

18/2007

Police Department Circulars » Crimes »



No.T8-24720/2007
Police Headquarters, Kerala,
Thiruvananthapuram
Dated: 25 -07-2007.

CIRCULAR No. 18/2007

Sub: Fire Works Displays - Precautions to be taken - Strict Compliance instructions - Reg.

- Ref: (1) Directions of Hon. Supreme Court of India issued in Judgment dated 18.07.2005
(2) The Gazette of India No. 488 dated 5.10.1999
(The Environment (Protection) 2nd Amendment Rules, 1999)
(3) The Gazette of India No. 92 dated 14.2.2000 - (Noise Pollution (Regulation & Control) Rules, 2000)
(4) PHQ Circular Nos. 22/69, 78/69, 22/76, 26/82, 17/02
(5) PHQ Executive Directive Nos. 25/04 & 02/05
(6) PHQ Notification No.U6/30380/02 dated: 28.11.2002

The State of Kerala is known for its marvelous Temples, Churches and Mosques. These places of worship celebrate auspicious days and festive occasions in an elaborate and grand manner and these celebrations and festivals are attended by a very large number of people. Many of these festivals are incomplete without large scale fire-works displays. Occasionally these fire-works displays result in serious fire accidents and / or uncontrolled, accidental explosions, leading to injuries to persons and even loss of lives and property. Also, there are a large number of people who object to such fire-works displays especially due to the sound pollution caused by them. Consequentially, the Hon. Supreme Court of India, in various Judgments, has laid down stringent conditions on the extent of sound levels that are to be permitted during such Celebrations. The Govt. of India have formalized these pronouncements by issuing Noise Pollution Control Rules etc.

02. The Police are duty bound to implement these Rules strictly and to regulate such fire-works displays in such manner so as to prevent accidental fires and

explosions and to ensure the safety of the public in general and that of those attending the festivals in particular. At the same time, they have to ensure that the Public is able to celebrate these festivals with gaiety and fanfare, without undue inconvenience. It is, therefore, necessary for the Police to take adequate and proper precautionary and preventive steps for the smooth celebration of these Festivals and fire-works displays in such manner as to ensure safety of the public and to enforce Noise Pollution Control Rules in a manner that causes least inconvenience to all concerned. In this connection attention is invited to the References 4th 5th and 6th cited by which instruction have been issued time and again, to be strictly followed by all concerned. In this connection attention is invited to the references 4th 5th and 6th cited by which instructions have been issued thrice and again to strictly followed by all concerned.

03. It is found necessary to re-iterate the instructions, and to ensure this, the following directions are issued for strict compliance by all the Police Officers, specially SHOs :-

- (1) Fire Works Display will be allowed only after the organizers have obtained the requisite Display license from the Additional District Magistrate concerned and the NOC from the Chief Controller of Explosives.
- (2) The Fire Works Display shall be allowed to be carried out only by Trained and Experienced persons who have obtained the above-mentioned Licenses and NOCs and any other permissions that may be prescribed by Govt. or authority authorized to do so.
- (3) The Display of Fire Works shall under no circumstances be allowed after 2200 hrs and before 0600 hrs. A written undertaking to this effect will be obtained from the organizers named in the license/NOC.
- (4) The Explosives meant for the fire works will be kept in safe places and this will be ensured by physical inspection and verification that all the conditions stipulated by the Controller of Explosives for storing the Explosives are strictly followed. Such inspection will be carried out by the SI having jurisdiction over the area or an officer of higher rank.

- (5) The Police will not give NOC for fireworks display in a casual and routine manner; but only after a Police Officer, not below the rank of a Sub Inspector of Police, inspects the places where the Fire Works display is planned to be held and only after personally satisfying himself that the place selected for the display is safe in all respects and that the Organizers of the Festival have complied with all the conditions for organizing the display in letter and spirit. He should ensure that all the requisite safety mechanisms including fire-fighting equipments, barricades, etc. are in place.
- (6) The Fire Works Display without the requisite permissions from the Additional District Magistrate, Controller of Explosives etc. will not be allowed by the Police under any circumstances. The Police will not wait till the last minute but insist on the organizers producing all Licences /NOCs at least 48 hours before the actual display so that there is sufficient time for inspections and for carrying out additional safety measures that may be required to be put in place after inspection. If the Organizers go ahead with their plans without heeding to the advice of the Police, then the Police shall promptly initiate Legal Action including the search of such premises where the explosives for the fire display are stored and seizure of illegally stored explosives after obtaining Court orders if so warranted. The investigation of such cases will be promptly carried out and the persons responsible for the violation of laws/ rules produced before the concerned Court.
- (7) In all instances of Fire Display with or without valid License, the Police shall collect samples in the presence of witnesses under Mahassar and send them to the FSL for examination. In cases where Prohibited Substances such as Potassium Chlorate are found to be used, the persons who are responsible for the same will be promptly prosecuted.
- (8) The Police will ensure the presence of Officials of the District Administration, Explosives Department, Pollution Control Department,

Fire and Rescue Services at all the places of Major Temple/ Church/ Mosque Festivals. There should be effective co-operation and co-ordination between the Officials of all these departments.

