

## महाराष्ट्र शासन

क्र.मअसे-२०१७/१०/१२५१

दूरध्वनी: २६६७७५५५

फॅक्स : २६६६०२८७

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महाराष्ट्र अग्निशमन सेवा संचालनालय,  
महाराष्ट्र अग्निशमन सेवा अकादमी,  
विद्यानगरी, हंस भुग्रा मार्ग,  
सांताक्रूझ-पूर्व, मुंबई-४०० ०९८.  
दिनांक : ७ ऑक्टोबर, २०१७.

### : परिपत्रक :

**विषय : फटाके ठेवणे / साठविणे यासाठी अग्निसुरक्षा व अग्निप्रतिबंधाबाबत ना हरकत प्रमाणपत्रे देण्याबाबतची मार्गदर्शक तत्त्वे.**

- संदर्भ : १. जनहित याचिका क्र.१५२/२०१५ च्या याचिकेवरील मा.उच्च न्यायालयाने दि.१७.१०.२०१६ व दि.२५.१०.२०१६ रोजी दिलेला निर्णय.  
२. उप सचिव, गृह विभाग यांचे पत्र क्र.पीआयएल-२०१६/१५२/सी-१००/पोल-९, दि.२०.१०.२०१६.  
३. शासन निर्णय, नगर विकास विभाग क्र.याचिका-२०१६/प्र.क्र.४३२/नवि-२०, दि.०५.११.२०१६.

श्री.चंद्रकांत नारायण लासुरे यांनी मा.उच्च न्यायालयात दाखल केलेल्या जनहित याचिका क्र.१५२/२०१५ च्या अनुषंगाने मा.उच्च न्यायालयाने दि.१७.१०.२०१६ रोजी दिलेल्या निर्णयानुसार खालीलप्रमाणे निर्देश दिलेले आहेत.

**“The Home Department and the State Government to ensure that hereinafter strict action should be taken against those shop keeper who do not adhered to the Rules and Regulations in respect of storage and sale of the firecrackers.”**

०२. मा.उच्च न्यायालयाचे वरील आदेश तसेच दि.२५.१०.२०१६ रोजीच्या ओदशानुसार तसेच वरील संदर्भ क्र.२ चे परिपत्रक व संदर्भ क्र.३ च्या शासन निर्णयानुसार राज्यात फटाके ठेवणे / साठविणे यासाठी अग्निसुरक्षा व अग्निप्रतिबंधाबाबत ना-हरकत प्रमाणपत्राचा नमुना व मार्गदर्शक सुचना सोबत जोडण्यात येत आहेत. सर्व संबंधितांनी याबाबतची योग्य ती नोंद घेऊन त्यानुसार फटाके ठेवणे / साठविणे यासाठी अग्निसुरक्षा व अग्निप्रतिबंधाबाबत ना-हरकत प्रमाणपत्र देण्याबाबत कार्यवाही करण्यात यावी.



(प्र.सु.रुद्रगदळे)

संचालक

महाराष्ट्र अग्निशमन सेवा

- प्रत : १. मा.प्रधान सचिव-२, नगर विकास विभाग, मंत्रालय, मुंबई-४०० ०३२ यांना माहितीसाठी सादर.  
२. मा.मुख्य कार्यकारी अधिकारी/व्यवस्थापकीय संचालक, विशेष नियोजन प्राधिकरणे.  
३. आयुक्त तथा संचालक, नगरपालिका प्रशासन संचालनालय, वरळी, मुंबई ४०० ०३०.  
४. सर्व विभागीय आयुक्त.  
५. सर्व जिल्हाधिकारी.  
६. आयुक्त, सर्व महानगरपालिका.  
७. मुख्याधिकारी सर्व नगर परिषदा / नगर पंचायती.  
८. सर्व नागरी स्थानिक स्वराज्य संस्था व विशेष नियोजन प्राधिकरणे यांचे मुख्य अग्निशमन अधिकारी व प्रभारी अग्निशमन अधिकारी.

**GUIDELINES TO ISSUE FIRE SAFETY REQUIREMENTS FOR THE TRADE ACTIVITY OF KEEPING SHOP OF FIRE-CRACKERS /STORAGE OF FIRE CRACKERS.**

**REF:- (i) P.I.L. No.152 of 2015 of Mr. Chandrakant Narayan Lasure,**

**(ii) Directives of The Hon'ble High Court as given on 17/10/2016 & 25.10.2016.**

**A) PREAMBLE FORMAT:-**

With reference to the above mentioned letters under above reference, it is hereby stated that with respect to P.I.L. No.152 of 2015 of Mr. Chandrakant Narayan Lasure, The Hon'ble High Court has given the directives on 17/10/2016 & 25.10.2016 as under;

- (a) The State Government as well as the Corporation to ensure that whenever licenses have been issued to shopkeepers, having their shops in the residential areas, those licenses may either be cancelled or appropriate measures may be taken to ensure that, accidents do not take place in the residential areas.
- (b) All Corporations in the State of Maharashtra to prepare &/or constitute a committee in each ward for the purpose of inspection & re-verification of the Licenses which are issued to the shop owners & take appropriate steps if required with the help of Police. The Police to take appropriate steps for ensuring that the rules & regulations framed under the Explosive Act are strictly complied.

