

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:320
ANSWERED ON:11.07.2014
REGULATION ON SALE OF AMMONIUM NITRATE
Simha Shri Prathap

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(A) THE APPREHENSIONS REGARDING CLASSIFYING AMMONIUM NITRATE AS A 'SPECIAL CATEGORY EXPLOSIVE SUBSTANCE' UNDER ADMINISTRATION OF EXPLOSIVES ACT, 1884; (B) THE DETAILS OF CONSTITUTION, NUMBER OF MEETINGS AND VIEWS OF INTER-MINISTERIAL COMMITTEE CONSTITUTED TO WORK ON MODALITIES TO REGULATE ITS COMMERCIAL USAGE, HANDLING, STORAGE AND SALE; (C) THE OBJECTIONS RAISED OR RECEIVED BY THE GOVERNMENT FOR REGULATING ITS COMMERCIAL USAGE, HANDLING, STORAGE AND SALE; (D) THE NUMBER OF AMMONIUM NITRATE MANUFACTURERS IN THE COUNTRY, STATE/UT-WISE; AND (E) THE MANNER IN WHICH THE GOVERNMENT ENSURES THAT AMMONIUM NITRATE SOURCED IN GARB OF OVERTLY LEGITIMATE USES LIKE AGRICULTURE IS NOT COVERTLY DIRECTED BY SUBVERSIVE ACTS?

Answer

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF COMMERCE AND INDUSTRY (SHRIMATI NIRMALA SITHARAMAN)

(A): THE 'AMMONIUM NITRATE OR A COMBINATION THEREOF' HAS BEEN CLASSIFIED AS A 'SPECIAL CATEGORY EXPLOSIVE SUBSTANCE' IN EXERCISE OF THE POWERS CONFERRED BY CLAUSE (B) OF SECTION 2 OF THE EXPLOSIVES SUBSTANCES ACT, 1908 AS PER GAZETTE NOTIFICATION S.O. 2899(E) DATED 10 TH DECEMBER 2008. IT WAS APPREHENDED THEN THAT BECAUSE OF LIKELY MIS-USE OF AMMONIUM NITRATE BY ANTI-SOCIAL ELEMENTS FOR SUBVERSIVE ACTIVITIES, THE ITEM SHOULD BE INCLUDED AS A 'SPECIAL CATEGORY EXPLOSIVE SUBSTANCE' SO THAT BONAFIDE USERS OF AMMONIUM NITRATE AS A FERTILIZER, ETC. ARE NOT SUBJECTED TO AVOIDABLE HARASSMENT. THEREAFTER, AMMONIUM NITRATE WAS DECLARED AS AN EXPLOSIVE UNDER SECTION 17 OF EXPLOSIVES ACT 1884 ON 21ST JULY 2011 AND A NEED WAS FELT TO FRAME RULES AND REGULATIONS FOR ITS BONAFIDE USE FOR LEGITIMATE PURPOSES.

(B): A COMMITTEE WAS CONSTITUTED UNDER THE CHAIRMANSHIP OF DIRECTOR (EXPLOSIVES) ON THE RECOMMENDATIONS OF M/O HOME AFFAIRS WITH REPRESENTATIVES FROM MINISTRY OF CHEMICAL AND FERTILIZERS, AGRICULTURE, HOME AFFAIRS, LABOUR AND EMPLOYMENT/DGMS AND PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO). A TOTAL OF NINE MEETINGS INCLUDING THAT OF THE ABOVE SAID COMMITTEE, ITS SUB-COMMITTEE AND AT DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION /PESO LEVEL WERE HELD TO FRAME AND FINALIZE DRAFT AMMONIUM NITRATE RULES TO REGULATE ITS COMMERCIAL USAGE, HANDLING, STORAGE AND SALE.

(C): THE OBJECTIONS WERE RAISED BY STAKEHOLDERS AFTER PUBLICATION OF THE DRAFT AMMONIUM NITRATE RULES BY THE MINISTRY OF HOME AFFAIRS UNDER THE EXPLOSIVES SUBSTANCE ACT, 1908. AFTER SEEKING LEGAL OPINION OF MINISTRY OF LAW, THE DRAFT AMMONIUM NITRATE RULES WERE REMOVED FROM THE WEBSITE OF MINISTRY OF HOME AFFAIRS. SUBSEQUENTLY, AS PER THE OPINION OF MINISTRY OF LAW DRAFT AMMONIUM NITRATE RULES, 2011 WERE NOTIFIED BY THE DEPARTMENT OF INDUSTRY POLICY & PROMOTION UNDER THE EXPLOSIVES ACT, 1884 ON 18TH SEPTEMBER 2011 INVITING OBJECTIONS AND SUGGESTIONS FROM ALL PERSONS LIKELY TO BE AFFECTED THEREBY. THE OBJECTIONS AND SUGGESTIONS RECEIVED FROM THE PUBLIC ON THE SAID DRAFT RULES WERE DULY CONSIDERED BY THE CENTRAL GOVERNMENT BEFORE PUBLICATION OF AMMONIUM NITRATE RULES, 2012 IN THE GAZETTE OF INDIA DATED 11TH JULY 2012.

(D): THERE ARE 5 AMMONIUM NITRATE MANUFACTURERS IN THE COUNTRY NAMELY:

- i) M/S SMARTCHEM TECHNOLOGIES LTD, SHRIKAKULAM, ANDHRA PRADESH.
- ii) M/S GUJARAT NARMADA VALLEY FERTILIZERS CORPORATION LTD., BHARUCH, GUJARAT.
- iii) M/S RASHTRIYA CHEMICALS AND FERTILIZERS, MUMBAI, MAHARASHTRA.
- iv) M/S DEEPAK FERTILIZERS AND PETROCHEMICAL CORPORATION LTD., TALOJA, MAHARASHTRA.
- v) M/S NATIONAL FERTILIZERS LTD., PUNJAB.

(E): PROVISION EXISTS IN THE AMMONIUM NITRATE RULES, 2012 FOR LEGITIMATE USE OF AMMONIUM NITRATE FOR AGRICULTURAL ACTIVITIES. DISTRICT MAGISTRATES ARE ALSO AUTHORIZED TO GRANT LICENCE TO POSSESS FOR

USE AMMONIUM NITRATE FOR AGRICULTURAL PURPOSE FROM A STOREHOUSE. THE LICENSE HOLDER IS REQUIRED TO MAINTAIN THE ACCOUNTS FOR RECEIPT AND USE OF AMMONIUM NITRATE IN FORM R-8 AS PER AMMONIUM NITRATE RULES 2012. HE IS ALSO REQUIRED TO SUBMIT MONTHLY RETURN OF AMMONIUM NITRATE RECEIVED, USED, DESTROYED, STOLEN, ETC. IN FORM R-9 OF THE ABOVE SAID RULES TO THE LICENSING AUTHORITY EVERY MONTH.