

ACT No. X OF 1947.

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 17th March 1947)

An Act to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations.

WHEREAS it is expedient to continue for a limited period powers to exempt the loading, unloading, handling, storage and conveyance of ammunition, explosives and inflammable substances from certain restrictions, and to provide in the interests of safety for the regulation of such operations;

It is hereby enacted as follows:—

1. (1) This Act may be called the Explosives (Temporary Provisions) Act, 1947. Short title, extent, commencement and duration

(2) It extends to the whole of British India:

Provided that any declaration or order made or deemed to have been made under section 2 shall apply only to the ports of Karachi and Vizagapatam and to railways over which ammunition, explosives or inflammable substances are carried to or from those ports.

(3) It shall come into force on the 25th day of March 1947 and shall remain in force for a period of two years only.

2. (1) The Central Government, if it considers it necessary or expedient so to do, may, by notification in the official Gazette, declare that such restrictions imposed by or under any law for the time being in force as may be specified in the declaration shall not apply to the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances, in such circumstances as may be so specified. Powers in respect of ammunition, explosives and inflammable substances

(2) When a declaration has been made under sub-section (1), the Central Government or any authority authorised by it in writing in this behalf may by order make such provision as appears to it to be required in the interests of safety for regulating the loading, unloading, handling, storage and conveyance of ammunition, explosives and inflammable substances to which the declaration relates.

3. All declarations and orders made under rule 88 of the Defence of India Rules or that rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946 (XX of 1946), and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the corresponding provision of section 2. Continuance of existing orders

4. If any person contravenes any order made or deemed to have been made under sub-section (2) of section 2, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. Penalty

5. Any declaration or order made or deemed to have been made under section 2 shall have effect notwithstanding anything inconsistent therewith contained in any other law, and no such declaration or order shall be called in question in any Court. Savings.

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Protection of
action taken

6. (1) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything in good faith done or intended to be done under this Act or any declaration or order made or deemed to have been made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any declaration or order made or deemed to have been made thereunder.