



GUIDELINES FOR OBTAINING TEMPORARY FIREWORKS LICENSE.

The Hon'ble Supreme Court of India in Writ Petition (Civil) No. 728 of 2015 titled as Arjun Gopal and Others versus Union of India and Others r/w IA Nos. 6 & 8 of 2016, IA Nos. 10, 11, 80176,96202, 109668, 109720 and 122778 of 2017, IA Nos. 68888 and 68897 of 2018 has issued directions for storage and sale of Fire Crackers. The applicants desirous of seeking temporary fireworks licenses in terms of directions issued by the Hon'ble Supreme Court of India may apply for storage and sale of Reduced Emission firecrackers in the following PESO Certified categories upto a maximum of 600 kgs:

- A) Improved crackers
- B) Green crackers: Safe Water and Air Sprinklers (SWAS)

The applications for seeking temporary firework licenses can be obtained from website www.delhipolicelicensing.gov.in and the offices of jurisdictional District DCsP. The applicants are required to comply with the following judicial directions, legal provisions, rules, for obtaining licenses either for a pucca shop or a temporary shed.

**IMPORTANT DIRECTIONS OF THE HON'BLE SUPREME COURT OF INDIA
PASSED IN THE MATTER OF ARJUN GOPAL AND ORS VS. UNION OF INDIA AND
OTHERS IN WRIT PETITION (CIVIL) NO. 728 OF 2015.**

- No items(s) other than the Reduced Emission firecrackers (Improved crackers) and Reduced Emission firecrackers (Green crackers: Safe Water and Air Sprinklers (SWAS) as prescribed and approved by the Petroleum and Explosive Safety Organization (PESO) shall be sold/kept in the premises.
- Following categories of firecrackers are banned/not permitted by the Hon'ble Supreme Court of India:-
 - a) Joined firecrackers (series crackers or laris)
 - b) Fireworks containing barium salts/lithium/arsenic/antimony/led/mercury
 - c) Firecrackers which have been manufactured earlier but are non-permissible as per above judgment.
- Only those crackers are permitted to be sold whose decibel (sound) level are within the permissible limits as mentioned in the Hon'ble Supreme Court orders dated September 12, 2017, passed in Writ Petition (Civil) No. 728 of 2015 titled as Arjun Gopal and Others versus Union of India and Others, and the directions issued and restrictions imposed in the order passed in judgment dated 18.07.2005 passed by the Hon'ble Supreme Court of India in WP(Civil) titled as "Noise Pollution Vs. Unknown"
- Bursting of fireworks is not allowed in silence zones that is, an area at least 100 meters away from hospitals, nursing homes, primary and district health-care centers, educational institutions, courts, religious places or any other area that may be declared as a silence zone by the concerned authorities.

- The firecracking would strictly be from **8:00 p.m. till 10:00 p.m. only** on *Diwali* days or on any other festivals, and from **04.00 am till 05.00 am and 09.00 pm till 10.00 pm** on *Gurpurab*, when such fireworks generally take place.
- The Firecracking would be from **11:55 p.m. till 12:30 a.m.** only on Christmas Eve and New Year Eve, when such fireworks start around midnight, i.e. 12:00 a.m.
- Community fire cracking should be undertaken at pre-identified areas/fields as far as possible.

General conditions (for pucca shops as well as temporary sheds):-

- Grant of temporary fireworks licences shall be granted 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 (PESO), the Fire Department and the Environment Department, Government of NCT of Delhi.
- 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.
- 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.

Requirements for pucca shops:

- The shop should have a minimum floor area of 9 sq meters and maximum floor area of 25 sq meters.
- Shop should be 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.
- Shop must be located on the ground floor of the building completely separated from other parts of the building by substantial walls and should not be located in the sub level or basement or mezzanine floor, under or nearby any staircase or lift.
- The shop should not be situated under the upper floor used for the purpose of dwelling.
- The shop should not be within 15 metres distance from any shop or premises used for storage of similar explosive, flammable or hazardous materials.
- A minimum of 6 meter 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.
- The pucca shops seeking temporary license situated in the Sadar Bazar and Jama Masjid areas shall be granted license according to judgment passed by the Hon'ble Supreme Court of India in Writ Petition(Civil) No. 728 of 2015 titled as Arjun Gopal and Others versus Union of India and Others and provisions of *The Explosives Act, 1884* and *The Explosives Rules, 2008*,
- 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.

