature to the endorsement.

* These conditions are to be added only when the authority granting this license directs, by an order written thereon, that this license shall have the effect of a like license granted under the Indian Arms Act, 1878.

FORM C.

(See Rule 8.)

FEE EIGHT ANNAS IN STAMPS.

License to possess gunpowder or an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Fire-work) class.

Name, &c., of license-holder, and place of residence.	Description and quantity of explosive to be possessed during the year.	Place with full details where explosive is to be possessed.	Date on which license expires.
			The 31st of December 188

____ District, }
 _____ 188 . }

Seal.

(Signature)

of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.

2. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, or in a fire-proof safe outside a dwelling-house and detached therefrom and at a safe distance from any highway, street, public thoroughfare, or public place, made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without.

Provided that 50 lbs. of gunpowder or in lieu of each pound of gunpowder not so kept, 2 lbs. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of explosive of the 7th (fire-work) class may be kept inside a dwelling-house, or in any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

Provided also that no explosive other than gunpowder or ammunition of the 2nd division of class 6 made with gunpowder shall be kept in a fire-proof safe.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building, fire-proof safe, or receptacle containing the same.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the fire-proof safe or receptacle referred to above shall have any exposed iron or steel in the interior thereof.

5. All explosive exceeding 5 lb. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (fire-work) class, and all other explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping.

6. Each description of explosive which may be kept under this license shall be separated by an intervening partition of such substance and character or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other.

7. The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—

- the name and address of the person who takes delivery of the articles purchased;
- the nature and amount of the articles purchased;
- the date of purchase.

FORM D.

(See Rule 14.)

FEE FIVE RUPEES IN STAMPS.

License to possess explosives.

Name, &c., of license-holder and place of residence.	Place of business or shop.	Description of explosive.	Date on which license expires.

(Signature)

____ District

____ 188

of _____

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.

2. The explosive shall be kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, and at a safe distance from any highway, street, public thoroughfare, or public place, made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without.

Provided that a quantity not exceeding 15 lb. of such explosive may be kept inside any building other than as last aforesaid, in a receptacle exclusively appropriated to keeping explosive.

3. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosive and from any building or receptacle containing the same.

4. Neither the building exclusively appropriated for the purpose of keeping the explosive nor the receptacle shall have any exposed iron or steel in the interior thereof.

5. All such explosive exceeding 1 lb. in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping.

6. Each description of explosive, each of which may be lawfully kept under this license, shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other.

7. The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—

- the name and address of the person who takes delivery of the articles purchased;
- the nature and amount of the articles purchased;
- the date of purchase.

FORM E.
(See Rule 17.)

FEE TWENTY RUPEES IN STAMPS.

License to possess explosives.

Name of license-holder and residence.	Boundaries of the land forming the site of the magazine to which the license applies	Situation, character, and construction of the buildings and works connected with the magazine.	Description of explosive to be possessed.	Amount of explosive to be possessed at the same time in the magazine and within the boundaries of the site thereof.	Date on which license expires.

District.

188

(Signature)

of

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.
2. There shall not be at the same time in the magazine an amount of explosive exceeding the amount specified in the license.
3. The magazine shall be used only for the keeping of the explosive or explosives specified in the license, and of receptacles for, or tools, or implements for, work connected with the keeping of such explosive or explosives.
4. The interior of the magazine and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel, or similar substances in such manner as to come into contact with the explosive, and each interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean: and in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom.
5. The magazine shall have attached thereto a sufficient lightning conductor.
6. Before repairs are done to or in any part of a room or magazine, it shall, as far as is practicable, be cleaned by the removal of all explosive or mixed ingredients thereof, and the

thorough washing out of such room or part: and after such cleaning, these conditions shall cease to apply to explosive until such room or part of the magazine is again taken into it.

7. Except after such cleaning, all tools and implements used in or in any repairs to any part of the magazine shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material.

8. Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching and otherwise, or by some such means, for preventing the introduction into the magazine of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character, as not to cause any danger of fire or explosion.

9. No person shall smoke in any part of the magazine.

10. Any person under the age of 16 years shall not be employed in or enter the magazine except in the presence and under the supervision of some grown-up person.

