

Act Name : _THE EXPLOSIVE SUBSTANCES ACT, 1908

Act title : ACT NO. 6 OF 1908 1*

Enactment date : [8th June, 1908.]

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].]

2. Definition of "explosive substance".- In this Act 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.

3. Punishment for causing explosion likely to endanger life or property.- Any person who unlawfully and maliciously causes by any explosive substance and 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 transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

1. This Act has been extended to-- Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and Sch., and comes into force in Pondicherry vide Reg. 7 of 1963, s. 3 and Sch. 1. (w.e.f. 1-10-1963); and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965); the whole of Union territory of Lakshadweep vide Reg. 8 of 1965, s. 3 and Sch., (w.e.f. 1-10-1967); the State of Sikkim vide Notification No. G.S.R. 201, dated 30-1- 1976 (w.e.f. 1-2-1976). 2. Subs. by the A. O. 1950, for the former sub-section. 3. The words "except Part B States" rep. by Act 3 of 1951, s. 3 and Sch. 4. Subs. ibid., for "wherever they may be". 28

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 conspires to cause by an explosive substance, an explosion in 1*[India] of a nature likely to endanger life or to cause serious injury to property; or
- (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in 1*[India], or to enable any other person by means thereof to endanger life or cause serious injury to property in 1*[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 with transportation for a term

which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

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, 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 punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added. 2*

6. Punishment of abettors.- Any person who by the supply of 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 3* the Central Government.

1. Subs. by Act 3 of 1951, s. 3 and Sch. for "a Part A States or a Part C States". 2. For ss. 5A and 5B applicable to West Bengal only, see the Bengal Criminal Law (Arms and Explosives) Act, 1932 (Ben. 21 of 1932), s. 5, and the Bengal Criminal Law Amendment Act, 1934 (Ben. 7 of 1934), s. 5 respectively. These two sections provide for enhanced punishment in certain cases. 3. The words "the L. G. or" rep. by the A. O. 1937.
