Legislative (1898) Department.

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G.O., No. 15

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[Despatch Abstract.]

Directing publication in English & Urdu of a Bill to repeal Madras Act I of 1880 requesting the Hon'ble the Acting Chief Secretary to take charge of it.

In Despatch

Forwarding for information a ~~Translation of Urdu~~ Copy of a Bill to repeal Madras Act I of 1880 which it is proposed to introduce into the Madras Legislative Council

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1898} of Madras.

LEGISLATIVE.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 15, 19th March 1898.

MARCH.

Directing publication of a Bill to repeal Madras Act I of 1880, and requesting the Hon'ble Mr. A. T. Arundel, Chief Secretary, to take charge of it.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—again the following paper:—

G.O., No. 12, Legislative, dated 11th March 1898.

Read—the following paper:—

G.O., Mis. No. 477 M., dated 2nd March 1898.

Read—the following letter from the District Magistrate, Madura, to the Chief Secretary to Government, dated 6th October 1897, R.O.C. No. 1234-Magl.:—

Referring to the Government Notification, No. 290, prescribing the rules for regulating the manufacture, possession and sale of explosives and published in the *Fort St. George Gazette* of 10th August 1897, I have the honour to suggest that Madras Act I of 1880, an Act for regulating the storing, sale and packing for conveyance of gunpowder, may be repealed or at least that Government Notification, No. 144, dated Fort St. George, November 18, 1882, extending that Act to (among others) the Municipality of Madura may be withdrawn.

Endorsement of the Judicial Department, No. 2218, dated 29th October 1897.

Transferred to the Local and Municipal Department.

(Signed) A. T. ARUNDEL,
Chief Secretary.

Order—Mis. No. 477 M., dated 2nd March 1898.

The Government considers that the notifications extending the Madras Act I of 1880 to the Municipalities in this Presidency should now be cancelled. The following notification will accordingly be published in the *Fort St. George Gazette*:—

NOTIFICATION.

His Excellency the Governor in Council is pleased to cancel Financial Notification, No. 76, published at page 434 of the *Fort St. George Gazette*, Part I, dated 16th August 1881, and so much of Financial Notification, No. 144, published in the *Fort St. George Gazette*, Part I, dated 22th November 1882, as has not been already cancelled.

2. The propriety of repealing Madras Act I of 1880 will be considered in the Legislative Department.

(True Extract.)

(Signed) A. EDGINGTON,
for *Ag. Secretary to Government.*

To the District Magistrate of Madura.
„ Legislative Department.

Order—Mis. No. 12, Legislative, dated 11th March 1898.

A draft Bill to repeal Madras Act I of 1880 together with a Statement of Objects and Reasons therefor will accordingly be prepared and referred to the Advocate-General for remarks at an early date.

(True Extract.)

(Signed) H. TREMENHEERE,
Ag. Secretary to Government.

To the Local and Municipal Department.
„ Judicial Department.
„ Government Solicitor.

Read—also the following paper:—

From the Government Solicitor, Madras, dated 14th March 1898, No. 149.

Abstract.—Forwarding the following remarks of the Hon'ble the Advocate-General, with reference to G.O., No. 12, Legislative, dated 11th March 1898:—

Remarks.

Section 2 of Madras Act I of 1880 declares that the Act shall come into force in the town of Madras, and it also empowers the Local Government to extend the Act by notification to any municipal town in the mufassal from such date as may be specified in such notification. There is no power given in the Act to withdraw from the operation of the Act any town to which the Act has by notification been extended. In chapter III of the Madras General Clauses Act, which chapter applies to all Acts passed by the Local Legislature whether prior or subsequent to the said General Clauses Act (*vide* section 12), it is provided by section 22 that unless a contrary intention appears in an Act (*vide* section 12) any order extending such Act to any place from any date specified in such order may be postponed or cancelled, but that after the Act has actually come into force in any such place, no order postponing or cancelling such former order can be made. The notification proposed in G.O., Mis. No. 477 M., dated 2nd March 1898, cancelling previous notifications which extended Madras Act I of 1880 to certain municipal towns in the mufassal cannot be legally issued, if by such notification it is intended to withdraw from the operation of the Act the towns to which the Act has been extended by prior notifications. An order or notification extending an Act to any particular place expires and becomes spent as soon as by virtue of such order or notification the Act actually comes into force in such place, and a subsequent cancellation of such order or notification is nugatory as it amounts to no more than the repeal of something which has already spent itself. Unless power is given, and such power is exercised, to withdraw from the operation of an Act any place to which by its own force it applies, or to which it is extended by an order or notification, as the case may be, the Act will remain in force until such Act itself is repealed. And even when such power is given, it can be effectually exercised only by the issue of a notification withdrawing from the operation of the Act any town or place to which the same had been extended by a prior notification.

2. If Madras Act I of 1880 is itself to be repealed, I do not see why it is proposed to issue the notification in question, even if such notification can at all be operative.

3. As regards the draft Bill to repeal Madras Act I of 1880, I observe it is stated in the Statement of Objects and Reasons that the Indian Explosives Act, 1884, and the rules made thereunder, provide for all the matters dealt with in Madras Act I of 1880. This statement does not appear to be quite accurate. There does not seem to be anything corresponding to sections 3 and 4 of Madras Act I of 1880 in the Indian Explosives Act, 1884, or in the rules made thereunder. Further, section 16 of the Indian Explosives Act, 1884, expressly saves the operation of other laws dealing with any of the matters comprised in that Act, or the rules framed thereunder. If the Government, however, considers it unnecessary that any municipality should be burdened with the duty of providing and maintaining a magazine for the

deposit and storage of gunpowder as required by Madras Act I of 1880, and that the rules already framed or which may hereafter be framed under the Indian Explosives Act will be sufficient for all practical purposes, then I see no objection to the repealing of Madras Act I of 1880 as proposed in the draft Bill.

Order—No. 15, Legislative, dated 19th March 1898.

His Excellency the Governor having approved of the draft Bill and the Statement of Objects and Reasons printed as an appendix to these proceedings under rule 33 of the rules for the conduct of business at meetings of the Council of the Governor of Fort St. George for making Laws and Regulations, directs its publication in English alone.

2. The Hon'ble Mr. A. T. Arundel, Chief Secretary, will be requested to take charge of the Bill.

3. A copy of the Bill with connected papers will be transmitted with a despatch to Her Majesty's Secretary of State for India.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Local and Municipal Department.
" Judicial Department.
" Hon'ble Mr. A. T. Arundel.
" Government Solicitor.
" Superintendent, Government Press.

APPENDIX.

A Bill to repeal Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder).

Whereas it is expedient to repeal Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder); It is hereby enacted as follows:—

1. Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

It is considered that the Indian Explosives Act, 1884, and the rules already framed or which may hereafter be framed under that Act will be sufficient for all practical purposes, in the matter of regulating the possession, sale and transport, &c., of explosives, and it is unnecessary that any Municipality should be burdened with the duty of providing and maintaining a magazine for the deposit and storage of gunpowder as required by Madras Act I of 1880. It is therefore proposed to repeal the local enactment, Madras Act I of 1880.

