STANDING ORDER NO. Lic.& Leg./32/2022

GRANT OF TEMPORARY FIREWORKS LICENCE DURING FESTIVE SEASON

INTRODUCTION

This Standing Order aims to lay down rules and procedures related to grant of Temporary Fireworks Licenses during the festive season. The Temporary Fireworks Licenses are granted by concerned District DCsP before the start of the festive season every year. The period of such license shall be 24 days, starting two days before Dussehra and shall continue up to two days after Diwali for *Pucca* shops. In case of Temporary Sheds, the licence shall be granted for not more than 15 days, as per the Explosives Rules, 2008 (As amended in 2019).

1. DERIVATION OF POWERS

As per section 146 (i) of the Delhi Police Act, 1978, the Commissioner of Police is empowered to exercise all powers which may be exercised by District Magistrate under the Acts mentioned in Schedule I, and the rules made there under, which include the Explosive Act, 1884 and the Explosive Rules, 2008.

Therefore, all the powers vested in the 'District Authority' as mentioned in the Explosives Act, 1884 and the Explosives Rules, 2008 are to be exercised by the Commissioner of Police, Delhi, which in case of Temporary Fireworks Licences, have been delegated to District DCsP vide order No. 19881-980/Addl. CP/Lic (Explosives) Delhi dated 02-07-2008.

Therefore, the Temporary Fireworks Licences are to be granted by concerned District DCsP before the start of the festive season every year. The period of such licence shall be 24 days, starting two days before Dussehra and shall continue up to two days after Diwali for *Pucca* shops. In case of Temporary Sheds, the licence shall be granted for not more than 15 days, as per the Explosives Rules, 2008.

The quantity allowed will be a maximum of 100 kg of manufactured fireworks (Class-7, Division-2, Sub-Division-2), as per Schedule I of Explosives Rules, 2008, which, in the opinion of Chief Controller, present a special hazard to a person, e.g. rocket shells, maroons, wheels, barrages, fountains, illumination pieces, distress signals, pyrotechnic devices etc.) and 500 kg of Chorsa crackers/ sparklers (Class-07, Division-2, Sub-Division-1) which in the opinion of Chief Controller, are relatively innocuous in themselves and not liable to explode violently or all at once e.g. sparklers (Chorsa crackers, serpents etc.) as per Schedule I of Explosives Rules, 2008, as amended in 2019.

However, for possession and sale of amorces and sparklers in quantity not exceeding one hundred kilograms, no license is required as per the Explosives Rules, 2008.

2. MANDATORY CONDITIONS

Grant of Temporary Fireworks Licences shall be so regulated that no fire accidents/incidents resulting in injury and loss of human life takes place. This should be done in accordance with the provisions of The Explosives Act, 1884, The Explosives Substances Act, 1908, The Explosives Rules, 2008, directions & guidelines of Hon'ble Supreme Court of India, the Explosives Department, Government of India, the Fire Department and the Environment Department, Government of NCT of Delhi. All District DCsP shall familiarize themselves with the relevant legislations, rules, guidelines etc. thoroughly before processing and granting temporary firecrackers licences.

a) GENERAL CONDITIONS (for Pucca Shops as well as Temporary Sheds)

i. Licences shall be granted only for a shop located on a commercial street or in a commercial shopping centre, as per the Master Plan Delhi- 2021 in accordance with Section 15.5 & 15.6.2 and 15.6.3. The list of notified commercial areas is given in supplement to MPD-2021.

ii. Minimum floor area required is 9 sq. metres and maximum floor area is 25 sq. metres.

iii. No person below the age of 18 years and no person who is addicted to intoxication or of unsound mind shall be granted a licence.

iv. The shop must be located on a minimum of six (06) meters wide clear motorable road (excluding obstructions like electric poles, kerbs, covered drains, pillars, raised pavements etc) with entry and exit facing the road, thus making it accessible for fire fighting.

b) <u>CONDITIONS FOR PUCCA SHOPS ONLY</u>

i. The shops shall only be located on the ground floor of a building completely separated from other parts of the building by substantial walls.

ii. The shop shall not be situated in the sub level or basement or mezzanine floor.

iii. The shop shall not be situated under the upper floor used for the purpose of dwelling.

iv. The shop shall not be situated under or nearby any staircase or lift.

v. The licenced premises must have an independent entrance and exit. However, in Babu Lal and Others Vs DCP Licensing and others, the Hon'ble Supreme Court of India has ruled "Normally shops have an opening which is used both for entry and exit - that it does not open into any other premises - is what is important so that in event of any difficulty there is a way out."

vi. The shops should have doors opening outwards. Alternatively, the doors may be provided with rolling shutters, but the same must be provided with stoppers, which must be functional.

vii. The shop shall be at a distance of minimum 12 metres from any shop or premises used for storage of similar explosives, flammable or hazardous materials.

However, the Hon'ble Supreme Court of India, in Sadar Bazar Fireworks (pucca shop) Association V/s Pankaj Traders & Others in CWP No. 499 & 747/93 & 4651/93 has ruled that appropriate instructions will be issued that "temporary licences are not denied on the ground that the cracker shops are adjacent to each other." In its interim order in the same case, it is further ruled that "the authorities will consider the request for grant of temporary licence to 'pucca' shop

owners in the Sadar Bazar and Jama Masjid areas on the condition that shop owners provide in their shops the following:-

a) Sufficient number of sand bags as may be directed by the concerned District DCP.

b) A water tank of the capacity as may be determined by the concerned District DCP.

c) One or more fire extinguishers, as may be directed by the concerned District DCP.

d) Restriction on stock to be kept so as not to exceed the quantity allowed by the concerned District DCP; and

e) Such other precautions as the concerned District DCP may consider appropriate to direct.