As a technical term 'Accident' does not have a clearly, defined legal meaning. However, it is defined in various ways as follows;

- As per Concise Law Dictionary, the term 'Accident' is defined as "a sudden event occurring without intent, negligence, carelessness, ignorance and unexpected happening causing loss or injury which is not due to fault of a person. (s. 80, I.P.C.)"
- As per IS 3786 (For Computation Of Accident Frequency Rate & Severity Frequency Rate), the term 'Accident' is defined as, 'An unintended occurrence arising out of and in the course of employment of a person resulting in injury'.
- As per OSHA'S 18001, the term 'Accident' is defined as, 'An undesired event giving rise to death, ill-health, injury, damage or other loss'.

However, even after issuing the Additional Safety requirements as a fire safety measures to the concerned shop, it is not possible to ensure that the 'Accident' will not take place in the said premises. However adoption of the below mentioned fire safety measures will definitely help to minimize the chances of causing loss or injury if an accident happens as well as minimize the severity. Other than the said Fire safety measures, the other required preventive measures/appropriate measures shall be issued by The Police Authority, concerned Ward Authorities & Chief Controller of Explosives with reference to Hon'ble Court's orders.

As far as the Fire Department is concerned there would be no objection to allow the party to keep manufactured fire-works and china crackers & sparklers on the premises subject to satisfactory compliance of the following requirement;

**B) REQUIREMENTS TO BE FULLFILLED BY APPLICANT FOR THE KEEPING SHOP OF FIRE-CRACKERS/STORAGE OF FIRE-CRACKERS:**

1. These requirements supercedes all the earlier requirements issued by this department.
2. The fireworks shall be stored and displayed only at the rear side but away from the rear exit if provided, in the shop & frontage as well as rear exit, if any, shall be kept free from obstruction.
3. *This N.O.C. for keeping shop/storage of Fire-crackers is temporary (seasonal) & is valid for the period from ..... to ..... only (....as the case may be).*
4. The regular Trade/activity shall be discontinued for the above said period & can be continued after the said seasonal N.O.C. period is over.
5. Entrance/exit, internal passage/cross passages and space around the premises shall be kept unobstructed.

6. A clear passage of at least 1.5mtrs.width shall be provided from front to the rear wall for free movement.
7. Electric wiring shall be laid in metal or PVC conduit continuously bonded to earth with the provision of ELCB/MCB in the circuit.
8. Nothing shall be stored near electric wiring and/or installation within the radius of 01 metre or below any electrical installations.
9. Electric main-switch shall be switched 'OFF' before closing the premises.
10. Electrical audit shall be regularly carried out & especially before starting the Trade activity of keeping Fire-crackers, every year & defects shall be rectified immediately.
11. No loft shall be constructed on the premises without prior permission of this Department.
12. The existing loft/mezzanine if approved, shall not be used for any purpose & if not approved by competent authority, the same shall be removed.
13. Storage shall be restricted to the permitted quantity and at ground level only.
14. No storage of fireworks shall be allowed on loft or mezzanine floor or internally connected first floor.
15. The connecting corridor, entrance/exit to other part of the structure or any connecting premises shall be provided with F.R.D. of at least 02 hrs. Fire-resistance.
16. Only authorized fireworks shall be kept. Such fireworks shall be purchased directly from the persons holding valid license granted to manufacture such fireworks.
17. No fireworks shall contain chlorate or prohibited explosive's mixture.
18. The site should be constantly supervised & the person employed shall wear protective clothing..
19. No electrical wirings or electrical installations shall be allowed in the storage area.
20. No matches, lights or any article of flammable or hazardous nature (other than allowed) liable to cause fire or explosion shall be brought or kept in the licensed premises.
21. No tools implements, etc. made of Iron or Steel except mortars used for display shall be kept at any time in the premise & no persons on the licensed premises shall have any Iron or Steel in his possession or on his boots or shoes.
22. Quantities of the commodities shall be restricted to;
  - a) Manufactured Fire-works =100\* kgs. \*(as the case may be)
  - b) China crackers & Sparkles=400\* kgs. (as the case may be)
23. Fire-works shall be kept in different lots in their original packing and away from any source of heat, flame or electrical installation.
24. Commodities shall be stacked on metal racks, on either side of the cross passages, in lots having atleast 1.0mtr. clearance in between the lots.
25. Stacking shall be restricted to a height of 2.0 mtrs. &keeping a clearance of at least one meter from the ceiling & 15 cms. from sidewalls & 10 cms. from flooring.
26. Not more than 2.5 kgs. of manufactured fire-works shall be allowed for display purpose only.
27. Any ota/platform, temporarily stands created for display, shall not be projected beyond shop premises.
28. Only non-ferrous tools shall be used for opening the cases/packages of fire-works.
29. The cases/boxes containing fire-works shall not be dragged but shall be handled carefully.
30. The kinds & quantities of explosives remaining after the expiry of license shall be intimated to the licensing authority & the licensee shall abide by the instructions of such authority regarding disposal of explosives.
31. Trade waste shall be collected in metal bins with proper lid on it and disposed-off daily.
32. No combustible and flammable commodities shall be stored on the premises. The existing combustible/flammable material, if any, shall be removed from the premises.
33. Bengal matches shall not be permitted to be kept on the premises.
34. No any type of banned Fire-crackers or Flying Lanterns shall be allowed to store/sale or display in the shop.
35. No cabins/partitions shall be permitted on the premises.
36. **'No Smoking'** & **'No naked light/flame'** Board shall be conspicuously displayed on the premises.