Exd. A. F. Eccleston.

Bill to be introduced into the Council of the Governor of Fort St. George for making Laws and Regulations.

Under Rule 33 of the Rules for the conduct of business at Meetings of the Council, the following Bill, together with the Statement of Objects and Reasons accompanying it, is published for general information:—

A Bill to repeal Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder).

Whereas it is expedient to repeal Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder); It is hereby enacted as follows:—

1. Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gunpowder) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

It is considered that the Indian Explosives Act, 1884, and the rules already framed or which may hereafter be framed under that Act will be sufficient for all practical purposes, in the matter of regulating the possession, sale and transport, &c., of explosives, and it is unnecessary that any Municipality should be burdened with the duty of providing and maintaining a magazine for the deposit and storage of gunpowder as required by Madras Act I of 1880. It is therefore proposed to repeal the local enactment, Madras Act I of 1880.

H. TREMENHEERE,
Acting Secretary to Government.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE (1898) *DEPARTMENT.*

(Copy.)

Letter to the Right Honourable the Secretary of State for India

Dated 24th March,
No. 5 of 1898.

Forwarding, for information, copy of a Bill to repeal Madras Act I of 1880 which it is proposed to introduce into the Madras Legislative Council.

LEGISLATIVE DEPARTMENT.

Letter—to

The Right Honourable the SECRETARY of STATE for INDIA.

My Lord,

We have the honour to transmit, for your Lordship's information, copy of a Bill to repeal Madras Act I of 1880, which it is proposed to introduce into the Council for making Laws and Regulations.

2. The reasons for the repeal are explained in the Statement of Objects and Reasons, a copy of which accompanies this letter. We propose to introduce the Bill at a meeting of the Council to be held on the 4th proximo, but we do not intend to take steps to secure the actual passing of the measure into law until we receive intimation from the Government of India to the effect either that your Lordship has no objection to the proposed measure or that no reply has been received within two months from the date of this report.

3. A copy of our Proceedings, No. 15, Legislative, dated 19th March 1898, is enclosed for reference.

We have the honour to be,
My Lord,
Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.
(,,) H. W. BLISS.
(,,) J. GROSE.

Fort St. George,
24*th March* 1898.

Endorsement—R. No. 63, Legislative, dated 24th March 1898.

Copy to the Government of India, Home (Judicial) and Legislative Departments.

Ag. Secretary to Government.

Ed. A. F. Ecclestone.

1898. Department

From

Ernest A Barclay
Government Solicitor
Madras

To

The Secretary to Government
Legislative Department
Madras

No 149

Dated 14th March 1898
Recd 15 3 98
Reg

Enclos 2

The remarks of the Hon'ble the Advocate General

Forwarded with reference
with reference to the Order of
Government No 12 dated 11th
March 1898 Legislative

Ernest Barclay

Government Solicitor

Legislative Department.

UNDER LEGISLATION TO GOVT
18 MAR 29

A Bill to repeal Madras Act I of 1880 (An act for regulating the storing, sale and packing for conveyance of gun powder).

Whereas it is expedient to repeal Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gun powder); It is hereby enacted as follows:-

1. Madras Act I of 1880 (An Act for regulating the storing, sale and packing for conveyance of gun powder) is hereby repealed.

Statement of Objects & Reasons.

The Indian explosives Act, 1884 and the rules made thereunder by the Government of India and the Local Government for the transport and importation, and the manufacture, possession and sale, of explosives, provide for all the matters dealt with in Madras Act I of 1880. It is therefore proposed to repeal the local enactment which is no longer required.

Government {1897} of Madras.

JUDICIAL.

[illegible] cated to all District[illegible] Madras, and [illegible]

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 1107, 5th August 1897.

AUGUST.

Explosives Rules.

Republishing in the *Fort St. George Gazette*, and communicating to certain officers, the rules regarding the *Transport and Importation* of explosives as finally issued by the Government of India; sanctioning and publishing revised rules regulating the *Manufacture, Possession and Sale* of explosives and extending them to the whole of the Madras Presidency; and requesting the Chamber of Commerce and certain firms in Madras to favour Government with their opinions on a proposal to raise the temperature of the heat test for dynamite and to increase the time of the test for blasting gelatine.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following papers:—

G.O., No. 1927, Judicial, dated 5th December 1896.

Abstract.—Directing publication in the *Fort St. George Gazette*, with remarks, preparatory to their adoption in this Presidency, of draft rules regulating the transport and importation of explosives and a revised draft rule for testing explosives, as also draft rules for the manufacture, possession and sale of explosives.

G.O., Mis. Nos. 190, 191, Judicial, dated 8th February 1897.

Abstract.—Forwarding to the Government of India letter from the Chemical Examiner giving his opinion regarding the draft rules for testing explosives.

Read—also the following paper:—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, the 26th April 1897, No. 630.

With reference to the correspondence ending with your No. 191, Judicial, dated 8th February 1897, I am directed to state that no objections have been received by the Government of India regarding the draft rules to regulate the transport and importation of explosives. These rules, together with the rule for testing explosives, will be finally published in the *Gazette of India* on some date during next month (May). It is not considered necessary to hold back the revised rules regarding transport and import until the revised rules for manufacture, possession and sale can be issued in all provinces, as it seems that in some provinces the issue of the latter rules will be attended with delay. The Government of India therefore leave it to the Government of Madras to issue the rules regulating manufacture, possession and sale at such date after the publication of those relating to transportation and import as the Governor in Council may think suitable.

2. In paragraph 2 of my No. 35—1788 (Public), dated 21st November last, it was requested that the Chemical Examiners at Madras, Bombay, Calcutta and Rangoon should be asked to report their opinions as to Sir Vivian Majendie's proposal that in the rule for testing the temperature of the heat test for dynamite should be raised from 160F. to 180F. and the time of the test for blasting gelatine should be increased from 10 to 15 minutes. The Government of India observe that these changes are not thought to be necessary by the Chemical Examiners of Madras and Bombay, while they are recommended by the Chemical Examiner, Calcutta. I am to say that, in consequence of this difference of opinion and of the fact that these changes would affect mercantile interests, it has been decided not to introduce them at present. I am, however, to ask that the opinions of the mercantile community interested in the matter may be obtained, and the result communicated in due course to the Government of India.

From the Government of India, Home Department, dated 8th July 1897, No. 1395.

Abstract.—Forwarding copies of notifications relative to the rules to regulate the transport and importation of explosives and the rule for testing the same.

Order—No. 1107, Judicial, dated 5th August 1897.

The rules regarding the *Transport and Importation* of explosives, as finally issued by the Government of India, which (with the exception of the rule for testing) are printed in Appendix A to this order, will now be republished in the *Fort St. George Gazette* and communicated to all District Magistrates, the Inspector-General of Police, the Commissioner of Police, Madras, and the Public Works Department.