Temporary licences should, however, be issued to only those shopkeepers whose shops are not adjacent to shops in which inflammable or highly combustible products are sold and the shops are situated on the main thoroughfare where a fire brigade vehicle can have easy access and the location of the shop is within easy reach of its hose pipes. If the authorities deem it necessary to station a fire brigade vehicle in that locality to meet an emergency, the temporary licence holders will bear and deposit the expense thereof in advance, as may be directed by the concerned District DCP. If on account of the sale of fire crackers extra security arrangements are required to be made they may be made by the District DCsP and the temporary licence holders will bear and deposit the expenses thereof in advance, as may be directed."

In view of the above order, the above conditions for the grant of temporary licence may be relaxed in other places also, where similar conditions exist on ground.

viii. The shops should have no electrical apparatus or battery or oil lamp or similar equipment capable of producing spark or ignition and all electrical wiring in the shop should be fixed and effectively sealed or conduited or mechanically protected. The main switch or circuit breaker should be provided at the immediate accessible position outside the premises.

c) **CONDITIONS FOR TEMPORARY SHEDS ONLY**

i. The fireworks shall be kept in a shed made of non-flammable material, which is closed and secured so as to prevent unauthorized person having access thereto.

ii. The sheds for possession and sale of fireworks should be at a distance of at least 3 metres from each other and 50 metres from any protected works.

iii. The sheds should not be facing each other.

iv. No oil burning lamps, gas lamps or naked lights shall be used in the shed or within the safety distance of the sheds for the purpose of lighting. Any electrical light if used shall be fixed to the wall or ceiling and should not be suspended by flexible wire. Switches should be fixed rigidly near the ceiling and a master switch should be provided for each row of sheds.

v. Display of fireworks shall not be allowed within 50 metres of any sheds.

vi. In one cluster not more than 50 shops shall be permitted.

vii. Temporary shed shall not be permitted in such space which serves as the only fall back area for nearby residential or commercial area.

viii. The area of the temporary shed should not be close to any busy market.

ix. Temporary shed should be so located that these do not affect circulation of traffic, contingency evacuation including movement of emergency vehicles and smooth movement of pedestrians. Decision on the above shall be on case to case basis depending upon suitability of place from public security and safety point of view.

3. **DOCUMENTS TO BE SUBMITTED FOR OBTAINING LICENCE (FOR BOTH PUCCA AND TEMPORARY SHOP)**

i. Application form (Form No. AE-5 as per Rule 113) of the Explosives Rules, 2008, (copy of the form enclosed at **Annexure-I.**

(No District DCP or any other officer will change the format of the application forms or any other documents as specified in this Standing Order).

ii. Prescribed affidavit along with self attested photographs attested by the notary along with the documents. (Copy of the affidavit enclosed at **Annexure-II).**

iii. Two photographs of the applicant, which are self attested.

iv. Site plan of the premises:- The site plan should clearly show the approach road, electric wiring network, nearby structures and distances from nearby protected works as well as telephone junctions, transformers etc.

v. Photograph of the premises from all directions depicting the clearance from other shops of similar nature, if any

vi. Proof of residence.

vii. Proof of ownership/tenancy in case of rented premises.

viii. Bank Draft of Rs.200/- as scrutiny fee (non-refundable) payable to the concerned District DCP.

ix. In case of temporary sheds, copy of application submitted to land owning agency for obtaining its NOC/Tehbazari for the temporary fireworks shop.

4. PROCEDURE

i. The application forms for the temporary fireworks licences will be available free of cost at the office of concerned district DCP only in the prescribed format. It shall also be made available for download on the website of Delhi Police Licensing Unit.

ii. On receipt of the application form from the applicant along with its enclosures as per the check list, the same should be sent to the local police as well as fire department for their NOCs immediately without waiting for collection of a number of applications.

iii. Each application has to be given a specific number.

iv. A register will be maintained listing out the date of receipt of each application, date on which the SHO report was received, date of interview and date of final granting of licence. A separate complaint register will also be maintained.

v. The application form along with all the required documents will be submitted at the respective district DCP office.

vi. All the documents will be scrutinized as per the Check List **(Annexure-III)** (except the NOC of the Fire Department which will be obtained by the concerned office) and completed cases will be accepted and an acknowledgement receipt **(Annexure-IV)** will be issued by the receiving office.

vii. Letter to Fire Department will be issued **(Annexure-V)** asking for the NOC as per the format **(Annexure-VI).**

viii. SHO's report will be called as per covering letter **(Annexure-VII)** by the Licensing office or the concerned district DCP respectively.

ix. The verification report of SHO will be as per **(Annexure-VIII)**.

x. The inspection of the premises shall be conducted as per **(Annexure-IX).**

xi. In case of Temporary Shed, the licence may be granted provisionally if all the requisite criteria are met based on documents submitted by the applicant. Thereafter the inspection may be conducted on ground after the erection of the structure.

xii. In case there are two applicants whose proposed shops are lying within 15 metres of each others, the licence may be granted to the one who submitted his application earlier than the other, subject to the fulfillment of other conditions.

xiii. In case the applicant is carrying out some other trade in the proposed shop which is revealed at the time of inspection, the same cannot be a ground for rejection of his application. He may be granted a licence (subject to fulfillment of other conditions) with the proviso that he will not carry out any other trade during the period of sale of fireworks.