- (9) The noise standards prescribed for the fire-crackers by the Environment (Protection) (Second Amendment) Rules, 1999 are given hereunder these will be strictly enforced without exception. These standards will be brought to the notice of organizers in writing well in advance of the annual display.
- (A) (i) The manufacture, sale or use of fire-crackers generating noise level exceeding 125 dB(AI) or 145 dB(C)pk at 4 meters distance from the point of bursting shall be prohibited.
- (ii) 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.
- (B) The broad requirements for measurement of noise from fire - crackers shall be -
- (i) The measurements shall be made on a hard concrete surface of minimum 5 meter diameter or equivalent.
- (ii) The measurements shall be made in free field conditions i.e., there shall not be any reflecting surface upto 15 meter distance from the point of bursting.
- (iii) The measurement shall be made with an approved sound level meter.
- (10) In places where Gundus (shells) and such powerful explosive substances are used for Fire Display, the following precautions will be taken:
- (a) The Box Gundus will be safely secured by tying them with metal wires to two or three bamboo poles planted aside so that these gundus fly straight into the air before exploding and do not get deflected to areas where public has access or towards Public / Private Properties.
- (b) The boxes in which Gundus are kept shall not be more than 25 and this

limit will be strictly enforced by the Police.

- (c) The Gundus shall be kept in deep pits in the soil, and shall be secured to the bamboo poles with metal wires.
- (d) Strong Barricades will be erected around such places of display at a safe distance and the Public will not be allowed to cross such barricades or go close to the places where such gundus or explosives are exploded or stored.
- (e) Only Trained, Authorized and Licensed persons will be allowed to go close to the gundus. The Police will insist that such persons display their identity cards which will be issued by the Police at the time of granting permission for the fire-works display. A background check of such personnel will be carried out well in advance. Particular care will be taken to ensure that such persons are not under the influence of alcohol or any other disability that may affect their judgment or ability to perform this hazardous task.

(11) The following instructions will be complied with by all the Police Officials before the start of the Festival Season every year. The District SPs/CPs will personally brief their Officers and ensure compliance of these instructions.

- (A) All the Licensed dealers will be summoned to a central place and briefed about the Rules /Regulations to be followed and about the likely danger that they and the public would be exposed to, due to the non compliance of such instructions. Their liability before the law in case of a mishap will be clearly brought to their notice.
- (B) All the Licensed manufacturing premises will be inspected by the Police Officers not below the rank of SI of Police and it should be ensured that the conditions imposed by the Controller of Explosives, the Additional District Magistrate, Hon. High Court /Hon. Supreme Court /Govt Orders are strictly followed. The Stock Registers will be verified by actually checking the Physical Stock available. This

should be further cross checked with the persons and establishments from whom they were purchased. If any discrepancies are noticed, the fact should be immediately recorded and should be brought to the attention of the Department of Explosives with recommendation to cancel the license of the dealer.

- (C) All unlicensed premises will be closed and the persons concerned prosecuted.
- (D) The Licensees and their employees will be sensitized to the Safe Operational Practices.
- (E) Mixing of Chemicals and filling of these substances will not be carried out in the same place at the same time.
- (F) At the time of mixing the Chemicals, it shall be ensured that there is only one person at that place.
- (G) Whilst making the explosives, not more than four persons should be allowed to work at the same premises.
- (H) No implements /tools made of iron, stone etc which can produce sparks will be allowed at the place of mixing the chemicals or making of the crackers /gundus. It has been noticed that in the past several accidents had taken place due to the sparks generated by such implements.
- (I) No chemicals shall be brought /weighed /mixed - in the manufacturing sheds where the filling of the explosive is being carried out.
- (J) At any given point of time, the maximum quantity of the mixed powder that can be allowed in the manufacturing shed shall not be more than 5 Kilograms.
- (K) The maximum quantity of Explosives that can be permitted at the manufacturing shed should not be more than 2.5 Kilograms.
- (L) The manufactured crackers /other fireworks shall be immediately removed from the manufacturing shed and should be kept in a safe

and secluded place.

- (M) The floor of the Manufacturing sheds will be kept neat and clean.
 - (N) The drying of the explosive materials shall be carried out in safe and secluded place.
 - (O) It shall be ensured that gun powder is not prepared in more than the required and approved quantity.
 - (P) The gun powder once mixed and ready will be immediately shifted to a safe and secluded storage area.
 - (Q) The mixing or manufacturing of the Explosive substances, fire crackers will be carried out only between 0900hrs and 1700 hrs. No manufacturing will be allowed after 1700 hrs under any circumstances.
 - (R) No sources of fire like, petromax lights, match sticks, cigarettes, open ended electric wires/switches, etc. will be allowed anywhere near such manufacturing premises.
 - (S) The Police will strictly ensure the strict compliance of the conditions imposed in the license, especially with regard to the limits of the explosives fixed. There should not be more than 5 Kilograms of the Explosives on the drying platform at any given time, and there shall not be more than 2.5 Kilograms in the mixing shed, and not more than 5 kilograms in the Manufacturing shed.
- (12) In case of any major accident or incident during the display of fire works, Police will immediately rush to the scene, secure the place, control the crowd and move them to safe places. The Victims will be immediately removed to the nearest Hospitals. Senior Police Officers and the Senior Authorities of the District Administration will be immediately informed about the incident. The scene of accident will be guarded ensuring that the scene is not tampered with till it is properly examined by the investigating officer, FSL and Explosives experts. Necessary assistance shall be

extended by the Police to the Fire and Rescue Services Department in controlling the accident and removing the victims to hospitals.

(13) Police will register crime cases for all such incidents; samples will be collected from the scene and will sent to FSL for examination. The services of the Explosives Department and other Government Departments will be requisitioned whilst conducting the investigation into such incidents. These cases shall be investigated by an Officer, not below the rank of a Circle Inspector of Police.

Sd/-

**DIRECTOR GENERAL &
INSPECTOR GENERAL OF POLICE,
KERALA.**

To

: All SPs / CPs of Districts / Cities, Range IsGP / Zonal ADsGP / ADGP (Int) / ADGP (Crimes) / IGP (Int) / IGP (IS) / IGP (Security) / IGP (Crimes) / DIG (Int)

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