2. The following notifications will also be published in the *Fort St. George Gazette*:—

NOTIFICATION.

In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884, the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor-General in Council, to make the following rules to regulate the *Manufacture, Possession and Sale* of explosives in the Madras Presidency:—

[Here enter the rules printed as Appendix B to this order.]

NOTIFICATION.

In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884, and in supersession of the rules published at pages 1 to 31 of the *Fort St. George Gazette* Supplement, dated 25th May 1887, the Governor in Council is pleased, with the previous sanction of the Governor-General in Council, to make the above rules to regulate the *Manufacture, Possession and Sale* of explosives, applicable to the whole of the Madras Presidency, with effect from the date of this notification.

3. Adverting to paragraph 2 of the foregoing letter from the Government of India, the Chamber of Commerce, Madras, Messrs. Best & Co., Messrs. Arbuthnot & Co., Messrs. Parry & Co. and Messrs. Binny & Co. will be requested to favour Government with their opinions on the points therein referred to. Copies of the rule for the testing of explosives are enclosed for their information.

(True Extract.)

Chief Secretary.

To the Inspector-General of Police.
„ the Commissioner of Police.
„ all District Magistrates.
„ the Chemical Examiner, with copy of testing rule.
„ the Chief Inspector of Explosives, Kirkee.
„ the Public Works Department.
„ the Chairman, Madras Chamber of Commerce. }
„ Messrs. Arbuthnot & Co. }
„ „ Best & Co. } with copy of Testing rule.
„ „ Binny & Co. }
„ „ Parry & Co. }
Gazette.

APPENDIX A.

HOME DEPARTMENT.

Public.

No. 1393.

Simla, the 8th July 1897.

NOTIFICATION.

RULES TO REGULATE THE TRANSPORT AND IMPORTATION OF EXPLOSIVES.

In supersession of the Notification by the Government of India, Home Department, No. 1417 (Public), dated the 24th June 1887, and in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act (IV of 1884), the Governor-General in Council is pleased to make the following rules to regulate the transport and importation of explosives.

These rules extend to the whole of British India, but the rules relating to the transport of explosives shall cease to apply to any port as defined in the Indian Ports Act (X of 1889) for which special rules made by the Local Government are for the time being in force, in so far as they are expressly superseded by, or are inconsistent with, such special rules.

Nothing in these rules shall apply to the manufacture, possession, use, sale, transport, or importation of any explosive—

(*a*) by order of the Government, or

(*b*) by any person employed under the Government in the execution of the Indian Explosives Act (IV of 1884), or as a keeper of a magazine, artizan, soldier, sailor, policeman, or otherwise, or enrolled as a volunteer under the Indian Volunteers Act (XX of 1869), in the course of his employment or duty as such.

Preliminary.

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

Class 1	Gunpowder.
Class 2	Nitrate-mixture.
Class 3	Nitro-compound.
Class 4	Chlorate-mixture.
Class 5	Fulminate.
Class 6	Ammunition.
Class 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, | Pudrolithe, | Poudre saxifragine,

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 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,

Tonite (or cotton 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,

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,	Hochstadter's blasting charges,
Erhardt's powder,	Reichen's blasting charges,
Reverley's powder,	Teutonite,

Chlorated gun-cotton,

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 sensibilty to explosion and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.

The fulminate class has 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 term also includes rifle-calibre machine-gun cartridges if they are of the above description, whether they are for use with machine-guns having chambers identical with those of rifles or with machine-guns which have special chambers.

The maximum gauge at which a small-arm cartridge can be accepted as "safety" is one inch. The following are the gauges of the machine-gun cartridges which may be accepted as "safety":—

·303-inch cordite.

Martini-Henry rifle, solid case.

·45-inch Gardner, Gatling and Nordenfeldt, except Martini-Henry chambered guns.

·4-inch.

Cartridges of larger gauge are not safety cartridges.

The ammunition class has three divisions.

Division 1 comprises exclusively—

Safety cartridges,	Railway fog-signals,
Safety fuzes for blasting,	Percussion-caps.
Fuzes for shells, and tubes friction for guns, provided there be no more than five fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder,	

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 firework class has two divisions.

Division 1 comprises firework compositions, that is to say, 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 star and any coloured fire composition, subject to the proviso hereinafter set forth.

Division 2 comprises manufactured fireworks, that is to say, any explosive of any 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, toy cap or amorce, serpent, rocket (other than a war-rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals:

Provided that a substantially constructed and hermetically closed metal case containing not more than 1 lb. of coloured fire composition of such a nature as not to be liable to spontaneous ignition shall be deemed to be a "manufactured firework."

Transport.

(*a*) *Packing.*

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

I.—Each class of explosive shall be separately packed.

II.—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 lbs. in quantity, be contained in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping.

III.—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 it 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 of the 1st (or gunpowder) class or of the 2nd (nitrate mixture) class, or is gun-cotton or another explosive of the 2nd division of the 3rd (nitro-compound) class, the quantity of the explosive in any one outer package shall not, in the case of explosives of the first two classes, exceed 100 lbs., and in other cases 50 lbs.

If the explosive is picric acid, the inner package must be of such a nature as to effectually prevent any picric acid from coming into contact with any basic metallic oxide.*

(*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 lbs., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lbs.

(*c*)—1. If the explosive belongs to the 5th (fulminate) class, and is of such character that it cannot be packed mixed with water, or that danger would arise from such mode of packing, it shall be packed in such manner as shall be specially directed by the Governor-General in Council.

2. Any other explosive of the fulminate class shall be packed as follows:

It shall be packed in bags or coverings of calico, canvas, or other material permeable to water, and containing each not more than 25 lbs. of fulminate, and so made and closed as to prevent any explosive from escaping. Such bags or coverings shall be packed in a case containing sufficient water to ensure the explosive being kept constantly wet, and such case (hereinafter called the inner case) shall be packed in an outer case containing sufficient water constantly to surround the inner case; and the inner case and the outer case shall each be 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 fulminate or water to escape; and the amount of the explosive in any one outer case shall not exceed 200 lbs., except with the consent of, and under conditions approved by, an Inspector of Explosives.

3. Every package when actually used for the packing of one fulminate shall not be used for the packing of any other fulminate or for any other purpose.

4. On the outer case there shall be affixed in conspicuous characters by means of a brand or securely attached label or other mark the word "Explosive," with the name of the explosive followed by the words "Fulminate. Division 1" (or 2 as the case may be) and the name and address of the owner or sender.

* *Note.*—This rule is intended to prevent picric acid being packed in a case lined with certain metals, such as zinc or lead, which would result in danger arising from the formation of a picrate. Waterproof bags inside powder-barrels are suggested as a simple and safe method of packing picric acid for transport or storage.

† *Note.*—From the requisition that the package should be waterproof are excepted—

(1) All explosives falling in the 2nd division of the 4th (chlorate-mixture) class.

