THE EXPLOSIVE SUBSTANCES ACT, 1908

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SECTIONS

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IndiaCode

THE EXPLOSIVE SUBSTANCES ACT, 1908

ACT NO. 6 OF 1908[1]

[8*th June*, 1908.]

An Act further to amend the law relating to explosive substances.

WHEREAS it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows:—

1. Short title, extent and application.—(*1*) This Act may be called the Explosive Substances Act, 1908.

[2][(*2*) It extends to the whole of India [3]*** and applies also to citizens of India [4][outside India].]

[5]**[2. Definition.**—In this Act—

(*a*) the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement;

(*b*) the expression "special category explosive substance" shall be deemed to include research development explosive (RDX), penta erythritol tetra nitrate (PETN), high melting explosive (HMX), tri nitro toluene (TNT), low temperature plastic explosive (LTPE), composition exploding (CE) (2, 4, 6 phenyl methyl nitramine or tetryl), OCTOL (mixture of high melting explosive and tri nitro toluene), plastic explosive kirkee-1 (PEK-1) and RDX/TNT compounds and other similar type of explosives and a combination thereof and remote control devices causing explosion and any other substance and a combination thereof which the Central Government may, by notification in the Official Gazette, specify or the purposes of this Act.

3. Punishment for causing explosion likely to endanger life or property.—Any person who unlawfully and maliciously causes by—

(*a*) any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with imprisonment for life, or with rigorous imprisonment of either description which shall not be less than (ten years, and shall also be liable to fine;

(*b*) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death, or rigorous imprisonment for life, and shall also be liable to fine.

4. **Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.**—Any person who unlawfully and maliciously—

(*a*) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires lo cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

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1. This Act has been extended to—
Goa, Daman and Diu with modifications *by* Reg. 12 of 1962, s. 3 and Sch., (w.e.f. 1-2-1965) and comes into force in Pondicherry *vide* Reg. of 1963, s. 3 and First Schedule (w.e.f. 1-10-1963);
and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. 1 (w.e.f. 1-7-1965):
the whole of territory of Lakshadweep *tide* Keg. 8 of 1965, s. 3 and Sch. (w.e.f. 1-10-1967):
the State of Sikkim *tide* Notification No. G.S.R. 201, dated 30-1-1976 (w.e.f. 1-2-1976):
2. Subs. by the A.O. 1950, for sub-section (*2*).
3. The words and letter "except Part B States" omitted by Act 3 of 1951, s. 3 and the Schedule.
4. Subs. by s. 3 and the Schedule, *ibid.*, for "wherever they may be".
5. Subs. by Act 54 of 2001, s. 2, for sections 2 to 5 (w.e.f. 1-2-2002).

(*b*) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India,

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished,—

(*i*) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(*ii*) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

5. Punishment for making or possessing explosives under suspicious circumstances.—Any person who makes or knowingly has in his possession or under his control any explosive substance or special category explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punished,—

(*a*) in the case of any explosive substance, with imprisonment for a term which may extend to ten years, and shall also be liable to fine;

(*b*) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.]

6. Punishment of abettors.—Any person who by the supply or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

7. **Restriction on trial of offences.—**No court shall proceed to the trial of any person for an offence against this Act except with the consent of [1]*** the [2][District Magistrate].

1. The words "the L.G. or" rep. by the A.O. 1937.
2. Subs. by Act 54 of 2001, s. 3, for "Central Government" (w.e.f. 1-2-2002).