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कार्यालयी उद्देश्य के सभी
पत्रादि मुख्य विस्फोटक नियंत्रक के
पदाम से भेजे जाएं, उनके व्यक्तिगत
नाम से ही।

All communications intended
for this Office should be addressed
to the 'Chief Controller of
Explosives' and NOT to him by
name.



भारत सरकार

GOVERNMENT OF INDIA
पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन

Petroleum and Explosives Safety Organisation (PESO)

(पूर्व नाम- विस्फोटक विभाग)

(Formerly- Department of Explosives)

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Seminary Hills, Nagpur- 440006

No. R.4(2)79/MHA/III

Date: August 27, 2010

CIRCULAR

To: All Explosive Manufacturers.

Sub: Delivery of explosives to unauthorized persons by certain explosive manufacturers – Measures to comply with Rule 10(4), 77 and additional instructions under rule 47 as well as rule 67 to ensure prevention of pilferage/theft of explosives – regarding.

It is brought to your notice that certain instances of supply of explosives by explosive manufacturers to persons not holding a valid licence under Explosives Rules, 2008 have occurred. In these cases the persons taking supply of explosives have not taken the explosives to the explosive magazines for which indent was given and diverted the explosives. These instances of serious violations have caused grave concern in the Central Government including Ministry of Commerce & Industry, Department of Industrial Policy & Promotion as well as Ministry of Home Affairs. These incidents being highly sensitive have also attracted attention of the Parliament and Calling Attention Motion were also received by the Central Government in the matter.

PESO has created awareness among all explosive manufacturers regarding the need to take all measures to prevent occurrence of such instances including preventive measures for theft and pilferage of explosives. With this object in mind, as directed by MHA, PESO has issued additional instructions under rule 47 regarding intimation to local police 24 hours in advance before delivery and dispatch of explosives to the consignees.

All the occupiers of explosive manufacturing units have the responsibility to ensure that explosives are delivered to only licence holders observing all the rules and conditions of licence under Explosives Rules, 2008. They also have the obligation to see that the explosives manufactured by them are not delivered to persons who are

likely to indulge in activities that may violate Explosives Rules, 2008 and jeopardize public safety.



Therefore, all the manufacturers are advised to comply with the following instructions in the interest of public safety as well as for ensuring strict observations of all the provisions under Explosives Rules, 2008.

1. Before delivery of explosives the particulars of the licensee & occupier of the licence, and validity/capacity of licence shall be ascertained and verified. In case of any doubt, the nearest PESO office may be contacted for the current status of the licence or licensee.

In this connection it may be informed that some of the licensees of explosive magazines enter into partnership with a new partner with the intent that the original licensee will get himself dissolved from the partnership and the new partner will eventually become the proprietor/licensee of the licence. However, unless the name of the partner is included in the licence and the licence is duly amended for such inclusion of partner, the Explosives Rules, 2008 do not recognize such a partner. For inclusion of such partner, there is a provision for obtaining No Objection Certificate from the District Authority. When the new partner is not included in the licence by way of amendment to licence, the new partner has no right to apply for renewal of the licence. Therefore, such Renewal application though submitted in offices of PESO, cannot be considered for renewal of licence. In such cases Renewal is refused and licence will expire if no renewal application is filed by the licensee within the time stipulated under the Rules. Yet sometimes the new partner may pose himself as the licensee and procure explosives on the strength of the expired licence from the explosive manufacturers who may fail in verification of the licensee and occupier and status of licence and deliver explosives to such persons in violation of rules 10(4) and rule 77 of Explosives Rules, 2008.

2. If supplies of explosives have been made by any explosives manufacturer from 01/04/2010 onwards to M/s Ganesh Explosives, Sagar, MP against their explosives magazines licence No.E/HQ/MP/21/167(E6255) & E/HQ/MP/21/166(E6254) (which expired on 31/03/2010) on the basis of indents made by Shri Jaikishan Ashwani and to M/s Sangam Explosives, Chanderi, Ashok Nagar, MP against their explosives magazines licence No. E/HQ/MP/21/201(E35223)& E/HQ/MP/21/258(E36095) (which expired on 31/03/2010 due to non-submission of renewal application by

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the licensee) on the basis of indents made by Shri Rajendra Kumar Chobe; in that case all such manufacturers are advised to submit details of RE 11, RE 12 giving full particulars of batch No. & date, kinds & quantities, Registration no/ licence no of Explosives Van used for transportation. These details shall be furnished to respective sub-circle, circle offices and to this office by the **10th September, 2010** positively.

3. On-line submission of returns have been made mandatory with effect from 1st July 2010. All manufacturers shall ensure that returns are filed on-line by 30/09/2010 positively for the third quarter of the year 2010.
4. It is also the responsibility of the consignor (explosive manufacturer) to see that the explosives actually reach the destination magazine as indented in RE-11 and as specified in RE-12. Please note that the consignor has to declare under his signature in RE-12 against item 9, the date on which the consignment should reach the destination. Therefore, it is obligatory on the consignor to ensure that the explosives produced by them are actually delivered to the magazine specified in RE-11 indent of the licensee only.
5. Submit the details of RE-11, RE-12 and RE-7 from 1.4.2010 onwards till date to the respective sub-circle office, circle offices and to this office for scrutiny.
6. Inform the respective sub-circle office, circle office and this office the procedures, check list, etc., being followed by them to comply with the rule 10(4), rule 77 and 47, additional instructions under rule 47 and rule 67 of Explosives Rules, 2008 with the copies of documentary evidence wherever applicable.
7. Inform respective sub-circle office, circle office and this office if they have identified any consignee for blacklisting for not supplying explosives to them. If so, the details of such consignees may be furnished.
8. To verify that full particulars of indent, Explosive Van licence number and Registration number and other particulars are given in RE-12.
9. To check and verify that no licensee is supplied explosives in excess of his licensed capacity.
10. To check and verify that no licensee is supplied explosives more than his monthly capacity (3 times licensed capacity or as specified in the particular licence).
11. To check and verify that explosives are not loaded in an Explosives Van in excess of the licensed capacity of the Van. For this purpose they should

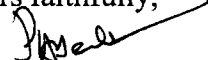
have the explosives van licences, their validity and capacity documents with them. SS

12. They should create awareness among their consignees for strict observance of all the relevant provisions of Explosives Rules, 2008.
13. The following measures regarding security of the manufacturing factory/ magazine shall be taken:
 - (i) The manufacturing factory shall be surrounded by wall or security fencing at least 2m high of such strength and construction as to effectively prevent entry of unauthorized person as required under Rule 21(3) of Explosives Rules, 2008. Please note that a compound wall is always preferable.
 - (ii) Adequate number of security guards shall be provided for the safe custody of the factory or magazine as required under Rule 21 (1) of the said Rules.
 - (iii) Adequate lighting shall be provided around the periphery of the compound wall/ security fencing to have security checks on unauthorized entry.
 - (iv) Similarly, there shall be no vegetation around the periphery near the compound wall / security fencing for the reasons of security checks on unauthorized entry.

All the manufacturers are advised to please take note that any violation which may come to the notice of this Organisation shall lead to suspension of their manufacturing as well as storage licences.

All the manufacturers are requested to acknowledge receipt of this communication and to intimate action being taken by them as advised above.

Yours faithfully,



[P.B. Yedla]

Chief Controller of Explosives