(2) Those explosives, included in the 1st division of the 3rd (nitro-compound) class which do not yield up their nitro-glycerine in contact with water, such as blasting gelatine, gelatine dynamite, cordite and ballistite and gelignite: provided that any other substance than those named has been certified to be of this character by a Chief Inspector of Explosives.

(*d*)—1. If an explosive belongs to the 1st division of the 6th (ammunition) 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.

2. If the explosive belongs to the 2nd division of the 6th (ammunition) class, the following rules shall apply, *viz.*:—

(i) A shell or torpedo containing any explosive material, whether such shell or torpedo be separate or form part of a rocket or other appliance, shall be packed in such manner as may be specially directed by the Governor-General in Council with reference to such explosive.

(ii) Any explosive material when made up into a cartridge or charge for cannon, shells, mines, blasting, or other like purposes, shall be packed in the manner required for the same explosive material when not so made up:

Provided that where a double package is required, the enclosing case of such cartridge or charge, if it satisfies the conditions required for the inner package, may be held to be such inner package.

(iii) Any other explosive of the 2nd division shall be packed 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 any one such package shall not contain more than 100 lbs. of ammunition.

(*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 (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 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.

IV.—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 the explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose, except with the consent of, and under conditions approved by, an Inspector of Explosives;

(*c*) there shall 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 the 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 Inspector of Explosives or other officer appointed by the Local Government in this behalf.

3. Whoever commits a breach of any of the foregoing rules relating to the packing of explosives for conveyance shall be punishable with fine which may extend to Rs. 1,000.*

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 is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—Except in the case of small consignments carried by railway, which may be unloaded at any time, explosives shall be loaded or unloaded only between sunrise and sunset. For the purposes of this rule no consignment of more than half a wagon-load booked to one station shall be deemed to be a small consignment.

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 (XII of

* Rules regarding search for, and detention of, explosives contravening regulations have been issued by the Local Governments.

1886) or any other Act for the time being in force regarding the importation, possession, and transport of petroleum, 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 purposes 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 an explosive of division 1, class 6, or an 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 the loading or unloading of 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 is effectually covered with leather, wood, cloth, or other suitable material.

VIII.—In the stowing of the 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 the explosives 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 the explosives conveyed shall not exceed the following:—

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

Note.—This rule shall, 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 that all due precautions are taken for the prevention of accidents.

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

I.—No explosive shall be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity is less than 5 lbs. 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, except—

(i) dynamite which may be carried in the form of cartridges up to the limit of 5 lbs.:
Provided that no detonators are carried in the same compartment; and

(ii) detonators to the number of 200:
Provided that the amount of explosive of the 5th (fulminate) class in the detonators shall in no case exceed in the aggregate 3 oz. (a certificate to this effect being given by the Agent of the Company by whom the detonators are tendered for transport):
Provided also that no dynamite is carried in the same compartment.

II.—With respect to the conveyance by carriage or vessel of explosives 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 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 warehouseman or carrier a consignment of explosive, unless he has given notice to such warehouseman 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 warehouseman or carrier is prepared to receive the consignment; and a warehouseman 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 the explosive conveyed 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.

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

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to the officer in charge of the railway station previous notice in writing which, at the option of the Railway Administration, may extend to 48 hours, 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.—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 unloaded and placed in a safe place under the special direction of the officer in charge of the station.

All gunpowder under despatch or receipt by a Government arsenal, depôt, or factory, shall be loaded or unloaded in the railway vans by Government servants employed in such arsenal, depôt, or factory. In each van used by the railway for the transport of gunpowder the packages of gunpowder shall be secured in such a way as to prevent concussion when the train is in motion.

IV.—An explosive shall 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, the Railway Administration may open, or require to be opened, 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.—Subject to the exception provided for in clause (*e*), 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, which may be conveyed in ordinary wagons or carriages.

(*b*) Dynamite which may be carried in the form of cartridges up to the limit of 5 lbs.:
Provided that no detonators are carried in the same compartment.

(*c*) Detonators which may be carried to the number of 200:
Provided that in no case the amount of fulminate of mercury in the package or packages containing the detonators exceeds in the aggregate 3 oz. (a certificate to this effect being given by the Company, firm, or person tendering the detonators for transport or by its or his agent):
Provided also that no dynamite is carried in the same compartment.

(*d*) 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.

(*e*) Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that not more than one vehicle containing explosives is forwarded at any one time by a mixed train; that the precautions prescribed for conveyance by goods trains are observed; and that directly a wagon containing explosives arrives at a section on which goods trains are running, it is detached from the mixed trains.

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 carriages 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 (XII of 1886), or any other Act for the time being in force regarding the importation, possession, and transport of petroleum, 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 or (provided the original is produced for verification) copy of a certificate, signed by an officer authorised by the Local Government in this behalf that the explosive, if it is an explosive of class 3 or 4, is of the standard purity; and further, in the case of dynamite, and all nitro-glycerine compounds, that there are no signs of exuded nitro-glycerine or of liquefaction. The consignor shall also certify that the explosive has been packed in accordance with the packing rules in force in England or in British India.

X.—In the case of explosives under classes 3 and 4 the outer packages shall be marked with the date of the manufacture of the explosives. The abovementioned certificate shall contain sufficient information to admit of all packages being easily recognised.

XI.—The certificate referred to in Rule IX shall be valid for six months after date, if the examination has been made between the 15th October and 31st March; but any Railway Administration which accepts dynamite for transport may demand a fresh certificate for dynamite presented for conveyance between 1st April and 15th October (both inclusive).

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

Provided that, if the packages of dynamite are in rectangular form and are properly secured so as to prevent movement during transit, they may be stowed in any number of layers not exceeding five, and the gross load in any one wagon shall not exceed 5 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 materials 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.—Five layers of packages in rectangular form and of uniform size (provided they are double packages, and are so secured as to prevent movement during transit) may be packed one above another. Otherwise not more than three layers of packages containing explosives shall be packed one above another. But in the case of small-arms ammunition packed in tin-lined service pattern boxes, there is no restriction. Subject to the provisions of Rule 4 (III), the loading and unloading of explosives when once begun shall be diligently proceeded with until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, if 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 for the carriage of explosives. The speed of these movements shall be restricted to 5 miles an hour; they shall be superintended by a duly authorised officer, who shall 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 preceded and followed by three wagons not loaded with explosives or other traffic of an inflammable nature.

XIX.—If the wagons employed in the transport of explosives are provided with brakes, the brakes thereon shall on no account be worked while the wagons are running with a train, nor shall brakes, other than iron brakes, on vehicles immediately adjoining such wagons, be worked while such wagons are so running.

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

XXI.—All operations connected with the transhipment of explosives at junction stations shall take place during day light.

7. Whoever commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives shall be punishable with a fine which may extend to Rs. 100.

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 explosives 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 or, if not of British manufacture, if imported from the United Kingdom and covered by the certificate granted by one of Her Majesty's Inspectors of Explosives in England, 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.

If samples are taken by an officer deputed by the Chief Customs Officer on board the ship on its arrival the procedure shall be that prescribed in Rule 15.