xiv. The licence after due approval shall be issued as per **(Annexure-X)**. Each application will be processed on a separate file. A licence fee of Rs. 600/- shall be charged while granting the licence. (As per Schedule IV of part 2 of Exp Rule, 2008).

xv. The District DCsP refusing to grant licence shall record in writing the reasons for such refusal and communicate the same to the applicant as per **Annexure XI.** The applicant shall be given an opportunity of being heard before a

decision to refuse the licence is taken. (Rule 114 of Explosives Rules, 2008).

xvi. **APPEAL**: An appeal against an order of the authority refusing to grant a licence or suspending or revoking a licence or varying the condition of a licence shall lie, with Joint Commissioner of Police of the concerned Range who will decide the appeal (Rule 121 & 122 of the Explosives Rules-2008). A fee of Rs. 300/- shall be deposited either in cash or through Demand Draft. In case the appeal is upheld by the appellate authority, the fee shall be refunded to the appellant.

xvii. A weekly statement of number of licences issued/rejected should be sent to the concerned Joint Commissioner of Police, Range, and a copy marked to Joint Addl.CP/Licensing for information.

5. PROCESSING TIME

The last date of the receipt of the completed forms will be a minimum of one month before the start of the festive season. The licences must be issued latest by one week before the start of the festive season (Dussehra). No licence should be issued after the prescribed date.

Joint Commissioners of Police, Ranges should exercise close supervision to ensure transparent processing and granting of these temporary licences so that public safety and security is not compromised in any manner.

6. CONDITIONS REGARDING POLLUTION

The conditions as envisaged under of Explosives Rules -2008 shall be adhered to by the Licencees and the local police will ensure the same.

a) Firecrackers shall not be used at any time in silence zones, as defined in S.O. 1046 (E) issued on 22.11.2000 by the Ministry of Environment and Forests. In the said Notification, Silence Zone has been defined as: "an area comprising not less than 100 metres around hospitals, educational institutions, courts, religious places or any other area which is declared as such by the competent District DCP."

Apart from the above conditions the following directions passed by the Hon'ble Supreme Court of India in the matter of Arjun Gopal

And Ors Vs. Union of India and others In Writ Petition (Civil) No. 728 Of 2015, Dated 03.10.2018, shall be complied with till the further direction, if any, by the Apex Court:-

Direction of the Hon'ble Supreme Court Of India in Writ Petition (Civil) No. 728 Of 2015, Dated 3.10.2018:

i. The crackers with reduced emission (improved crackers) and green crackers, as mentioned below in Suggestion Nos. (ii) and (iii) only would be permitted to be manufactured and sold.

ii. Use of Reduced Emission firecrackers (Improved crackers) - (a) Avoidance of use of ash as desiccant or filler materials in crackers for reduction in particulate matter by 15-20%. These can be implemented subject to approval by PESO, and (b) usage of charcoal meeting specifications of explosives and pyrotechnics as prescribed by PESO.

iii. Use of Reduced Emission firecrackers (Green crackers: Safe water and Air Sprinklers (SWAS) - Low emission sound and light emitting functional crackers with PM reduction by 30-35% and significant reduction in NOx and SO2 due to in-situ water generation as dust suppressant and low cost due to usage of low cost oxidants. These can be implemented subject to approval by PESO.

iv. As a consequence, production and sale of crackers other than those mentioned in aforementioned suggestion Nos. II and III is banned.

v. The manufacture, sale and use of joined firecrackers (series crackers or laris) is banned as the same causes huge air, noise and solid waste problems.

vi. The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling those firecrackers which are permitted by this order.

vii. No e-commerce websites, including Flipkart, Amazon etc., shall accept any online orders and effect online sales. Any such e-commerce companies found selling crackers online will be hauled up for contempt of court and the Court may also pass, in that eventuality, orders of monetary penalties as well.

viii. Barium salts in the fireworks is also hereby banned.

ix. PESO has been directed to review the clinical composition of fireworks, particularly reducing Aluminum content.

x. Even those crackers which have already been produced and they do not fulfill the conditions mentioned in Suggestion Nos. i and iii above will not be allowed to be sold in Delhi and NCR.

xi. PESO will ensure fireworks with permitted chemicals only to be purchased/possessed/sold/used during Diwali and all other religious festivals, of any religion whatsoever, and other occasions like marriages, etc. It shall test and check for the presence of banned chemicals like Lithium/Arsenic/Antimony/ Lead/Mercury.

xii. PESO will ensure suspension of the licenses of manufacturers of such fireworks items and appropriate disposal of such stock.

xiii. PESO will ensure that only those crackers whose decibel (sound) level are within the limits are allowed in the market and will ensure to take action by suspending the licenses of the manufacturers on such violations and disposal of such lots. To add to it, as mentioned in the order dated September 12, 2017, the directions issued and restrictions imposed in the order passed by this Court on July 18, 2005 in Noise Pollution (V) shall continue to be in force.

xiv. Direction Nos. 4 to 9 and 11 contained in the order dated September 12, 2017 shall continue to operate and are reiterated again.

xv. Extensive public awareness campaigns shall be taken up by the Central Government / State Governments / Schools /Colleges informing the public about the harmful effects of firecrackers.

xvi. On Diwali days or on any other festivals like Gurpurab etc., when such fireworks generally take place, it would strictly be from 8:00 p.m. till 10:00 p.m. only. On Christmas Eve and New Year eve, when such fireworks start around midnight, i.e. 12:00 a.m., it would be from 11:55 p.m. till 12:30 a.m. only.

