

Minimum standards for fire prevention and fire safety for buildings

Rule 33 of Delhi Fire Service Rules, 2010 lays down the minimum standards for fire prevention and fire safety for buildings as may be applicable with reference to the height and the class of occupancy as is provided in the building bye-laws or National Building Code of India 2005.

Requirements to obtain NOC from Delhi Fire Service prior to construction of building

The buildings which are covered under Rule 27 of Delhi Fire Service Rules 2010 are required to obtain NOC/ Fire safety guidelines/ recommendations from Delhi Fire Service. The Fire safety guidelines/ recommendations clearly specify about the fire and life safety systems to be installed in the proposed building.

Requirement of NOC at Different Stages

For the buildings specified under Rule 27 of DFS Rules 2010, NOC is required at two stages:

- a) The first stage is prior to construction of building wherein building plans are approved and fire safety recommendations are issued.
- b) The second stage is after the construction of building when all the recommended fire safety measures are installed shall be verified and Fire Safety Certificate (FSC) shall be issued.

LAW CAPSULE

**(OFFICIAL NEWSLETTER OF
TRANS-INDIA LAW ASSOCIATES,
ADVOCATES & LEGAL
CONSULTANTS)**

VOLUME XIV, PART-V

5TH MAY 2014

**STATUTORY
REQUIREMENTS FOR
OWNER/OCCUPIER UNDER
DELHI FIRE SERVICE
RULES, 2010**

&

**DELHI FIRE SERVICE ACT,
2007 (DELHI ACT 2 OF 2009)**

Trans-India Law Associates, Advocates & Legal Consultants

Office: TLA SUITE, JA-120, DLF Tower - A, Jasola District Centre, New Delhi-110025

Court Chamber: Chamber No. 555, New Delhi Court Complex, New Delhi-110001

Tel. :91-11-26943664, Fax.: 91-11-26970075

info@tlaindia.org www.tlaindia.org

Buildings specified under Rule 27 of Delhi Fire Service Rules 2010 likely to cause a risk of fire

As per section 25 of the Act, the government may by Notification declare any class of occupancy which in its opinion is likely to cause a risk of fire and may require owners or occupiers or both to take such fire prevention and fire safety measures as may be prescribed.

The following classes of occupancies shall be construed to likely cause a risk of fire, namely:-

1. Pandal
2. Residential buildings (other than hotels and guest houses), Hotels and guest houses, Educational buildings, Institutional buildings, Business buildings, Mercantile buildings-All having height more than prescribed limit.
3. All Assembly buildings
4. Industrial buildings, Storage buildings and All Hazardous buildings having covered area on all floors more than prescribed limit.
5. Underground Structures.

Fire Safety Certificate to be issued

Rule 35 of Delhi Fire Service Rules, 2010 states that an application for grant of Fire Service Certificate shall be made to the Director, Delhi Fire Services in Form 'T' in First Schedule and shall be accompanied with a certificate from the architect and owner or occupier that all the fire prevention and fire safety measures required under Rule 33 have been incorporated in the building or premises.

On receipt of application, the building or premises shall be inspected by a team of fire officers to check the availability and operability of the fire prevention and fire safety measures who shall recommend to the Director for grant and refusal of fire safety certificate.

On receipt of the recommendations, the Director shall grant the fire safety certificate or reject the same for reasons to be recorded in writing and communicated to owner or occupier as the case may be.

In case of rejection of application for grant of fire safety certificate, a fresh application shall be made by the owner or occupier duly complying with the requirements as been communicated to him.

The buildings or premises that have already been issued No Objection Certificate for the occupancy of the building or premises shall deemed to have been issued Fire Safety Certificate under rule 35 subject to verification of compliance of fire prevention and fire safety measures on which the No Objection Certificate was issued on the last occasion.

The Director or any other officer(s) authorized in this behalf by a general or special order shall issue a Fire Safety Certificate in **Form 'H'** in First Schedule to the owner or occupier of the building or premises with such conditions as may be specified in the Fire Safety Certificate for compliance of fire prevention and fire safety measures as specified under these rules.

Duration of Fire Safety Certificate

Rule 36 of Delhi Fire Service Rules, 2010 states that the Fire Safety Certificate issued under **rule 35** unless sooner cancelled shall be valid for a period 5 years for residential

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buildings (other than hotels) and 3 years for non-residential buildings.