9. Whoever imports an explosive in contravention of Rule 8 shall be punishable 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, Karachi, and Aden; but a license to import an explosive by sea from Rangoon into the ports of Akyab, Moulmein, Sandoway, Kyouk-Phyoo, Tavoy, and Mergui may be granted by the Magistrate of the Districts in which these ports are respectively situated. The fee payable in respect of each such license shall be one rupee, and the license shall be in Form A in the Schedule hereto annexed.

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, Karachi, and Aden by the District Magistrate.

12. The fee payable in respect of each such license shall be Rs. 10; but, if any explosive imported under a license into a British port is exported thence to another British port named in Rule 10, the necessary license for such re-import may be granted on payment of a fee of one rupee instead of Rs. 10.

13. Licenses for the importation by sea of any explosives other than those specified in Rule 11 shall be granted by the Local Government or by some officer specially authorised by the Local Government in this behalf.

14. No license shall be granted for the importation of any explosive of the description referred to in Rule 13, if it be an explosive for which a test or examination has been prescribed by or under the orders of the Government of India, 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 have passed the test or examination from time to time prescribed.

15. On the arrival in any port at which the 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 authorises in this behalf shall, as soon as may be, proceed on board and shall, if testing or examination is requisite under the last preceding rule, obtain samples of the explosive.

All explosives of which samples are taken for examination shall be forthwith deposited in a duly licensed place or places of storage, and shall not be distributed for use until the importer has received from the licensing authority notice that it may be so distributed.

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.

15-A. Explosives, other than those referred to in Rule 11, which have already undergone the test prescribed by Rules 14 and 15 at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi, or Aden, may be re-imported by sea into any other of those ports under a license granted under Rule 13, without re-testing, but subject, in the case of such explosives as are mentioned in Rule 6, Clause IX, to the production of the certificate prescribed in that clause.

Such certificate shall be valid for six months after date, if the examination has been made between the 15th October and 31st March; but in the case of dynamite, a fresh certificate may be demanded if the consignment is imported between the 1st April and 15th October (both inclusive).

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, but, if any explosive imported under a license into a British port is exported thence to another British port named in Rule 10, the necessary license for such re-import may be granted on payment of a fee of one rupee instead of 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. Whoever commits a breach of any condition subject to which a license under Rules 11 and 13 is granted, shall be punishable 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 Indian Explosives Act (IV of 1884) or the rules 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 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 of 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 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 shall 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 any order written on the license that it shall have the effect of a like license under the Indian Arms Act (XI of 1878).

27. Any persons lawfully entitled under the Indian Arms Act (XI of 1878), or the rules 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, etc., and address of license-holder.	Number of packages.	Explosive. Description.	Weight.	Number.	Purpose for which required.	Destination.	Period for which the license is valid.
							From the———th of———to the———th of———189 .

The———of———189 .

Seal.

(Signature)

———of———

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder. Certain general rules are quoted separately below.

2. This license shall become 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, to be issued in accordance with the rules under the Indian Arms Act (XI of 1878).

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.

General Rules.

* * *

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 license 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 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.

APPENDIX B.

RULES UNDER THE EXPLOSIVES ACT, 1884, FOR THE MANUFACTURE, POSSESSION AND SALE OF EXPLOSIVES IN THE MADRAS PRESIDENCY.

Preliminary.

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

Class 1	..	Gunpowder.
Class 2	..	Nitrate-mixture.
Class 3	..	Nitro compound.
Class 4	..	Chlorate-mixture.
Class 5	..	Fulminate.
Class 6	..	Ammunition.
Class 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, | Pudrolithe, | Poudre saxifragine,

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 some other liquid nitro-compound.

Division 2 comprises such explosives as—

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

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,

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.

The fulminate class *has* 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 term also includes rifle-calibre machine-gun cartridges if they are of the above description, whether they are for use with machine-guns having chambers identical with those of rifles or with machine-guns which have special chambers.*

The maximum gauge at which a small-arm cartridge can be accepted as "safety" is one inch. The following are the gauges of the machine-gun cartridges which may be accepted as "safety"—

·303-inch cordite.
Martini-Henry rifle, solid cases.
·45-inch Gardner, Gatling and Nordenfeldt, except Martini-Henry chambered guns.
1-inch.
Cartridges of larger gauge are not safety cartridges.

The ammunition class has three divisions.

Division 1 comprises exclusively—

Safety cartridges,	Railway fog-signals,
Safety fuzes for blasting,	Percussion-caps.
Fuzes for shells, and tubes friction for guns, provided there be no more than 5 fuzes or 25 tubes in one package, and that the package be a hermetically sealed metal cylinder.	

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 firework class has two divisions.

Division 1 comprises firework compositions, that is to say, 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 star and any coloured fire composition, *subject to the proviso hereinafter set forth.*

Division 2 comprises manufactured fireworks, that is to say, any explosive of *any 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, *toy cap or amorce,* serpent, rocket (other than a war-rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article *specially* adapted for the production of pyrotechnic effects or pyrotechnic signals or *sound signals*:

Provided that a substantially constructed and hermetically closed metal case containing not more than 1 lb. of coloured fire composition of such a nature as not to be liable to spontaneous ignition shall be deemed to be a "manufactured firework."

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:

Provided that this rule shall *not* 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. *Whoever* manufactures and explosive in contravention of rule 2 shall be punish*able* 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 lbs. or in lieu of the said quantity of gunpowder 15 lbs. 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 lbs., or in lieu thereof 150 lbs. 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 *Indian Explosives* Act (IV of 1884); 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 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 *Indian Explosives* Act (IV of 1884) with respect to the transport of such explosive: or

(4) to the possession of any gunpowder, rockets or other explosive on board any ship in pursuance of the provisions of the Merchant Shipping Acts *for the time being in force,* or any order or regulation under those Acts.

5. *Whoever* possesses an explosive in contravention of rule 4 shall be punish*able* 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. *Whoever* sells an exposive in contravention of rule 6 shall be punish*able* 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 the 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 lbs. of gunpowder, 500 lbs. of explosive contained in ammunition of the 1st division of the 6th (ammunition) class, and 200 lbs. 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 the maximum quantity of explosive mentioned in the *last foregoing* rule, or any less quantity;

(2) a fee of ten rupees for every license to manufacture, possess and sell half the quantity of explosive mentioned in the *last foregoing* rule, or any less quantity;

(3) a fee of five rupees for every license to manufacture, possess and sell a fourth of the quantity of explosive mentioned in the *last foregoing* rule, or any less quantity;

(4) a fee of ten rupees to possess and sell the maximum quantity of explosive mentioned in the *last foregoing* rule, or any less quantity;

(5) a fee of five rupees to possess and sell half the quantity of explosive mentioned in the *last foregoing* rule, or any less quantity;

(6) a fee of two rupees eight annas to possess and sell a fourth of the quantity of explosive mentioned in the *last foregoing* rule, or any less quantity; and

(7) a fee of eight annas for every license to possess explosives.

