

CHAPTER IV.

SUPPLEMENTAL.

Provisions relating to rules.

29. (1) In making any rules under this Act, the President of the Union may—

(a) provide for any matter ancillary to such rules for which in his opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

(b) make special provision for the special circumstances of any place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Gazette.

Power to apply Act to other substances.

30. (1) The President of the Union may, by notification in the Gazette, apply any or all of the provisions of this Act, and of the rules made thereunder, with such modifications as he may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The President of the Union may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to limit powers of local authorities over petroleum.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the President of the Union may, by notification in the Gazette,—

(a) limit the operation of such enactment, or

(b) restrict the exercise of such powers in any manner he deems fit.

THE EXPLOSIVES ACT.¹

[INDIA ACT IV, 1884.] (1st July, 1887.)

1—3. * * * *

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,—

(1) “explosive”

(a) means gunpowder, nitro-glycerine, dynamite, gun-cotton,‡ blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a

¹ For the law relating to explosive substances, see also the Explosive Substances Act (India Act VI, 1908) in Volume II of this Code.

view to produce a practical effect by explosion or a pyro-technic effect ;

- (b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined ;
- (2) " manufacture " includes the process of dividing into its component parts, or otherwise breaking up or unmaking, any explosive, or making fit for use any damaged explosive and the process of re-making, altering or repairing any explosive ;
- (3) " vessel " includes every ship, boat and other vessel used in navigation, whether propelled by oars or otherwise ;
- (4) " carriage " includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods, or passengers by land, in whatever manner the same may be propelled ;
- (5) " master " includes every person (except a pilot or harbour-master) having for the time being command or charge of a vessel : provided that, in reference to any boat belonging to a ship, " master " shall mean the master of the ship ;
- (6) " import " means to bring into the Union of Burma by sea or land.

5. (1) The President of the Union may make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a licence granted as provided by those rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say—

- (a) the authority by which licences may be granted ;
- (b) the fees to be charged for licences, and the other sums (if any) to be paid for expenses by applicants for licences ;
- (c) the manner in which applications for licences must be made, and the matters to be specified in such applications ;
- (d) the form in which, and the conditions on and subject to which, licences must be granted ;
- (e) the period for which licences are to remain in force, and
- (f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules, or otherwise contravening the rules :

Provided that the maximum penalty which may be imposed by any such rules shall not exceed—

- (a) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees ;

- (b) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to one thousand rupees ;
- (c) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees ; and
- (d) in any other case, two hundred rupees.

Power for President to prohibit the manufacture, possession or importation of specially dangerous explosives.

6. (1) Notwithstanding anything in the rules under the last foregoing section the President of the Union may, from time to time, by notification in the Gazette, prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the President of the Union, it is expedient for the public safety to issue the notification.

(2) The officers of sea customs at every port shall have the same power in respect of any explosive with regard to the importation of which a notification has been issued under this section and the vessel containing the explosive as they have for the time being in respect of any article the importation of which is prohibited or regulated by the law relating to sea customs¹ and the vessel containing the same : and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

(3) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees, and, in the case of importation by water, the owner and master of the vessel in which the explosive is imported shall, in the absence of reasonable excuse, each be punished with fine which may extend to three thousand rupees.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

7. (1) The President of the Union may make rules consistent with this Act authorizing any officer either by name or in virtue of his office,—

- (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 licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Act or of the rules made under this Act ;
- (b) to search for explosives therein ;
- (c) to take samples of any explosive found therein on payment of the value thereof ; and
- (d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

(2) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

¹ See Chapter IV of the Sea Customs Act.

8. Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police-station.

Notice of accidents.

9. (1) Whenever, in the opinion of a District Magistrate, Subdivisional Magistrate or any other Magistrate specially empowered by the President of the Union in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 8, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

Inquiry into accidents.

(2) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of Criminal Procedure.

10. When a person is convicted of an offence punishable under this Act or the rules made under this Act, the Court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Forfeiture of explosives.

11. Where the owner or master of a vessel is adjudged under this Act to pay a fine for an offence committed with, or in relation to, that vessel, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Distress of vessel.

12. Whoever abets, within the meaning of the Penal Code, the commission of an offence punishable under this Act or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Abetment and attempts.

13. Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, ship or boat, may be apprehended without a warrant by a police-officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or conservator of the port, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Power to arrest without warrant persons committing dangerous offences.

Saving for manufacture, possession, use, sale, transport or importation by Government.

14. Nothing in this Act 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 this Act, or as a keeper of a magazine, artizan, soldier, sailor, airman, policeman or otherwise, or enrolled as a volunteer in the course of his employment or duty as such.

Saving of Arms Act.

15. Nothing in this Act shall affect the provisions of the Arms Act :

Provided that an authority granting a licence under this Act for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the licence is granted, direct by an order written on the licence that it shall have the effect of a like licence granted under the said Arms Act.

Saving as to liability under other law.

16. Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules :

Provided that a person shall not be punished twice for the same offence.

Extension of definition of " explosive " to other explosive substances.

17. The President of the Union may, from time to time, by notification in the Gazette, declare that any substance which appears to the President of the Union to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act : and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term " explosive " in this Act.

Procedure for making rules.

18. All rules made under this Act shall be made after previous publication.

လျှပ်စစ်ဓါတ်အားပေးရေး အက်ဥပဒေ။

[၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၉။] (၁၉၅၁ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

ပြည်ထောင်စုမြန်မာနိုင်ငံအတွက် လျှပ်စစ်ဓါတ်အားပေးရေးအဖွဲ့တခု ဖွဲ့စည်းရန်ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့်တကြောင်း၊ လျှပ်စစ်ဓါတ်အားပေးခြင်းမှစ၍၊ အခြားကိစ္စအချို့နှင့်ပတ်သက်သည့် အလုပ်ဝတ်တရားများကို၊ ထိုအဖွဲ့ကဆောင်ရွက်ရန် ပြဋ္ဌာန်းသင့်သည် ဖြစ်သောကြောင့်တကြောင်း၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေအရ၊ လိုင်စင်ရရှိသူ၊ သို့မဟုတ် အခွင့်အမိန့်ရရှိသူတို့၏ ပစ္စည်းများ၊ အခွင့်အရေးများ၊ တာဝန်ဝတ်တရားများ၊ ကြေးမြီတာဝန်များနှင့် အာဏာများကို ထိုအဖွဲ့သို့လွှဲပြောင်းရန် ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့် တကြောင်း၊ ထို့ပြင် အဆိုပါကိစ္စများနှင့်