xvii. The Union of India, Government of NCT of Delhi and the State Governments of the NCR would permit community fire cracking only (for Diwali and other festivals etc. as mentioned above), wherever it can be done. For this purpose, particular area/fields would be pre-identified and pre designated by the concerned authorities. This exercise shall be completed within a period of one week from the date of this order so that the public at large is informed about the designated places one week before Diwali. The areas designated now for the purpose of Diwali shall be valid for community fire cracking on other occasions/festivals as well, as mentioned above. Even for marriages and other occasions, sale of improved crackers and green crackers is only permitted.

xviii. All the official respondents, and particularly the Police, shall ensure that fireworks take place only during the designated time and at designated places, as mentioned above. They shall also ensure that there is no sale of banned firecrackers. In case any violation is found, the Station House Officer (SHO) of the concerned Police Station of the area shall be held personally liable for such violation and this would amount to committing contempt of the Court, for which such SHO(s) would be proceeded against.

7. DO'S & DON'TS FOR LICENCEES AND RESPONSIBILITY OF LOCAL POLICE

i. At least 4 sand bags must be kept in the premises. Additional sand bags depending upon the size of the premises are also required to be kept.

ii. Every licensed premises under these rules shall prominently display a "No Smoking" board in local language and in English along with display of "No Smoking" signage. Rule, 6 (A) Explosives Rule, 2019).

iii. At least two or more fire extinguishers of liquid/water CO2 type of 9 ltrs capacity each of ISI mark should be installed in the premises in sound working condition.

iv. The use of crackers and smoking should not be allowed near the sale area i.e. within 50 mtrs area from the shop.

v. Fire Hydrants should be located in the selected areas with the help of Licencees. The Fire Department & Delhi Jal Board may be associated to ensure that the location is satisfactory, adequate water pressure is maintained and is usable when it is required.

vi. Electricity supply companies like BSES/NDPL & Delhi Transco Co. etc. should be requested by the local police from time to time to check overhanging of electricity wires for ruling out the possibility of any short circuit and spark in the areas where fireworks shops are situated.

vii. Traffic Police shall ensure clear passage for fire tenders to reach the spot quickly in case of any incident.

viii. The road abutting the fireworks shops is invariably busy with inflow of vehicles. Hence the parking of vehicle in front of the fireworks shops pose imminent hindrance in upkeep of safety in and around the fireworks shops and areas within close proximity of Jama Masjid and similar congested areas should be declared

"No Parking and No Smoking Zone" in the interest of safety wherever feasible.

ix. Fireworks shall not be placed or kept in a shop window used for display of goods.

x. Fireworks shall be kept in a spark proof receptacle or the original outer pocket in which they were received if that package is effectively sealed and in good order and condition.

xi. A receptacle or package containing fireworks shall be kept in a position away from and clear of shop traffic and to be separated from all articles of a flammable or combustible nature.

xii. Where a package containing fireworks is opened for sale, the fireworks shall immediately be placed in a clean, dust free & spark proof receptacle.

xiii. Any additional decorative lights with loose and hanging wire at the licenced premises shall not be displayed.

xiv. The licencee shall not sell the fireworks from the pavement or any place outside of shop. The licencee shall also not encroach the pavement or the abutting road with the goods/fireworks boxes of his shop nor will he place any sales counter on the pavement or the road.

8. PROSECUTION

i. All the Districts & PCR will maintain a record of the fire accidents in the shops/premises of fireworks. Necessary intimation about the above shall be sent to the Licensing Branch, Delhi Police as well as Joint Chief Controller of Explosives, Department of Explosives, GOI, Hall No. 502 & 507, B-Block, Old CGO Complex, NH-4, Faridabad, Haryana, immediately.

ii. Necessary legal action against any person found in possession or selling explosives/fireworks without a licence as required under rule 88 of the Explosives Rules, 2008 shall be taken by the local police in accordance with section 9 (b) of the Explosives Act, 1884.

It has been found that, in the past, temporary firecrackers licences were issued where the applicant did not, initially or subsequently, meet the above mentioned requirements. Also, there were instances where perhaps on paper an applicant fulfilled the required criteria, but on ground the shop was selling some other commodities/goods and the crackers were sold as an additional item or by means of an extension of shop. It shall be the responsibility of the

concerned Distt DCsP to ensure 100% compliance of all the requirements. Spot inspections must be conducted to ensure that the site is maintained strictly in accordance with the guidelines. Premises should be photographed and proper certificate obtained regarding all the requirements having been fulfilled. However, unnecessary harassment of shopkeepers before the festive season on the pretext of checking of stock etc. should be strictly avoided. If necessary, the stock register can be checked. Even after the issue of the licence, regular checking must be done by the police station staff, ACsP/Vigilance of the concerned District, Addl. DCsP-I & II and DCsP of the district to ensure that there is no violation of the conditions of the licence and that no mishap occurs. It would be advisable for the DCsP themselves to check a few of the premises at random to ensure that the applications have been properly processed and conditions are fully complied with on ground.

9. SUPERSESSION CLAUSE

This Standing Order supersedes the previous Standing Order No.75/2012 issued vide No. 2132-2247/Record Branch/PHQ dated 08.08.2012.

10. DISCLAIMER

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.

Rakesh Asthana

(RAKESH ASTHANA)
COMMISSIONER OF POLICE:
DELHI. 23.5.22

No. 25451-25600 /Record Branch/PHQ dated Delhi, the 23/5/22

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.

6. DCP/HQ(IV)/PHQ with the direction to upload the Standing Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Librarian/PHQ.