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. *Whoever* commits a breach of any condition subject to which a license under rule 8 is granted, shall be punish*able* 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. *Whoever* commits a breach of any condition subject to which a license under rule 12 is granted, shall be punish*able* 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 *may*, 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 lbs., be granted in the 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. *Whoever* commits a breach of any condition subject to which a license under rule 14 is granted, shall be punish*able* with fine which may extend to one thousand rupees.

(e) Licensing of the possession of explosives generally.

17. Licenses for the possession of explosives other than those which may be issued under rules 8 and 14 *may*, 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 the 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;

[*If a table of minimum distances has been prescribed in this behalf by the Governor-General in Council, or the Local Government with the sanction of the Governor-General in Council, the distances to be maintained between the magazine and the various kinds of buildings shall not be less than those specified for the explosive in question when stored in the quantity intended), in the Government list of distances.*]

(*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 explosives 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 the applicant.

(*e*) On consideration of the application, and on making such enquiry 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 enquiry, the District Magistrate or Commissioner of Police shall forward the application with his recommendation to the Local Government. The Local Government may thereupon 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 may refuse such license:

Provided that, if the distance of the proposed magazine from any dwelling house, highway, street, public thoroughfare or public place is less than 200 yards, or if for any other reason it considers it advisable to do so, the Local Government shall, before granting the license, obtain the opinion of an Inspector of Explosives after inspection of the place by him.

If a table of distances to be observed has been prescribed, it will be sufficient to see that the provisions regarding the minimum distance so laid down for the case is not infringed:

Provided that, if the application is for the renewal of a license issued prior to the issue of the table of distances, the Local Government may, if the Inspector of Explosives advises that this can be done without danger, renew the license without requiring that the table of distances shall be complied with.

(*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 Rs. 20 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.

19-A. With the previous sanction of the Government of India and subject to any conditions or restrictions that may be deemed necessary, the Local Government may authorize the possession of explosives under rule 17 in a floating magazine, and may direct the necessary modifications in the procedure prescribed in rule 17 and in license Form E in such special cases.

20. *Whoever* commits a breach of any conditions subject to which a license under rule 17 is granted, shall be punish*able* 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. *Whoever* commits a breach of any condition subject to which a license is granted under rule 21, shall be punish*able* with fine, which may extend to one thousand rupees.

(e) 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 the 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. *Whoever* commits a breach of any condition subject to which a license under rule 23 is granted, shall be punish*able* with fine, which may extend to five hundred rupees.

(f) Supplementary.

27. The officers herein undermentioned are authorized, within the areas respectively specified below,—

(a) *to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under the Indian Explosives Act (IV of 1884) or in which they have reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of that Act, or of the rules thereunder;*

(b) *to search for explosives therein;*

(c) *to take samples of any explosives found therein, on payment of the value thereof; and*

(d) *at their discretion to seize, detain, remove and, if necessary for the public safety, destroy any explosive found therein in respect of which there may be reason to believe that the provisions of the said Act or of the rules thereunder have been contravened.*

Areas.	*Officers.*
In all parts of the Madras Presidency ..	*The Superintendent of the Gunpowder Factory, Kirkee.* *The Assistant Superintendent of the Gunpowder Factory, Kirkee.*
Within their respective districts	*All District Magistrates.*
Within the areas respectively subject to their jurisdiction.	*All Magistrates subordinate to the District Magistrate.*
In the Town of Madras	*The Commissioner of Police, Madras, and all Police officers of rank not below that of Inspector, if specially deputed in that behalf by the Commissioner of Police.*

Provided that—

(1) *Whenever the Superintendent or the Assistant Superintendent of the Gunpowder Factory, Kirkee, or any Magistrate subordinate to the District Magistrate seizes, detains or removes any such explosive, he shall report the fact to the District Magistrate; and that*

(2) *Neither the Superintendent nor the Assistant Superintendent of the said Factory, nor any Magistrate subordinate to the District Magistrate, shall destroy any such explosive without the previous sanction of the District Magistrate.*

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 connection with his magazine or licensed premises he fills for sale or otherwise any cartridge for small arms with the said explosive;*

Provided that he observes the following regulations, namely:—

(1) *There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive, except it is made up into safety cartridges;*

(2) *Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on;*

(3) *There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position or character as not to cause any danger of fire or explosion;*

(4) *The room in which the filling is carried on shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same; and*

(5) *The occupier shall give notice to the authority granting his license that he intends to carry on such filling of cartridges as is allowed by this rule.*

28-A. *A person licensed to possess an explosive shall not be required to take out a license for manufacture by reason that, in connection with his magazine or licensed premises he, by filling cartridges, making charges, drying, sifting, fitting or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry or in some excavation or work carried on by him, or under his control:*

Provided that he observes the following regulations, namely:—

(1) *There shall not be in the workshop in which such adaptation or preparation is carried on more than 100 lb. of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive;*

(2) *Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on;*

(3) *The said workshop shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same;*

(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; and*

(5) *The occupier shall give notice to the authority granting his license that he intends to carry on such adaptation or preparation as is allowed by this rule.*

D.—General.

29. 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.

30. If a person licensed to manufacture, possess or sell an explosive dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the persons carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the *Indian Explosives* Act (*IV of 1884*) or the rules 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 payment of one rupee.

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

32. All licenses except licenses to manufacture an explosive under rule 12, or to possess explosive of the 5th (fulminate) class under rule 21, shall expire on the 31st December of the year for which they are granted. Licenses granted under rules 12, 21, shall be current for the terms 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 authorized 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.

33. 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 eight annas.

34. 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 Inspector of Explosives* or any Magistrate or by any Police Officer in charge of a police station or by any Police Officer of higher rank.

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

36. 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 (XI of 1878).

37. Any person lawfully entitled under the Indian Arms Act (XI of 1878) or the rules thereunder, to possess any explosive coming under the head of ammunition as defined in that Act may possess, without license under these rules, any such explosive in reasonable quantities for his own private use.

SCHEDULE.

Form A.

(See Rule 8.)

Fee 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 (Firework) class.

Granted in the Presidency-town by the Commissioner of Police and elsewhere by the District Magistrate.

Name, etc., of license-holder and place of residence.	Place of business, factory or shop.	*Maximum quantity of explosive to be kept at any one time.*	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 189 .

_____ *District,*
_____ *189* .

Seal.