- Shop should have adequate ISI approved fire-fighting equipments.
- The licensed premises must have an independent entrance and exit. 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.

Requirement for temporary sheds:-

- The shed should be made of non-flammable material. It should be closed and secured enough to prevent unauthorized access.
- 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 (as defined in Petroleum Rules, 1976).
- The sheds should not be facing each other.
- 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.
- Display of fireworks shall not be allowed within 50 metres of any sheds.

- In one cluster not more than 50 shops shall be permitted.
- Temporary shed shall not be permitted in such space which serves as the only fall back area for nearby residential or commercial area.
- The area of the temporary shed should not be close to any busy market.
- 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.

USEFUL INFORMATION FOR APPLICANT:-

- Application forms, prescribed affidavit, and terms & conditions will be available w.e.f. 01/09/2022 www.delhipolicelicensing.gov.in
- Prescribed Form & Affidavit are also available at the offices of jurisdictional DCsP offices from 01.09.2022 to 09.09.2022.
- Duly filled up application forms alongwith prescribed affidavit and requisite documents can be submitted at the offices of jurisdictional District DCsP from 01.09.2022 to 09.09.2022. (both days inclusive). upto 06.00 PM.
- Last date of depositing application forms is 09.09.2022.
- Validity of temporary fireworks license for pucca shops is 24 days, and 15 days for temporary shed from the date of issuances of respective license.
- The Licensing Authority (jurisdictional DCsP) should intimate the applicant in writing and mention the ground of rejection of his application.

- The applicant can file an appeal against the rejection of his application before the Joint Commissioner of Police of the concerned Range on 04.10.2022 & 06.10.2022 along with a fee of 300/- in cash or through demand draft.
- Appeals will be decided by the jurisdictional Joint CsP/Ranges on 07.10.2022 & 08.10.2022.
- In case the appeal is upheld by the appellate authority, the fee shall be refunded to the applicant.

The following documents shall be submitted by applicants alongwith application form:

- Self attested prescribed Affidavit available along with the application form.
- Site plan of the premises prepared by a registered architect.
- Four photographs of the premises (5x7 inches) from different directions depicting the clearance from adjoining shops/premises and other shops of similar nature.
- Proof of ownership/tenancy of the premises.
- Undertaking regarding court directions.
- Any other documents as prescribed available in the checklist alongwith the application form.

Note: - (1.) The above guidelines are only indicative and not exhaustive. For details kindly see the *The Explosives Act, 1884, The Explosives Substances Act, 1908, The Explosives Rules, 2008*, Judgment dt. 01.11.1993 passed by the Hon'ble Supreme Court of India in WP(Civil) No. 499, 747/93 & 4651/93 titled as Sadar Bazar Fireworks (Pucca Shop Association) Vs. Pankaj Traders & Others, Judgment dt. 18.07.2005 passed by the Hon'ble Supreme Court of India in WP(Civil) titled as "Noise Pollution Vs. Unknown" and

Judgments dt. 12.09.2017 and 23.10.2018 passed by the Hon'ble Supreme Court of India in IA Nos. 6 & 8 of 2016, IA Nos. 10, 11, 80176,96202, 109668, 109720 and 122778 of 2017, IA Nos. 68888 and 68897 of 2018 in Writ Petition(Civil) No. 728 of 2015 titled as Arjun Gopal and Others versus Union of India and Others.

(2.) On 01/12/2020, NGT ordered that there will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic in the NCR and all cities/towns in the country where the ambient air quality falls under the 'poor' and above category. On 23/07/2021, Hon'ble Supreme Court of India dismissed the appeal of Uttar Pradesh Udhog Vyapar Pratinidhi Mandal & Anr. Vs Ministry of Environment, Forest and Climate Change & Anr., filed against the NGT order dated 01.12.2020. Hon'ble Supreme Court clarified that there will be total ban on sale and use of all kinds of Fire Crackers during Covid-19 pandemic only where the air quality become poor or more than poor category. It was further clarified that if the air quality of the concerned area is moderate or better the authorities may permit the sale and use of green firecrackers. **With the above directions of the Hon'ble Apex Court, it is pertinent to note that the Authorities can permit the sale and use of green firecrackers, if air quality of Delhi is found moderate or better. In this way the process of grant of temporary as well as permanent fireworks licenses will be subjected to the clearance/directions of the Authorities responsible for monitoring the air quality index.**