Annexure – I

FORM AE-5

(See rule 113 of the Explosive Rules, 2008)

Application for approval or grant or amendment or transfer of licence in Form LE-5 as per article 5(a) to (f) of part 1 of Schedule IV.

I _____ on behalf of _____ apply for approval or grant or amendment of licence for the following purpose.

1. Purpose: (Write the purpose corresponding to particular article as per Schedule IV, Part I)

2. Name : I require licence in the following name and postal address:

   a) Name in which licence is required to be granted (see notes below)

   b) Status(1)

   c) Age(2)

   d) Postal address :

   City_____District_____ State_____

   Pin Code_____ Police Station_____ Railway Station/Steamer Ghat_____ Phone _____

   E-Mail _____ Fax _____

3. The proposed premises are situated at the following address :

   Survey Number _____ City_____ District _____ State _____ Pin Code _____

   Police Station_____ Railway Station/Steamer Ghat _____

   Phone_____ E-Mail_____ Fax_____

4. Explosives proposed to be possessed:-

S.No.	Name and Description	Class	Division if any	Quantity at any one time
1.				
2.				
3.				

5. If the explosives are to be used, furnish the particulars related to the purpose of use

6. Has the applicant been convicted under any offence or ordered to execute bond under Chapter VIII of Code of Criminal Procedure, 1973, during the last 10 years. If yes, please give details

a) Particulars of other licences under Explosive Act, 1884 if any held by the application during the last 10 years. Yes/No

b) Was any licence cancelled or not renewed?

c) If yes, give details

I hereby certify that the above particulars given by me are correct.

Date

Signature of the applicant
(Authorized person in case of a Company)

Full Name
Address

Notes-

Please see the rule for the purpose and documents to be enclosed.

(1) In case where application is made by a person other than an individual, the names and addresses of the occupier as per rule 2 and directors or partners or members, as the case may be, and specimen signatures of authorized person to be attached.

(2) Passport size photographs of the occupier to be attached.

(3) Any change in the above information should be immediately communicated to the licensing authority and authority renewing the licence.

(4) Age to be given in case the applicant is an individual.

Statutory Warning: Mishandling and misuse of explosives shall constitute serious criminal offence under the law.

INSTRUCTIONS FOR FILLING UP THE FORM BY THE APPLICANT

(1) In case where application is made in the name of company, the names and addresses of Directors and Partners and the names, addresses and specimen signatures of person or persons authorized to sign correspondence in respect of licence applied for should be given on a separate sheet and enclosed with this application form.

Any change in the above information should be immediately communicated to the licensing authority and authority renewing the licence.

(2) Age to be given in case the applicant is an individual.

(3) Please attach the following to application :-

a) Site plan of the proposed premises. The plan should be drawn to scale and show full approach road net work to the premises, nearby land marks, and safety distances from nearest protected works.

b) Plans showing construction details of the building, mounds, lightning conductors, etc.

(4) Delete whichever is not applicable.

NOTE :- In case, your application for temporary fireworks licence is rejected:-

a) You have a right to be heard by the licensing authority before rejection of such application.

b) The licensing authority has to intimate you in writing and mention the ground of such rejection in the said letter.

c) You have right to appeal before Joint Commissioners of Police of the concerned ranges in Delhi along with a fee of Rs. 300/- in cash or through demand draft.

d) In case the appeal is upheld by the appellate authority, the fee shall be refunded to you.

ANNEXURE-II

AFFIDAVIT

Specimen of affidavit to be submitted by applicants on non-judicial stamp paper of worth Rs. 10/- duly attested by a Notary Public for the grant of temporary fireworks licence)

I,_____Son/Daughter/Wife of _____

presently residing at _____ since _____ do solemnly affirm and declare as follows:-

1. That my date of birth is _____ (day month year

2. That I am permanent resident of _____(attach proof).

3. That I am medically fit. (attach a medical certificate issued by a registered MBBS Doctor).

4. That my nominee shall be Shri/Smt. _____ who is my_____(relationship) and residing at _____

5. That I have applied for temporary fireworks licence at the proposed premises located at .....(attach proof).

6. That I am/was not involved in any criminal case.

7. That I have never been externed from my place of stay by any judicial authority and neither am I a proclaimed offender of any state Govt. or of Delhi Police, and to the best of my knowledge there is no Red Corner Notice or any other Look Out notice pending against me.

8. That I have also no proceedings /cases instituted against me in the CBI, NCB, Enforcement Directorate, Directorate of Revenue Intelligence, Income Tax and Forest Department pending against me.

9. That I have also not been arrested, deported or involved in any illegal act in any other country where I have visited or resided.

10. That I have no other permanent or temporary fireworks licence already issued/applied for. If yes give details and attached documents in this regard.

11. I have applied for permanent fireworks licence previously _____ times. (If yes enclosed copy of earlier fireworks licence issued in favor of the applicant or the proposed premises.)

12. The proposed shop is located on a commercial street or in a commercial shopping centre as per Master Plan Delhi-2021 (attached proof). The sketch of the premises prepared by a drafts man is attached. Proof of ownership (tenancy in case of rented premises) is attached. This has a minimum floor area of 9sqmtr and maximum floor area 25sqmtr with pucca construction and it is not situated under or nearby any staircase/exit or lift. This has independent entrance and exit.

13. I have also attached self-attested two photographs and Bank draft for Rs.200/- as scrutiny fee of my application is for temporary fireworks licence.

14. There is no other fireworks shop, inflammable or hazardous materials or overhead high tension power lines within a distance of 15 mtrs. from my pucca shop.