(Signature.)
_____ *of* _____

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules 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 tent or any lightly* constructed building exclusively appropriated for the purpose and *separated from any* dwelling-house *by the distance*—

(a) *in the case of gunpowder, of 100 yards,*

(b) *in the case of an explosive of the 1st Division of the 6th (Ammunition) class or of the 7th (Firework) class, of 50 yards,*

and by the same distances from any highway, street, public thoroughfare or public place. *In the case of filling cartridges for small arms the operation may, if preferred, be carried out in the upper room of a building: Provided that no more than 5 lb. of explosive (except such as may be contained in safety cartridges) shall be in the room where the operation is being carried on. In all other cases the manufacture shall be carried on in a one-storeyed building.*

5. All sales of explosive under this license *shall* 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 *a substantially constructed uninflammable building, approved by such officer as the Local Government may prescribe*, or in a fire-proof safe, *separated from any dwelling house*, highway, street, public thoroughfare, or public place *by the distances laid down in condition No. 4*, and 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 50 lb. of gunpowder, or in lieu of each pound of gunpowder not so kept 2 lb. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of an explosive of the 7th (firework) 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 *containing its own means of ignition (other than explosive of the 1st Division of the 6th (Ammunition) class), 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 *room or part of a* building, fire-proof safe, or receptacle containing the same, *and no one entering such room or part of any building or such safe or receptacle shall have any iron or steel in their possession, or attached to or on their boots or shoes.*

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 (*except machinery necessary for the manufacture*) in the interior thereof.

10. All explosives exceeding 5 lb. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives 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 explosives from escaping, and if publicly exposed for sale or sold, the outermost receptacle containing such explosives shall have affixed the name of the explosives 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. *Explosives of the same class, however, may be kept together ; and gunpowder may be kept with safety fuses.*

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 (XI of 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 (XI of 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 articles sold ;
(*c*) the date of sale ;

and shall append his signature to the endorsement.

Form B.

(*See Rule 8.*)

Fee Rupees in Stamps.

License to sell and possess gunpowder or explosive of the 1st Division of the 6th (Ammunition) class or of the 7th (Firework) class.

Granted in the Presidency-town by the Commissioner of Police and elsewhere by the District Magistrate.

Name, etc., of licensee-holder and place of residence.	Place of business, factory or shop.	*Maximum quantity of explosive to be kept at any one time.*	Description and quantity of explosive to be possessed and sold during the year.	Date on which license expires.
				The 31st of December 189 .

District,
189 .

Seal.

(Signature.)

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 (XI of 1878).

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules 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 *uninflammable building approved by such officer as the Local Government may prescribe*, or in a fire-proof safe, *separated from any dwelling-house*, highway, street, public thoroughfare, or public place *by the prescribed distances,** and made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without :

Provided that 50 lb. of gunpowder, or in lieu of each pound of gunpowder not so kept 2 lb. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of explosive of the 7th (firework) 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 *containing its own means of ignition (other than explosive of the 1st Division of the 6th (Ammunition) class 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 *room or part of a* building, fire-proof safe, receptacle containing the same, *and no one entering such room or part of any building or such safe or receptacle* shall have any iron or steel in their possession, or attached to or on their boots or shoes.

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 explosives exceeding 5 lb. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives 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 explosives from escaping, and when publicly exposed for sale or sold, the outermost receptacle containing such explosives shall have affixed the name of the explosives 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. *Explosives of the same class, however, may be kept together, and gunpowder may be kept with safety fuses.*

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 (XI of 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 (XI of 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 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 (Firework) class.

Granted in the Presidency-town by the Commissioner of Police and elsewhere by the District Magistrate.

Name, etc., of licensee-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.	*Maximum quantity of explosive to be kept at any one time.*	Date on which license expires.
				The 31st of December 189 .

District,
189 .

Seal.

(Signature.)

of

* *In the case of gunpowder, 100 yards.*
In the case of explosive of the 1st Division of the 6th (Ammunition) class or of the 7th (Firework) class, 50 yards.

† 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 (XI of 1878).

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

2. The explosive shall be kept in a substantially constructed *uninflammable building approved by such officer as the Local Government may prescribe*, or in a fire-proof safe *separated from any dwelling-house*, highway, street, public thoroughfare or public place *by the prescribed distances*,* and made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without:

Provided that 50 lb. of gunpowder, or in lieu of each pound of gunpowder not so kept 2 lb. of explosive contained in ammunition of the 1st division of class 6, or an equivalent quantity of explosive of the 7th (firework) 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 *containing its own means of ignition (other than explosive of the 1st Division of the 6th (Ammunition) class) 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 *room or part of a* building, fire-proof safe, or receptacle containing the same, *and no one entering such room or part of any building or such safe or receptacle shall have any iron or steel in their possession or attached to or on their boots or shoes.*

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 explosives exceeding 5 lb. in amount of the 1st division of the 6th (ammunition) class or of the 2nd division of the 7th (firework) class, and all other explosives 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 explosives 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. *Explosives of the same class, however, may be kept together, and gunpowder may be kept with safety fuzes.*

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:

(*a*) the name and address of the person who takes delivery of the article purchased;
(*b*) the nature and amount of the articles purchased;
(*c*) the date of purchase.

Form D.

(*See Rule 14.*)

Fee Five Rupees in Stamps.

License to possess Explosives.

Granted in the Presidency-town by the Commissioner of Police and elsewhere by the District Magistrate.

Name, etc., of license-holder and place of residence.	Place of business or shop.	Description of explosive.	*Maximum quantity of explosive (not exceeding 60 lb.) to be kept at any one time.*	Date on which license expires.

_____ *District,*
_____ *189* .

Seal.

(Signature.)
_____ *of* _____

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules 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 any 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.

* *In the case of gunpowder, 100 yards.*
In the case of an explosive of the 1st Division of the 6th (Ammunition) class or of the 7th (Firework) class, 50 yards.

5. All such explosives 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 explosives from escaping.

6. Each description of explosive which may be lawfully kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening spaces 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:—

(*a*) the name and address of the person who takes delivery of the articles purchased;
(*b*) the nature and amount of the articles purchased;
(*c*) the date of purchase.

Form E.

(*See Rule 17.*)

Fee Twenty Rupees in Stamps.

License to possess explosives. Granted by the Local Government.

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,*
_____ *189* .

Seal.

(Signature.)
_____ *of* _____

Conditions.

1. This license is given subject to the provisions of Indian Explosives Act (IV of 1884) and the rules 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 such interior, benches, shelves, and fitting 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 *which shall be tested at least once a year.*

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. *No* person under the age of 16 years shall 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, *if* 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.

Save as aforesaid, two or more descriptions of explosives *shall* 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 unauthorized persons having access to the magazine or to the explosives 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.

Granted in the Presidency-town by the Commissioner of Police and elsewhere by the District Magistrate.

Name, etc., 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, Seal *of*

189 .

Conditions.

1. This license is given subject to the provisions of the Indian Explosives Act (IV of 1884) and the rules thereunder.

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

3. Explosives shall not be sold to any child apparently under the age of 13 years.

4. All explosives 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 explosives from escaping, and the outermost receptacle containing such explosives shall have affixed the name of the explosives with the word "Explosive" added thereto in conspicuous characters by means of a brand or securely attached label or other mark.

Ext. C. M. Thumiswamy.