11. Two or more descriptions of explosive which may lawfully be possessed in a licensed magazine may be possessed in the same magazine, provided they are separated from each other by an intervening partition of such substance and character or by such intervening space as will effectually prevent explosion or fire in the one communicating with the other, subject to the following qualifications:—

- (a) The various explosives of classes 1 (gunpowder), 2 (nitrate-mixture), 3 (nitro-compound), and 4 (chlorate-mixture), safety fuze belonging to the 1st division of class 6 (ammunition), and such of the various explosives of the 2nd division of class 6 (ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space.
- (b) The various explosives of the 1st division of class 6 (ammunition) may be kept with each other without any intervening partition or space.
- (c) Such of the various explosives of the 2nd division of class 6 (ammunition) as contain any exposed iron or steel may be kept with each other without any intervening partition or space.
- (d) The various explosives of the 3rd division of class 6 (ammunition) may be kept with each other without any intervening partition or space.
- (e) The various explosives of class 7 (firework) may be kept with each other without any intervening partition or space.

Except as aforesaid, two or more descriptions of explosives may not be kept in the same magazine.

12. The licensee and every person employed in or about the magazine shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the magazine or to the explosive therein, and shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of the work in such magazine.

FORM F.

(See Rule 23.)

FEE FIVE RUPEES IN STAMPS.

License to sell explosives.

Name, &c., of license-holder, and place of residence.	Place of business or shop.	Description of explosive to be sold.	Date on which license expires.

(Signature)

District.

188

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.
2. The license-holder shall keep records and accounts of all explosive in stock, and of all sales, in such form as the Local Government may from time to time direct.
3. Explosive shall not be sold to any child apparently under the age of 13 years.
4. All explosive exceeding 1 lb. in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and the outermost receptacle containing such explosive shall have affixed the name of the explosive, with the word "explosive" added thereto, in conspicuous characters by means of a brand or securely attached label or other mark.

FORM G.

(See Rules 38 and 40.)

FEE TEN RUPEES IN STAMP.

License to import explosives into the port of _____

Name, &c., and address of license-holder.	Number of packages.	EXPLOSIVE.			Purpose for which required.	Destination.	Period for which the license is valid.
		Description.	Weight.	Quantity.			
							From the _____th of _____ to the _____th of _____ 188 .

(Signature)

The _____ of _____

 188 .

Conditions.

1. This license is given subject to the provisions of "The Indian Explosives Act, 1884," and the rules framed thereunder.
2. This license becomes void after expiry of the period named thereon.
3. This license is valid for importation only; if the articles named herein are to be transported to any place outside the Presidency Town, they must be protected by a transport license.
4. On the outside of each package there shall be affixed in conspicuous characters, by means of a brand or securely attached label or mark, the word "Explosive" followed by the name of the explosive or other description of the contents and the name and address of the owners or senders.

Order—

Ordered that a copy of the above resolution, with a copy of the draft rules, be forwarded to all Local Governments and Administrations for information and guidance,

and that a copy be forwarded to the Military and Public Works Departments for information; and that the resolution, with the rules, be published in the *Gazette of India* for general information.

(True Extract

A. MACKENZIE,
 Secretary to the Government of India.

To the Government of Madras.

ORDER—dated 26th September 1885, No. 2608,

Communicated to all District Magistrates and the Governor-General in Council published in three consecutive issues of the *For the Vernaculars*. The Superintendent of the Government of Madras will inform the Superintendent of the communication of copies of the draft rules to the Municipalities, and the English and Vernacular Magistrates will inform the Superintendent how distribution as directed in paragraph 19 of the resolution with one issue of the District Gazette.

3. With regard to the draft rules for the manufacture, possession and sale of explosives District Magistrates and the Commissioner of Police, Madras, will report, in reference to paragraph 2 of the resolution, whether alterations are necessary so as to adapt them to the requirements of this Presidency, with regard to paragraph 4, whether any place should be excepted from the application of them.

(True Extract

(Signed) W. WILSON,
 for Chief Secretary.

To all District Magistrates.
 „ the Inspector-General of Police.
 „ the Commissioner of Police.
 „ the Translators to Government.
 „ the Superintendent, Government Press.
 „ the Revenue Department.

Copy to Financial Department, Municipal.

Exd. E. Fernandez.

Original
Govt. of (1885) Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 26th Sept. 1885, No. 2608.

SEPTEMBER.

Indian Explosives Act 4 of 1884.

Communicating to all District Magistrates, Chairmen of Municipalities, &c., for report, copies of the rules proposed to be made by the Government of India under the —.