Renewal of Fire Safety Certificate

Rule 37 of Delhi Fire Service Rules, 2010 states that Application for renewal of Fire Safety Certificate granted under rule 35 as valid under rule 36 shall be made to the Director in **Form 'I'** in First Schedule along with a copy of the Fire Safety Certificate six months before the expiry of the Fire Safety Certificate.

On receipt of application, the Nominated Authority shall inspect the building or premises to verify the compliance of rules and forward the report of the compliance or otherwise to the Director.

On receipt of report, the Director or any other officer authorized by him in this behalf by a special or general order renew the Fire Safety Certificate for a period specified under rule 36 or reject the application duly recording the reasons therefore.

Liability to maintain fire safety measures

Rule 38 of Delhi Fire Service Rules, 2010 states that the occupier of the building or premises shall maintain the fire prevention and fire safety measures at all times in best repairs for use by the occupants or members of Fire Service or both in the event of an out break of fire.

The occupier of the building or premises or the Fire Safety Officer appointed under section 29 of the Act, shall declare every year in Form 'J' in First Schedule that fire prevention and fire safety measures provided

in the building or premises are in best repairs.

Director or Nominated Authority may enter and inspect the building or premises with a view to verifying the correctness of the declaration made and to point out the shortcomings, if any, with directions to remove them within a specified time.

If the directions are not complied within the specified time, the inspecting officer with the previous approval of the Director shall declare the building or premises unfit from fire safety point of view and direct the local body or any other authority concerned to disconnect the electricity and water supply to the building or the premises and the local body or the other authority shall comply with the directions of the inspecting officer.

The occupier of the building or premises or the Fire Safety Officer appointed under section 29 of the Act, who falsely declares shall be deemed to be in default.

Time for Completion of measures

Rule 39 of Delhi Fire Service Rules, 2010 states that Nominated Authority shall indicate the time not exceeding 90 days within which fire prevention and fire safety measures should be provided as per the requirements of the Act.

The Fire Safety Certificate issued under rule 35 shall remain suspended from the date of notice of the Nominated Authority issued till the compliance is made to the satisfaction of the Director or the Nominated Authority and this shall be duly recorded on the Fire Safety Certificate.

The occupancy of the building or premises during the time allowed for completion of work shall be at the risk and liability of the

owner or occupier. Any loss due to non functional fire safety systems shall be borne by the owner/occupier of the premises including the legal proceedings.

Cancellation of Fire Safety Certificate

Rule 40 of Delhi Fire Service Rules, 2010 states that if the owner or occupier fails to comply with the direction given under rule 39 within the specified time, the Director or any other authorized officer cancel the Fire Safety Certificate issued under rule 35 by passing an order in writing stating the reasons after giving owner or occupier an opportunity of being heard.

Appointment of Fire Safety Officer under section 29 of the Act

Rule 32 of Delhi Fire Service Rules, 2010 states that the Director or nominated authority shall issue notice in Form 'M' in First Schedule to the owner or occupier to appoint a fire safety officer within specified period.

In case of failure to compliance by notice each owner or occupier shall be deemed to be in default jointly and severally and the Director shall raise a demand on the owner or occupier to deposit the same through bank draft/pay order to the DDO (Headquarters), Delhi Fire Service payable at Delhi within a period of 15 days and it shall be recovered as the arrear of land revenue.

According to Section 29, Chapter V of the Delhi Fire Service Act, 2007, every owner and occupier or an association of owners and occupiers of buildings or premises shall appoint a Fire Safety Officer who shall ensure the compliance of all fire prevention and fire safety measures and effective operation thereof as provided under the Act.

For any further details, please contact:

Mr. Raj Singh Niranjn, Counsel for Govt. of India- Supreme Court (9810070075)

Email- raj.singh.niranjn@tlaindia.org

Dr. Rajni Patel, Partner (9818043057)

Email- rajni.patel@tlaindia.org

Ms. Sneha Mukherjee, Junior Partner (08860635075)

Email- sneha.mukherjee@tlaindia.org

Ms. Sonia Bharaj, Joint Partner (Mob: 08860635071)

E-mail: sonia.bharaj@tlaindia.org

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