Urgent

RECEIVED TO EXPD. 15 MAR 98

Section 1 of Madras Act I of 1880 declares that the Act shall come into force in the Town of Madras, and it also empowers the Local Government to extend the Act by notification to any Municipal Town in the Mofussil from such date as may be specified in such notification. There is no power given in the Act to withdraw from the operation of the Act, any town to which the Act has by notification been extended. In Chapter III of The Madras General Clauses Act, which Chapter applies to all Acts passed by the Local Legislature whether prior or subsequent to the said General Clauses Act, (vide Section 12), it is provided by Section 21 that unless a contrary intention appears in the Act (vide Section 13) any order extending such Act to any place from any date specified in such order may be postponed or cancelled, but that after the Act has actually come into force in any such place, no order postponing or cancelling such former order can be made. The Notification proposed in G.O. No 477, M.Mis: dated 2nd March 1898 cancelling previous notifications which extended Madras Act I of 1880 to certain Municipal towns in the Mofussil cannot be legally issued if by such notification it is intended to withdraw from the operation of the Act the towns to which the Act has been extended by prior notifications. An order or notification extending an Act to any particular place expires and becomes spent as soon as by virtue of such order or notification the Act actually comes into force in such place, and a subsequent cancellation of such order or notification is nugatory as it amounts to no more than the repeal of something which has already spent itself. Unless power is given, and such power is exercised, to withdraw from the operation of an Act any place to which by its own force it applies, or to which it is extended by an order or notification, as the case may be, the Act will remain in force until such Act itself is repealed. And even when such power is given it can be effectually exercised only by the issue of a notification withdrawing from the operation of the Act any town or place to which the same has been extended by a prior notification.

If Madras Act I of 1880 is itself to be repealed, I do not see why it is proposed to issue the notification in question, even if such notification can at any be operative.

As regards the draft Bill to repeal Madras Act I of 1880- I observe it is stated in the Statement of objects and Reasons that the Indian Explosives Act 1884, has the effect of making provision for all the matters dealt with in Madras Act I of 1880. This statement does not seem to be quite accurate. There does not seem to be any thing corresponding to Sections 3 and 4 of Madras Act I of 1880 in the Indian Explosives Act, 1884, or in the rules made thereunder. Further Section 16 of the Indian Explosives Act, 1884, expressly saves the operation of other laws dealing with any of the matters comprised in that Act, or in the rules framed thereunder. If the Government, however, considers it unnecessary that any Municipality should be burdened with the duty of providing and maintaining a magazine for the deposit and storage of explosives as required by Madras Act I of 1880, and such magazine is already provided for in connection with the Indian Explosives Act, it would be sufficient for all practical purposes, if a clause repealing Madras Act I of 1880 is inserted in the proposed Bill.

V. B. Coryton Esquire

Offg: Advocate General

(True Copy)

Secretary to Government

[G / 21 / 500-1-2-98.]

Legal DEPARTMENT.

R 18.3.98

Papers to be read in Proceedings :—

Again G.O., No. 12 Leg, dated 11 March 1898. - a of Cir. 82 order.

Again G.O., No. , dated 189 .

Current No. 101 of 1898, dated 14 March , from the Govt Solicitor

" " " 189 , " , "

" " " 189 , " , "

H.E. the Governor

The Hon'ble Sir Henry Bliss, K.C.S.I.

ORDER.

P5

His Excellency the Governor having approved of the draft Bill + the Statement of Objects and Reasons printed as an appendix to these Proceedings, under Rule 33 of the Rules for the conduct of business at meetings of the Council of the Governor of Fort St George for making Laws and Regulations directs its publication in English alone.

on a separate sheet attached

18/3/98

Note Madras Act I of 1880 was not published in the Vernaculars. Please see Fy. 63 2-10-80 flag E

2. The Hon'ble Mr. Bernard, Chief Sec.?

will be requested to take charge of the Bill

Will H.E. kindly nominate the member who is to take charge of the Bill

The Hon'ble Mr. Bernard, C.S.I.

3. A copy of the Bill with connected papers will be transmitted with a despatch to Her Majesty's Secretary of State for India.

Despatch submitted in a separate sheet attached.

23.R 16/3/98 16/3/98

To The Local + Legal Dept

" Jud. "

" Hon'ble Mr. Wright, Advocate General.

" " First Solicitor

" Supdt. Govt Press.

24th 25th 15/3/98

Note. The Advocate General has no objection to the repeal + the Statement of Objects and Reasons

Reasons has now been altered in deference to his remarks as to its accuracy.

Paragraphs 1 & 2 of the Adv. Genl's opinion deal with the question of the legality of issuing the notification in Go. 677 dated 2.3.98. That notification has been published in the Gazette of the 8 instant and the Adv. Genl's remarks are for consideration in the Legal department

SS.R. 16.3.98

CRV 16/3/98

Legue Dept

A Bill to repeal Madras Act I of 1880 (An Act for regulating the Storing, Sale & packing for Conveyance of gunpowder).

Whereas it is expedient to repeal Madras Act I of 1880 (An Act for regulating the Storing, Sale & packing for Conveyance of gunpowder); It is hereby Enacted as follows:-

1. Madras Act I of 1880 (An Act for regulating the Storing, Sale & packing for Conveyance of gunpowder) is hereby repealed.

× Statement of Objects & Reasons

It is considered that the Indian Explosives Act, 1884, & the rules already framed & which may hereafter be framed under that Act, will be sufficient for all practical purposes in the matter of regulating the possession, Sale & transport of Explosives & it is unnecessary that any Municipality should be burdened with the duty of providing & maintaining a magazine for the deposit & storage of gunpowder as required by Madras Act I of 1880. It is therefore proposed to repeal the local Enactment, Madras Act I of 1880.

SS.R. 16.3.98

× Altered with reference to A.G.'s remarks.

Legve Dept

Letter to — No 58 of 24 3 1898

The Right Hon'ble the Secretary of State
for India

My Lord,

We have the honour to transmit for your Lordship's information copy of a Bill to repeal Madras Act I of 1880, which it is proposed to introduce into the Council for making Laws & Regulations

2. The reasons for the repeal are explained in the Statement of Objects & Reasons a copy of which accompanies this letter.

3. We propose to introduce the Bill at a meeting of the Council to be held on the 4th proximo, but we do not intend to take steps to secure the actual passing of the measure into law until we receive intimation from the Government of India to the effect either that your Lordship has no objection to the proposed measure or that no reply has been received within two months from the date of this report

Note
The bill will be published in the gazette of the 22nd instant & will have to be introduced at next meeting by the Suspension of the Council Rules 34 - flagD

3. A copy of our Proceedings No. 15 of dated 19 August is enclosed for reference.

Letter No. 638 24 Sept 98

Copy to the Govt of India, Home (Judicial) and Legislative Departments.

CEW 28.9.98
15/8/98 T.S 98

First copy sent to Press.

Returned for signature.

Despatched in print.

Issued with G.G. No. dated
19[illegible]

Volume No.

Signature of Government Printer.

Number of Copies { Order complete 95 / Spare Copies 70
Order complete with letter.

Enclosures to C. No.

Signature of Government Printer.

Number of Copies { Order complete