15. The temporary sheds for possession and sale of fireworks is having a distance of at least 3 meters from the other temporary sheds and 50 meters from any protected works.

16. The temporary sheds will be made of non-inflammable material and will be installed at an open site.

17. These temporary sheds shall not be more than 50 at one site and 10 in a row, which will be erected in such way that the sheds will not be facing each other.

18. No other items shall be kept/sold other then fire crackers in the shop.

19. The electric fitting of the shop is through conduit/concealed so that it shall be spark free.

20. A minimum of 6 meters wide clear motorable road is required (excluding obstructions like electric pole, kerb, covered drains, pillars, raised pavements etc.) on the site of the premises with entry and exit facing the road.

21. That I will make requisite arrangements for keeping the stock of fire crackers in safe place and to avoid access of children and other unauthorized persons to the fire crackers in the larger public interest.

22. That I require a temporary/permanent fireworks licence because (Give full justification which is to be submitted during interview orally)

23. I shall always keep all fire safety arrangements and I will be liable for any mis-happening.

24. That I shall not employ children/juvenile in the shop.

25. I will ensure that the upper floor of the shop is not used as a dwelling unit.

26. That I shall comply the directions passed by the Hon'ble Supreme Court of India in its various judgments in W.P.(C) No. 728/15 titled as Arjun Gopal &Ors V/s Union of India & Ors.

27. That I shall not sell any crackers other than Green Crackers and/ Chorsa.

The particulars furnished by me above are true & correct to the belief of my knowledge and I have not concealed or misrepresented any facts.

DEPONENT

ATTESTED

Signature and official seal
of notary public

****

Annexure – III

CHECK LIST

Sr. No.	Document	Yes/No	Rema
1	Application form (Form AE-5 as per Rule 113 of the Explosive Rules, 2008, Copy of the form enclosed at Annexure-I)		
2	Prescribed affidavit attested by the notary along with the documents. Copy of the affidavit enclosed at Annexure-II)		
3	Two self attested photographs of the applicant		
4	Site plan of the premises. The site plan should clearly show the approach road, electric wiring network, nearby structures and distances from nearby protected works as well as Telephone junctions, Transformers etc. It should also depict the clearing distance from other temporary sheds giving the picture of the whole locality so that the site is clear for each individual site in conjunction with other sites.		
5	Photograph of the premises from all directions depicting the clearance from other shops of similar nature, if any		
6	Proof of residence		
7	Proof of ownership / tenancy in case of rented premises		
8	Bank draft of Rs. 200/- as scrutiny fee (non-refundable) payable to the concerned district DCsP, as applicable		
9	Fire NOC		
10	Any temporary/permanent fireworks licence issued earlier in favour of the applicant or the proposed premises.)		

Annexure – IV

ACKNOWLEDGEMENT SLIP

Sl No._____

Application of Shri/Smt/Ms. _____

S/o/D/oShri_____R/o_____

_____

Received for the grant of permanent / temporary fireworks licence along with scrutiny fee of Rs.200/- vide DD No. _____ dated _____

(Office seal)

Dated:-

Annexure – V

OFFICE OF THE DEPUTY COMMISSIONER OF POLICE, DISTT._____

No. /...../..... dated, New Delhi, the

To

The Chief Fire Officer,
Delhi Fire Service,
Connaught Place,
New Delhi.

Subject: Regarding grant of permanent/temporary fireworks licence.

Sir,

Shri/Smt./Ms. _____
New Delhi, has applied for the grant of permanent / temporary fireworks licence at premises _____

You are requested to furnish your comments/objections (NOC) from fire safety point of view as per the enclosed proforma.

Yours faithfully,

(Office seal with designation)

Annexure – VI

FORMAT OF NOC TO BE ACCEPTED FROM THE FIRE DEPARTMENT

Letter No.

Address of the Premises:

Date of Inspection:

Inspection Proforma:.

Sl. No.	Points	Remarks
1.	Approach road: - A minimum of 06 meters wide clear motorable road is required (Excluding obstructions like electric pole, kerb, covered drains, pillars, raised pavements etc).	
2.	Type of electric wiring and electrical fitting. (a) Electric wiring in conduit. (b) Provision of ELCB, MCB/FUSES	
3.	Fire protection arrangements. a) Extinguishers are ISI marked viz.: I) Water-CO2 [9 liters capacity]. II) DCP Extinguisher 5 Kgs. capacity b) Minimum two sand and two water buckets.	
4.	Any other remarks :-	

Recommendation of the inspecting officer: NOC to be issued/not to be issued in view of the non compliance of the condition at serial no.

Signature of the Inspecting Officer (with seal)

Name:

Designation:

Annexure – VII

OFFICE OF THE DEPUTY COMMISSIONER OF POLICE: DISTT___

No. /...../..... dated, New Delhi, the

To

The Asstt Commissioner of Police,

_____

Subject: Regarding grant of temporary fireworks licence.

Sir,

Enclosed please find herewith an affidavit submitted by Shri/ Smt/ Ms._____ R/o _____ _____ for Permanent/Temporary fireworks license at premises _____, New Delhi, who has applied for the grant of permanent/temporary fireworks licence at premises _____.

Copy of application along with its enclosures submitted by the applicant is enclosed for reference.

The particulars given in the affidavit submitted by the applicant may be got verified from SHO concerned on the enclosed form itself.

To save time in processing, the SHO can send the filled verification form, duly signed by him, back to this office within 15 days.