37. **Smoking, cooking, heating, dwelling use of naked light storage of other combustible/flammable goods, activities other than permitted, shall be strictly prohibited on the premises.**
38. The premises shall be kept well ventilated and good house-keeping shall be maintained on the premises.
39. The licensee & the employees shall be conversant with procedure to be taken during the emergency within the premises.
40. Occurrence of any Accident/incident related to fire shall be immediately reported to Fire-brigade on Tel. Nos. 101.
41. The license holder shall at his own expense provide security guard for safe custody at all times.
42. All the Security Guards/ persons working in the shop shall be trained in basic fire-fighting procedures & using the provided fire-fighting equipments.
43. Following fire-fighting & protection arrangements shall be provided on the premises;
  - (i) Automatic Smoke detection & Fire alarm system shall be provided in the said premises as per IS standards.
  - (ii) 01/02 nos. of 25 ltrs. capacity trolley mounted water type extinguishers shall be kept at/near the entrance of the shop & at easily accessible place, such that it will not obstruct the egress/exit way.
  - (iii) 04 nos. of CO<sub>2</sub> pressurised water type fire extinguishers of 09 ltrs. capacity & Two DCP fire extinguishers (ABC Type) of 06 kgs. capacity each with BIS mark shall be kept on the premises at easily accessible place (equally distributed at front & rear side).
  - (iv) *As a measure of additional safety, Modular DCP type fire extinguisher of 10 kgs. capacity of approved type, shall be installed for every 30 sq.ft. area on the premises.*
44. The Party shall submit 'Form-A' with respect to the provision of the above recommended fire-fighting & protection arrangement on the premises from the Licensed Agency, as per Maharashtra Fire Prevention & Life Safety Measures Act 2006, before commencement of the said Trade activity.
45. The party shall give annual maintenance contract for fire-fighting equipments/system & submit the inspection report every six months (i.e. in January & July), from the Licensed Agency, as per Maharashtra Fire Prevention & Life Safety Measures Act 2006.
46. These fresh/additional remarks are offered from the fire risk point of view only (fire-protection measures) and is valid subject to necessary permissions/clearances are obtained from The Commissioner of Police, The Chief Controller of Explosives & concerned Ward Authorities, as per rules applicable. Further, necessary permissions shall also be obtained from other concerned departments/authorities as applicable & the verification of the mentioned occupancy/area/ structure carried out by competent Ward authorities, subject to orders of The Hon'ble Court and also 'No objection' obtained from the Owner/Society, etc. before permitting/commencing the said Trade activity so as to make the said activity legalized & regularized.

**Note:-**

- (i) **This N.O.C./Permission is subject to Fire safety measures and other required preventive measures/appropriate measures shall be issued by The Police Authority, concerned Ward Authorities & Chief Controller of Explosives with reference to Hon'ble Court's orders.**
- (ii) **The Ward Authority shall decide whether the said Trade License for keeping Fire Crackers shall be renewed or revoked subject to the orders of Hon'ble High Court as mentioned above.**

**All the concerned officers are hereby directed to follow the said guidelines (as applicable) while issuing Fire safety requirements to the above said Trade Activity of keeping shop of Fire-crackers or storage of fire crackers (Seasonal or Permanent).**