Extracts from the Official Gazettes of other Presidencies and Places to be published in the "Fort St. George Gazette."

Date of Receipt in this Office.	Gazette.	No. of Extract.	Date of Extract.	Page of the Gazette.	
57th 1885 29 Aug 1885		591			

22/7/86
28/1/87
12/1/88
1/12/31
22-7-05
5-4-86
14-8-08
14-6-09
11-1-10
26-4-10
19-1-12
11-6-12
17-12-13
10-12-14

Jan 11 1917

Mr. J. H. ...

Dear Sir,

I have the pleasure to inform you

that the ...

has been ...

the ...

also ...

and ...

the ...

and ...

very ...

Yours ...

...

...

...

and reprint B

I don't think the
Local Gazette required
by para 19 of the
Constitution A/14 was
1885 necessary. Now
District Gazette but
there can be no objec-
tion to the publica-
tion of the rules in
the District Gazette
(one issue) provided
that the rules regu-
late printed and
municipal bodies
are printed at the
draft supplied by
the Local Govt. (see
draft of rules in enclosure)
I presume the
rules so to be pub-
lished are those which
I have marked A?

The same rules
seem to be embodied
in the draft marked
B which has now
to go to District Mag-
istrate for remark.
The procedure
adopted is some-
what confusing.
We shall suppose
have to reprint B

with the Resolution?
The draft order asks
for Discharge to the re-
solving with ref: to.

Para 19 of the Resolution
was. but do we
not want the
Commission also repara-
tion - as to these ad. pt.
at the end of the Rules?

Please modify
the draft to include
see the Notification
two referred to
in para 19 of the
Resolution.

Yours
14/9

with the Resolution?
The draft order asks
for District Magistrates re-
marks with ref: to
para 4 of the Resolu-
tion. But do we
not want their
opinion also re para
2 - as to these ad. re-
lation of the Rules?

Please modify
the draft to let me
see the Notifica-
tion referred to
in para 19 of the
Resolution.

YCL
14/9

Jud. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

J. No. 3017 of 1885

Checked

Order.

Communicated to the
several District Magistrates
for remarks with reference
to para 4 of the Resolution.

2. The District Magts
will issue the necessary
orders for the publication
and distribution of the
Notification and rules
as requested in para 19
of the Resolution, and the
Supt. of the Govt. Press
will arrange for their
publication of the

and under in the Fort
Gorge Gazette and for
the distribution of copies of
the same to English and
vernacular newspapers in
London.

to
the
Gorge
Gazette

To all but Magle
- Ingt Garbup
- Fnd Schmitt
- Hg. of Boland

1866 Jan 10 11 30 AM
London W.C. 1866

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Fl. C. 3017. f. 85.

Order. 26 Sep 85 - J. 2005.

Communicated to all District
Magistrates and the Inspector General
of Police.

2. The draft of rules for the transport and importation of explosives which H. E. the Govt. Genl. in Council proposes to make under the Act will be published in ^{three} consecutive issues of the Fort St George Gazette in English and the Vernaculars. The Draft of the Govt. Profs will also arrange for the communication of copies of the draft rules, to all District Magistrates, Additional Magistrates, of Municipalities, and the English and Vernacular papers of the place.

1628

The resolution is confusing and the accompanying draft rules confusing also as one viz B. contains the others. But the order ^{of rules} ~~of rules~~ now will I think had made sections plain.

The report of Fremont's visit, much
has facilitated under the work. The
Manufacture of provisions for
the military has been commenced
at the same place. The
military of the State of California
has been organized.

67
District Magistrates will inform
the Supt. how many copies
they will require for distribution
as directed in para 19 of the
resolution. Copies should be issued
with one issue of the District
Gazettes.

3. With regard to the Draft
rules for the manufacture,

possession and sale of explosives (B)

District Magistrates and the

Commissioner of Police, Madras,

in reference to para 2 of the Resolution,
will report whether any alterations are required necessary on account
to the requirements of this para 2.
~~adaptation are also possible~~

~~Suggested in para 2 of the~~

~~Resolution~~ and with regard to

para 6 whether any places

should be exempted from the

application of them.

11/10

To All District Magistrates (112)

The Inspector General of Police

Board of Police

Translators to Govt. S.

Supt., Govt. Press - 3

Revenue Department

Copy to Dist. Magistrate

9 sep 20/10

Superior 1867

The First & Second