(Deputy Commissioner of Police)

Annexure – VIII

COPY FOR POLICE VERIFICATION

Part-A Particulars of Applicant

1. Full Name: _____
2. Aliases, if any: _____
3. Father's Name _____
4. Date of Birth : _____
5. Temporary Address, Mention clearly whether tenant: _____
   _____
6. Permanent Address (Same as in Election Card/Ration Card):
   _____

   Residing since: _____
7. Duration of Stay :- at permanent address : _____
   at temporary address : _____
8. Occupation (Profession/Business/Govt./Private Service/Doctor etc. _____ Telephone No _____
   Income Tax/PAN No. _____
9. (a) Explosive proposed to be possessed and sold _____

   (b) Name and Description and quantity _____
10. Name of nominee, relationship and address _____
    _____
11. Addresses and Date of Birth verified give details_____
12. Occupation of the applicant as verified give details _____
13. Whether any complaint filed against the applicant? If yes give details_____

14. Involvement in criminal cases? If yes, give details:-
_____

15. Whether arrested in any criminal cases? If yes, give details
_____
_____

16. Whether convicted in any criminal? If yes, give details_____
_____

17. Whether acquitted in any criminal case, if yes what are the grounds (As per the details of register No.9 of P.S) give details
_____
_____

18. Whether preventive proceedings initiated to bound down the applicant for keeping good behaviour under CrPC & D.P Act
_____

19. Does the applicant figure on the BC list of the police station (as per details of register No.10 of the police station)? If yes give details_____
_____

20. Does the name of the applicant figure in Register No. 17 of P.S.? if yes give details _____ _____

21. Has the applicant been involved in cases with any other agency like CBI, Narcotics Control Bureau, D.R.I, Enforcement Directorate etc., which is in the knowledge of the SHO vide D.D entries of the P.S. for service of summons, execution of warrants etc.? if yes give details _____
_____

22. Has the applicant filed any complaint regarding threat to his life or his family? If yes, give details _____
_____

23. Verification of nominee (if any) _____

24. Any other remarks_____

Signature of SHO
(Write Full Name, Date and affix stamp)

Annexure- IX

INSPECTION PROFORMA

Fireworks shops (Temporary).
(Please see instruction No 8 for the temporary sheds in this proforma)

1. M/s _____
2. Name (s) of the proprietor / partners _____
3. Contact Numbers _____
4. Fireworks Licence No._____(to be) / issued by _____
5. Date & time of inspection _____
6. Quantity authorised Fireworks _____ Sparklers _____
7. Quantity found_____ Fireworks _____sparklers_____ during checking/(or applied for in case of fresh licence application)
8. Fire safety requirements for premises involving sale/ storage of fireworks
   Remarks:

a) Number of Fire extinguishers _____

b) Number of sand bags available _____

c) Number of Water Buckets available _____

d) Minimum floor area (9 sq. mtr or less) _____

e) Maximum floor area (25 sq. mtrs or excess) _____

f) Any other premises within 15 m used for similar explosives/ flammable or hazardous material, if so, licence number with details of premises:-
_____

g) Any other similar premises (in case of temporary fireworks licence) within 3 m _____

h) Type of Electric wiring and electric fitting (Conduit/concealed /Spark proof/Loose) _____

i) Any other trade/mercantile along with fireworks, if so, the details thereof _____

j) Any Child labour _____

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09. Whether the premises/shop is located on a commercial street or in a commercial shopping centre as per Master Plan Delhi-2021 _____

10. Construction features:-

a) Whether shop is under staircase/means of exit _____

b) Whether shop is only at ground floor _____

c) Whether shop has independent entrance and exit _____

d) Whether shop is used only for possession and sale of fireworks and not used for other purposes _____

e) Whether the shop has pucca construction.

f) Whether upper floor are used for dwelling _____

11. Signage Board like No Smoking Board Yes/No

DO's & DON'T's displayed or otherwise Yes/No

12. Noise level mentioned on fireworks packets or not Yes/No

13. Encroachment on pavement Yes/No

(In case of yes, please mention what type of encroachment)

_____

_____

14. Any other discrepancy noticed _____

In case of any discrepancy noticed, whether local police informed or otherwise.

If so D. D. No. _____ dated _____ P.S. _____

Signature of Inspecting Officer,

Points for inspection

1. The premises/shops/sheds in which such licences are to be granted should be strictly prohibited from selling other items / articles.

2. The premises should be accessible by fire tenders and their hosepipes.

3. There should be no loose electric wiring in the premises. No oil lamps/gas lamps or naked light shall be used.

4. Shops should have independent entry/exit.

5. No sale of fireworks will be allowed on footpath/pavement.

6. Explosives should not be hawked, sold or exposed for sale on any highway, street, public thoroughfare or public place.

7. Display of fireworks shall not be allowed within 50 meters of any shop of premises.

8. For temporary sheds the site may be cleared only by careful examination of the drawings which shall also have the position of other sheds, shops, adjoining road distances and the whole area has to seen complying with the distance norms, before the licence is processed for each individual shed. The inspection for temporary sheds will therefore again be conducted after the grant of licence to check the discrepancy in the construction vis-à-vis the drawings submitted earlier. Any discrepancy in the safety distances, the licence shall be cancelled and action taken according to the law.

Annexure-X

LICENCE TO POSSESS AND SELL MANUFACTURED FIREWORKS

(quantity not exceeding 500 kilograms of Chorsa crackers/ sparklers of Class-7, Division-2, sub-division-I and 100 kilograms of manufactured fireworks of Class-7, Division-2, sub-division-II)
(Form LE-5, see also Rule 107 of Explosive Rules 2008 and article 5(a) to (f) of schedule IV)

LICENCE NO_____

Fee Rs._____

1. Licence is hereby granted to:

   Name_____

   Postal Address_____

   Police Station_____ Railway Station/Steamer Ghat

   _____ Phone_____ E-mail

   _____ Fax _____

2. Status of Licencee:

3. Licence is valid for following purpose:

4. Licence is valid for the following kinds and quantity of explosives:

   (Name, description, Class, Division, sub-division, quantity at any one time)

5. The licenced premises shall conform to the following drawing(s):

   Drawing No. dated

   Drawing No. dated

   Drawing No. dated

6. The licenced premises are situated at following address:

Survey Number _____City _____ District _____ State _____ Pin Code _____ Police Station_____ Railway Station/ Steamer Ghat _____ Phone _____ E-Mail_____

7. The licenced premises consist of following facilities:

8. The licence is granted subject to the provision of Explosives Act, 1884 as amended from time to time and the Explosives Rules, 2008 framed there under and the conditions, and annexure.

   (i) Drawings (showing site, constructional and other details) as stated in serial no. 5 above.

   (ii) Conditions of this licence signed by the licensing authority.

9. This licence shall remain valid till

(In case of temporary sheds, licence shall be valid for not more than 15 days).

This Licence is liable to be suspended or removed for any violation of the Act or Rules framed there under or the conditions of this licence if the licences premises are not found confirming to the description as per attached plans and annexure attached hereto.

Conditions for Fireworks Licence

1) All explosives on the premises shall be kept in a substantial brick stone or concrete building, which is closed and secured so as to prevent unauthorized persons from having access thereto.

2) The interior of every building and receptacle used for keeping explosives and the shelves and fittings therein shall be so constructed, or so lined and covered as to prevent the exposure of any iron or steel, or the detaching of any grit, iron, steel or similar substance in such manner as to come into contact with the explosives. Such interior, shelves and fittings shall, so far as is reasonable practicable, be kept free from grit and otherwise clean.

3) The building or receptacle in which explosive is kept must be used only for keeping of such explosives and for no other purpose whatsoever.

4) Explosives of different description which may be kept under this licence shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other :

Provided that –

a) Small arms nitro-compound and safety fuses belonging to this 1st division of the 6th [Ammunition] Class may be kept with each other without any intervening partition or space;

b) The various explosives of the 1st division of the 6th [Ammunition] Class may be kept with each other without intervening partition or space; and

c) The various explosives of the 7th [Fireworks] Class other then those containing chlorates may be kept with each other without any intervening partition or space.

5) Any quantity exceeding 25 Kgs. of an explosive of the 1st Division of the 6th [Ammunition] Class or of the 2nd Division of the 7th [Fireworks] Class and all other explosives exceeding 0.5 Kg. must be kept in a substantial bag, canister or case made and closed so as to prevent any explosives from escaping and shall be otherwise packed and marketed in accordance with the requirements of Rules 14 and 15 of the Explosives Rules, 2008.

6) No oil, paints, matches, lights, any article of a highly flammable or explosive nature or liable to cause fire or explosion or any acids or similar substances, shall be brought or kept on the licenced premises.

7) No tools, implements, balance, weights, etc. made of iron or steel shall be kept at any time in the licenced premises, and no person on the licenced premises shall have any iron or steel in his possession, or attached to or on his boots or shoes.

8) The licencee shall keep records and accounts of all stock of explosives in hand and of all sales in Form RE-3 and RE-4 shall exhibit his stock and his books and records to any of the officers authorized under Rule 128 of the Explosives Rules, 2008 whenever such officer may call upon him so to do.

9) All sales of explosives under this licence must be affected on the premises described on the face of the licence.

10) All losses, shortages of stock and thefts of explosives shall be reported without delay to the police station in whose jurisdiction the licenced premises are situated and to the licensing authority.

11) Free access to the licenced premises shall be given at all reasonable time to any inspecting or sampling officer and every facility shall be afforded to the officer for ascertaining that the provisions of the Act and the Rules and the conditions of this licence are duly observed.

12) The licencee shall not sell the fireworks from outside of the shop or by encroaching on the footpath/pavement etc.

13) The licencee shall not stock the fireworks at any unauthorised place.

ADDITIONAL CONDITIONS

14) The manufacture, sale or use of fire-crackers generating noise level exceeding 125 dB (Al) or 145 dB (C)pk at 4 meters distance from the point of bursting shall be prohibited.

15) For individual fire-cracker constituting the series (joined fire-crackers), the above mentioned limit be reduced by 5 log 10 (N) dB, where N =number of crackers joined together.

Signature, Designation and seal of licensing authority

I agree with the terms and conditions mentioned above and undertake to abide by and implement them on ground.

Signature of the licencee.

Annexure – XI

Office of the Deputy Commissioner of Police:_____ District, Delhi

No. /...../..... dated, New Delhi, the

To

Sh. _____

_____

Subject: Regarding rejection of your application for grant of temporary fireworks licence.

Sir,

With reference to your application No. _____ dated_____ regarding grant of temporary fireworks licence at _____.

In this regard, it is intimated that your request could not be acceded to, on the following grounds:-

1._____

2._____

3._____

In case, you are aggrieved/not satisfied with the above decision, you may appeal before the Joint Commissioner of Police, _____ Range at Police Headquarters, I.P. Estate, New Delhi within 15 days along with a fee of Rs. 200/- in cash or Demand Draft (The amount will be reimbursed in case the appeal is upheld by appellate authority).

Yours faithfully,

Dy. Commissioner of Police,
Distt., Delhi.